

Washington State Register

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IN THIS ISSUE

Accountancy Board of
Agriculture, Department of
Arts Commission
Attorney General's Office
Community and Technical Colleges, State
Board for
Community Economic Revitalization Board
Convention and Trade Center
Ecology, Department of
Emergency Management Division
Financial Institutions, Department of
Financial Management, Office of
Fish and Wildlife, Department of
Forest Practices Board
General Administration, Department of
Health Care Authority
Health, Department of
Historical Society, Washington State
Horse Racing Commission
Insurance Commissioner's Office
Labor and Industries, Department of
Licensing, Department of
Lottery Commission
Military Department
Parks and Recreation Commission
Public Instruction, Superintendent of
Public Works Board
Revenue, Department of
Secretary of State
Social and Health Services, Department of
Spokane County Air Pollution Control
Authority
Transportation Improvement Board
Transportation, Department of
Utilities and Transportation Commission
Yakima Valley Community College

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of April 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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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.

Mary F. Gallagher Dille
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six 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) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

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. 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].

1997 - 1998
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
98-12	May 6	May 20	Jun 3	Jun 17	Jul 7	Aug 1
98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 15
98-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4	Aug 29
98-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25	Sep 19
98-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8	Oct 3
98-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22	Oct 17
98-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6	Oct 31
98-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27	Nov 21
98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

¹All 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.

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

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

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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;

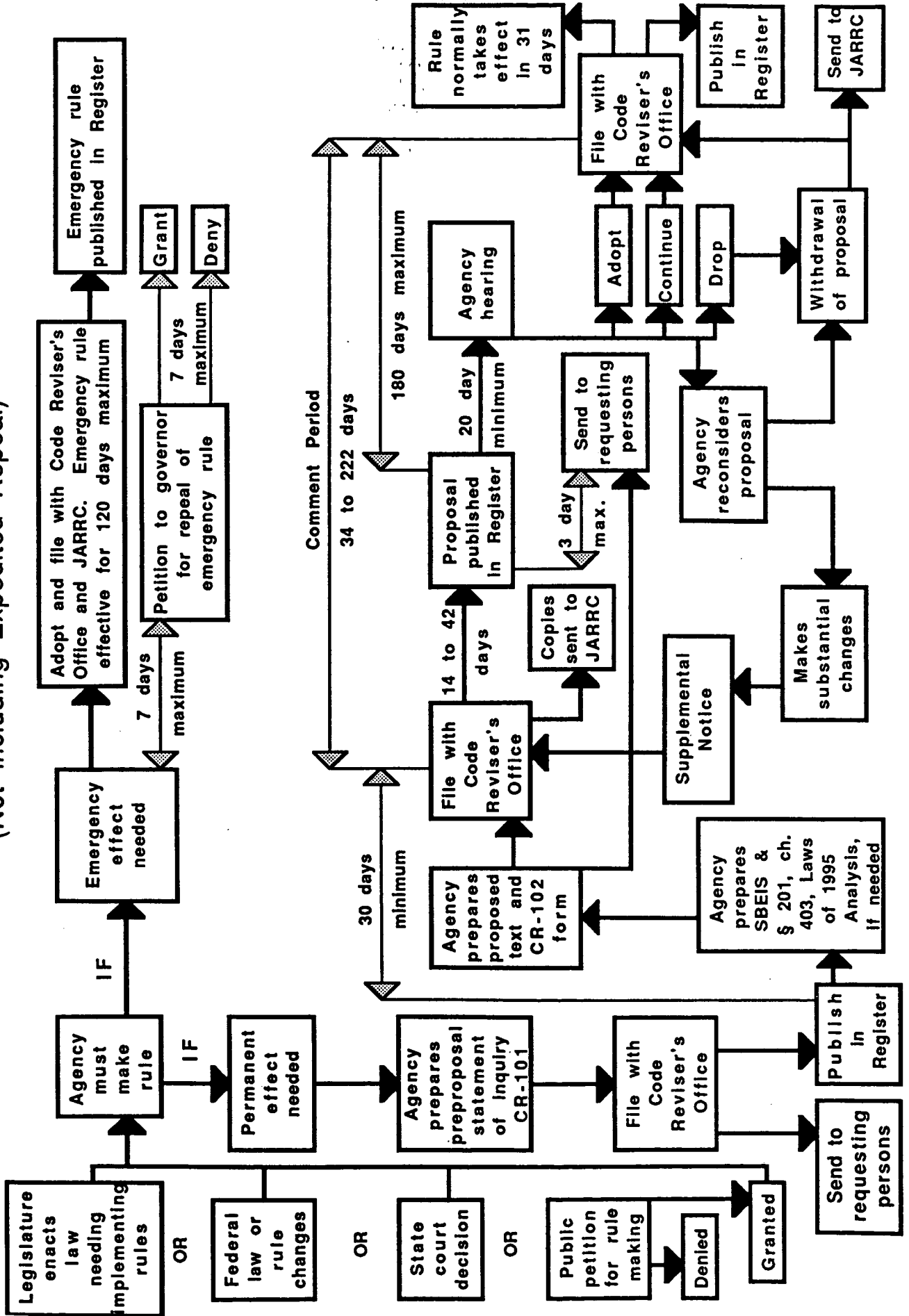
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

(Not including Expedited Repeal)



WSR 98-07-001

PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
 (Corporations Division)
 [Filed March 4, 1998, 3:46 p.m.]

Subject of Possible Rule Making: Define the scope of the Charitable Trust Act and who is required to register. Establish an asset value threshold for registration. Establish the contents of the registration form for charitable trusts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 11.110 RCW, Charitable Trust Act, specifically RCW 11.110.051, 11.110.60 [11.110.060], 11.110.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will reflect the changes enacted by the legislature to the Charitable Trust Act in 1997. They will clarify who is required to register under the Charitable Trust Act and will revise the content of the registration form.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of the Attorney General may bring legal action to enforce the Charitable Trust Act, but does not engage in rule making.

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 the Office of the Secretary of State, Charities Program, 505 East Union, P.O. Box 40234, 1st Floor, Olympia, WA 98504-0234, (360) 664-0742, FAX (360) 664-4250.

March 3, 1998
 Tracy Guerin
 Assistant Secretary of State

WSR 98-07-003

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
 [Filed March 5, 1998, 2:48 p.m.]

Subject of Possible Rule Making: Declaring all formulations of pesticides with the active ingredient of Strychnine to be "restricted use"—not for distribution to home and garden users, WAC 16-228-155 (1)(g).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040 (2)(h).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, pesticide products with 1.1% Strychnine and its salts are "state restricted use" (a later federal change made products with more than 0.5% active ingredient "Restricted Use"). Products with 0.5% or less Strychnine are "general use" and are available for purchase by anyone. These products are used for the control of gophers. However, there are substantial misuses of these products that result in the poisoning of dogs and cats. Making all Strychnine formulations "Restricted Use" would not limit the legal agricultural application for licensed applicators, but would stop sales to unlicensed individuals. This will

limit the accessibility of this product to untrained individuals and reduce the incidences of Strychnine poisoning of pets and may also limit unintentional exposure to children in the home environment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Environmental Protection Agency. Formulations of over 0.5% Strychnine are federally restricted. The Environmental Protection Agency will be notified of the Washington State Department of Agriculture's intentions.

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 Ann Wick, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2051, FAX (360) 902-2093.

March 5, 1998
 Bob Arrington
 Assistant Director

WSR 98-07-007

PREPROPOSAL STATEMENT OF INQUIRY
YAKIMA VALLEY
COMMUNITY COLLEGE
 [Filed March 6, 1998, 9:23 a.m.]

Specific Statutory Authority for New Rule: RCW 28B.50.140.

Reasons Why the New Rule is Needed: Chapter 132P-33 WAC is outdated and needs to be reviewed/revised to accommodate changes in local, state and federal guidelines.

Goals of New Rule: To incorporate needed changes to the Yakima Valley Community College students rights and responsibilities regulations.

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

Interested Parties can Participate in Formulation of the New Rule: Ms. Ellie Heffernan, Dean, Enrollment and Student Services, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2520. A public hearing will be held. Other meetings will occur as necessary.

March 2, 1998
 Suzanne West
 Executive Assistant
 to President

WSR 98-07-015

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
 [Filed March 9, 1998, 9:50 a.m.]

Subject of Possible Rule Making: New section WAC 458-50-095 Intangible personal property—Valuation—Centrally assessed utilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.070 and chapter 181, Laws of 1997.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being considered to implement and administer the 1997 legislative amendments to RCW 84.36.070 (chapter 181, Laws of 1997) regarding the exemption of certain types of intangible personal property from property taxation in relationship to centrally assessed utilities.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting. Written comments on and/or requests for a copy of the implementation outline may be submitted directly to: Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0086, FAX (360) 664-0693, e-mail kimq@dor.wa.gov.

Location and Date of Public Meeting: April 24, 1998, at 10 a.m., Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98502. A copy of the implementation outline is available upon request from Pat Baxter at (360) 664-3172.

March 9, 1998
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

section 2, chapter 123, Laws of 1994, about RCW 84.36.825. The rules must be amended to properly implement and administer the legislative changes. WAC 458-16-111 is being repealed because its contents are being consolidated into WAC 458-16-110 so that all information regarding the application and annual renewal procedures for a property tax exemption are contained in one rule.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting. Written comments on and/or requests for copies of the rules may be submitted directly to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0086, FAX (360) 664-0693, e-mail kimq@dor.wa.gov.

Location and Date of Public Meeting: April 27, 1998, at 10 a.m., Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98502. Copies of the rule drafts are available upon request from Pat Baxter at (360) 664-3172.

March 9, 1998
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

WSR 98-07-016

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed March 9, 1998, 9:52 a.m.]

Subject of Possible Rule Making: Amendatory sections WAC 458-16-110 Applications—Who must file, initial applications, renewal applications, annual certifications, 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption, 458-16-300 Public meeting hall—Public meeting place—Community meeting hall and 458-16-310 Community celebration facilities; and repealing section WAC 458-16-111 Filing fees, penalties and refunds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.037, 84.36.805, 84.36.815, 84.36.825, and 84.36.840.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules require amendment because the authorizing statutes have been amended within the last few legislative sessions. See section 1, chapter 298, Laws of 1997, about RCW 84.36.037; section 2, chapter 9, Laws of 1995 2nd sp. sess., effective July 1, 1995, and section 8, chapter 156, Laws of 1997, about RCW 84.36.805; section 1, chapter 123, Laws of 1994, about RCW 84.36.815;

WSR 98-07-017

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 9, 1998, 1:44 p.m.]

Subject of Possible Rule Making: Abstention requirements for fish and wildlife commissioners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Orderly process of decision making.

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

Process for Developing New Rule: Recommendation from the Executive Ethics Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Fraidenburg, Executive Assistant, Fish and Wildlife Commission, 600 Capitol Way North,

Olympia, WA 98501-1091, (360) 902-2265. Contact by April 15, 1998, rule proposal filing expected to be May 1998.

March 9, 1998

Evan Jacoby

Rules Coordinator

WSR 98-07-036

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 12, 1998, 1:46 p.m.]

Subject of Possible Rule Making: Chapter 388-275 WAC, Supplemental security income (SSI) and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear rules are needed to describe which clients can receive state-funded public assistance as unemployable adults. We are reviewing current rules and will make revisions to include all needed materials and conform to regulatory reform criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Social Security Administration (SSA) copies for comment will be provided to staff contacts. All comments will be considered.

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Hargrave, Program Manager, using any means of communication. Meetings will be arranged, if needed.

If you would like to participate in the review, contact Barbara Hargrave, Program Manager, Adult Programs and Support Services Section, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3104, FAX (360) 413-3104, e-mail HARGRAVE@dshs.wa.gov.

March 11, 1998

Edith M. Rice, Chief

Office of Legal Affairs

WSR 98-07-037

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 12, 1998, 1:47 p.m.]

Subject of Possible Rule Making: Chapter 388-280 WAC, United States repatriates program and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 45 CFR 211 and 45 CFR 212, RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear rules are needed to describe the program in Washington state and identify client rights, responsibilities and benefit levels. The current rules are being reviewed and revised to include all needed materials and conform to regulatory reform criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services, United States Department of State. Copies for comment will be provided to staff contacts. All comments will be considered.

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kay Hanvey, Program Manager, using any means of communication. Meetings will be arranged, if needed.

If you would like to participate in the review, contact Kay Hanvey, Program Manager, Adult Programs and Support Services Section, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3100, FAX (360) 413-3493, e-mail HANVEYK@DSHS.WA.GOV.

March 11, 1998

Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-07-038

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 12, 1998, 1:48 p.m.]

Subject of Possible Rule Making: Chapter 388-235 WAC, General assistance unemployable and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear rules are needed to describe which clients can receive state-funded public assistance.

tance as unemployable adults. We are reviewing current rules and will make revisions to include all needed materials and conform to regulatory reform criteria.

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

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas Sevin or Pamela Raymond, Program Manager, using any means of communication. Meetings will be arranged, if needed.

If you would like to participate in the review, contact Douglas Sevin or Pamela Raymond, Program Manager, Adult Programs and Support Services Section, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3097 or 413-3087, FAX (360) 413-3493, e-mail sevindj@dshs.wa.gov or raymopa@dshs.wa.gov.

March 11, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-07-039

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed March 12, 1998, 1:49 p.m.]

Subject of Possible Rule Making: WAC 388-508-0805, 388-509-0920, and 388-509-0960.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment is necessary to adopt new federal poverty level (FPL) standards effective April 1, 1998.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 98504-5530, phone (360) 753-7462, FAX

(360) 753-7315, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

March 11, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-07-048

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed March 13, 1998, 9:00 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 468-52 WAC implementing chapter 47.50 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.04 [34.05] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The modification of chapter 468-52 WAC will fulfill the intent of the Governor's Executive Order for WAC review. The modification will provide minor technical changes and clarify the intent of this WAC by making it easier to understand and implements commitments made to the legislature by the department.

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. Contact person for the Department of Transportation is Randy Deer, P.O. Box 47329, Olympia, WA 98504-7329, (360) 705-7251, FAX 705-6805. The proposed modification will be sent to the following for their review:

Washington State Association of Counties
206 10th Avenue S.E.
Olympia, WA 98501-1311
Gary Lowe, Director
(360) 753-1886
FAX 753-4896

Association of Washington Cities
1076 Franklin Street S.E.
Olympia, WA 98501
Craig Olson
(360) 753-4137
FAX 753-4896

Department of Community, Trade and
Economic Development
906 Columbia Street S.W.
P.O. Box 48300
Olympia, WA 98504-8300
Tim Douglas
(360) 753-7426
FAX 586-3582

City Design Standards Committee
TransAid Service Center
P.O. Box 47390
Olympia, WA 98504-7390
Wayne Gruen, Deputy Assistant Secretary
(360) 705-7374
FAX 705-6822

Carolyn A. Lake
Bogal [Bogle] and Gates
1145 Broadway Plaza #1360
Tacoma, WA 98402
(253) 593-4961
FAX (253) 922-2711

Mead McDonald
12166 Pacific Avenue
Tacoma, WA 98444
(206) 537-3112.

March 11, 1998
Gerald E. Smith
Deputy Secretary
of Operations

WSR 98-07-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed March 13, 1998, 9:02 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 468-51 WAC implementing chapter 47.50 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.04 [34.05] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The modification of chapter 468-51 WAC will fulfill the intent of the Governor's Executive Order for WAC review. The modification will provide minor technical changes and clarify the intent of this WAC by making it easier to understand and implements commitments made to the legislature by the department.

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. Contact person for the Department of Transportation is Randy Deer, P.O. Box 47329, Olympia, WA 98504-7329, (360) 705-7251, FAX 705-6805. The proposed modification will be sent to the following for their review:

Washington State Association of Counties
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Olympia, WA 98504-8300
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City Design Standards Committee
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(253) 593-4961
FAX (253) 922-2711

Mead McDonald
12166 Pacific Avenue
Tacoma, WA 98444
(206) 537-3112.

March 11, 1998
Gerald E. Smith
Deputy Secretary
of Operations

WSR 98-07-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed March 13, 1998, 10:46 a.m.]

Subject of Possible Rule Making: WAC 388-15-194 Home and community services—Nurse oversight, and other related sections, to amend rule in order to more effectively use the specific skill set of the nurses in managing the increase in the community caseload. This change would target those individuals who would most benefit from a nurses intervention.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Aging and Adult Services

Administration is considering a change to the nurse oversight program which would allow nursing services to be available to those clients who are unstable medically and can most benefit from the interventions of an RN. The RN would do an assessment and recommend or make changes to their plan of care which may make it more likely that they could remain in a community based setting. This proposed change would enable the AAA's and DSHS regional offices to use the nurse's skill set more effectively in managing the increased caseload in home and community based setting. Nursing service would be provided when needed and as appropriate, not on a mandated basis. This would provide targeted nursing services within current funding limits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Aging and Adult Services will be coordinating this proposal on behalf of the department and will coordinate with the Division of Developmental Disabilities and Children's Administration who will be affected by this change.

Process for Developing New Rule: Interested parties may submit verbal or written comments and recommendations to the Aging and Adult Services Administration at any time prior to filing the notice of proposed rule making. Public meetings will be widely publicized in advance in order to promote maximum attendance and participation in the rule development process by interested parties. Interested parties will be invited to attend informal meetings and/or provide oral or written suggestions to the department. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Bacon, Chief, State Unit on Aging, Aging and Adult Services Administration, P.O. Box 45600, Mailstop 45600, Olympia, WA 98504-5600, (360) 493-2548.

March 13, 1998

Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-07-063

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-6—Filed
March 17, 1998, 12:00 p.m.]

Subject of Possible Rule Making: Pharmacy benefits standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pharmacy benefits of health plans have been the subject of complaints to the commissioner. Some consumers are uncertain of the advantages and limitations of the plans they have purchased. The commissioner will evaluate the current regulatory scheme to determine if the subject would be better served by an alterna-

tive method of regulation. One of the areas that will be considered is if expanded and strengthened disclosure would benefit and protect the consumer. This would improve the consumer's ability to understand the benefits provided by a plan and compare those benefits to benefits provided by other plans.

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; written comments are solicited. Please send comments to: Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

March 17, 1998

Ed Fleisher

Deputy Insurance Commissioner

WSR 98-07-064

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-7—Filed
March 17, 1998, 12:01 p.m.]

Subject of Possible Rule Making: Mental health benefits definitions and disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.200, and 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The terms and definitions used by health plans in describing their mental health benefits have been the subject of complaints to the commissioner. Consumers and providers of mental health services have been confused about a variety of carrier innovations in managing mental health treatments. The commissioner will consider simplifying mental health benefit descriptions by establishing definitions for terms commonly used to describe these benefits. This would improve the consumer's ability to understand the benefits provided by a plan and compare those benefits to benefits provided by other plans.

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; written comments are solicited. Please send comments to: Kacy Brandeberry, P.O. Box 40256, Olympia, WA 98504-0256, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40256,

Olympia, WA 98504-0256, phone (360) 407-0729, FAX (360) 407-0186, Internet KacyB@oic.wa.gov.

March 17, 1998

Ed Fleisher

Deputy Insurance Commissioner

WSR 98-07-066

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed March 17, 1998, 12:09 p.m.]

Subject of Possible Rule Making: WAC 458-20-192
Indians—Indian reservations.

Outline for WAC 458-20-192

(Indians—Indian reservations)

CR-101 public meeting to be held on May 13, 1998

Rule 192 Outline

Rule 192 has not been revised since 1980. The department of revenue is developing revisions to Rule 192. The following outline describes the major areas that have been identified for revision.

I. Introduction:

The rule will describe the excise tax liability of Indians and non-Indians doing business and making transactions on and off of Indian reservations and trust land.

II. Definitions.

Definitions will be provided for the following terms:

- (1) Indian reservation.
- (2) Indian tribe.
- (3) Indian.
- (4) Treaty fishery.
- (5) Value generated on the reservation.

III. Indian reservations.

Direction will be provided on how to obtain current information on federally recognized Indian tribes in the state of Washington. Persons will be directed to contact the Governor's Office of Indian Affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington.

IV. Tax Liability.

The following broad areas of tax administration and tax policy will be addressed:

- (1) Exclusion from tax imposition.
- (2) Business registration requirements of Indian-owned businesses - what events trigger.
- (3) Tax collection duties of Indian persons doing business with non-Indian persons.
- (4) Federal preemption or infringement of tribal self government and the resultant tax status of non-Indians doing business with Indian tribes.
- (5) Value generated on the reservation.
- (6) Resale certificates and exemption certificates.
- (7) Doing business through corporations, partnerships, joint ventures, or other forms of business.

V. Rules of construction.

The rules of construction used in analyzing the application of tax laws to Indians and non-Indians doing business with Indians will be explained.

VI. Business transactions with Indians and by Indians.

The application of the business and occupation (B&O) tax and retail sales tax and use tax as they apply to business activities conducted by or with Indians or Indian tribes, both on and off the reservation, will be described.

VII. Treaty fishery.

The tax status of activities surrounding the treaty fishery will be described.

VIII. Tangible personal property or services, delivered on or off a reservation.

The retail sales and use tax and its application to persons on and off of the reservation will be explained.

IX. Sales to business located on the reservation and owned by an Indian and a non-Indian.

The tax status on the reservation of businesses owned by a joint venture or other type of entity in which one of the members is an Indian will be explained.

X. Miscellaneous taxes and issues:

The following may be addressed:

- (1) Timber excise tax.
- (2) Real estate excise tax.
- (3) Motor vehicles or trailers.
- (4) Fish tax.
- (5) Gaming activities.
- (6) Cigarette tax.
- (7) Leasehold excise tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being revised to reflect changes in the state of the law. The rule was last revised in 1980.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The administration of state excise taxes is primarily performed by the Department of Revenue. The Department of Licensing administers the motor vehicle excise tax and fuel taxes. The Liquor Control Board enforces the cigarette excise tax and the tobacco products tax, but the Liquor Control Board does not administer these taxes. These agencies will be included in this rule-making process.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. This meeting is intended to solicit input before going forward with rule making. Later public hearings are planned, but not yet scheduled, for geographic locations throughout the state.

Written comments on and/or requests for copies of the rule outline may be directed to Leslie Cushman, Legislation

and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0057, FAX (360) 664-0693.

Location and Date of Public Meeting: On May 13, 1998, at 1:30 p.m., at the General Administration Building, 1st Floor Auditorium, 11th and Columbia Streets, Olympia, Washington.

March 17, 1998
Russell W. Brubaker
Assistant Director

WSR 98-07-067

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed March 17, 1998, 1:34 p.m.]

Subject of Possible Rule Making: Liquefied petroleum gas sales, chapter 16-659 WAC, Weights and measures—Liquefied petroleum gas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.340, 19.94.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is in response to an industry request to sell propane in twenty pound containers on a container exchange basis.

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; and the agency will consult with the Weights and Measures Advisory Group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry Buendel, Program Manager, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1856, FAX (360) 902-2086, e-mail jbuendel@agr.wa.gov.

March 17, 1998
Julie C. Sandberg
Assistant Director

WSR 98-07-068

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed March 17, 1998, 1:36 p.m.]

Subject of Possible Rule Making: Adopting signage requirements for fuel dispensing devices, chapter 16-657 WAC, Retail pricing of motor and heating fuel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.505.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would update Washington's legal requirements to adopt and conform with the standards and practices contained in National Institute of Standards and Technology Handbook 130.

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; and the agency will consult with the Weights and Measures Advisory Group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry Buendel, Program Manager, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1856, FAX (360) 902-2086, e-mail jbuendel@agr.wa.gov.

March 17, 1998
Julie C. Sandberg
Assistant Director

WSR 98-07-069

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed March 17, 1998, 1:38 p.m.]

Subject of Possible Rule Making: Adoption of current uniform rules that have been developed by the National Conference on Weights and Measures. The uniform rules are in the form of handbooks, specifically handbook 44 and handbook 130, 1998 editions. The handbooks provide specifications, technical requirements, tolerances and procedures relative to weights and measures, chapter 16-662, Weights and measures—National handbooks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.195, 19.94.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would update Washington's legal requirements to adopt and conform with the standards and practices contained in the national handbooks.

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; and the agency will consult with the Weights and Measures Advisory Group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry Buendel, Program Manager, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1856, FAX (360) 902-2086, e-mail jbuendel@agr.wa.gov.

March 17, 1998
Julie C. Sandberg
Assistant Director

WSR 98-07-078**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed March 17, 1998, 4:27 p.m.]

Subject of Possible Rule Making: Revise the qualifications for physician assistants to obtain prescriptive authority; modify types of drugs that may be prescribed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a discrepancy between physician assistants supervised by M.D.s and D.O.s. This can result in inconsistency of medications prescribed to patients, particularly in group practices.

Process for Developing New Rule: Mail information to interested parties and gather comment during board meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Board of Osteopathic Medicine and Surgery, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 664-3722, FAX (360) 586-0745. The public and licensees may submit written comments or attend regular board meetings that this issue is on the agenda for discussion.

February 2, 1998
Arlene Robertson
Program Manager

cies: No federal or other state agency regulates this process. The process is, however, regulated through the authority of deputy registrars at local health departments. The Centers for Disease Control/National Center for Health Statistics provides guidance. The department will work with local health departments to gain input for the rule language.

Process for Developing New Rule: The center will engage interested parties (such as media representatives, genealogists, and privacy advocates) and representatives from local health departments for input into the rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Jennings, Department of Health, Center for Health Statistics, Mailstop 7814, Olympia, Washington 98504, (360) 586-6779, FAX (360) 753-4135, TDD Relay 1-800-833-6388.

March 17, 1998
Bruce A. Miyahara
Secretary

WSR 98-07-089**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed March 18, 1998, 8:35 a.m.]

Subject of Possible Rule Making: Instant game general rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending chapters 315-10 and 315-30 WAC to allow retailers, under certain circumstances, to pay their lottery obligations by means other than an electronic funds transfer.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 753-1947, FAX (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

March 16, 1998
Mary Jane Ferguson
Rules Coordinator

WSR 98-07-079**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed March 17, 1998, 4:28 p.m.]

Subject of Possible Rule Making: Rules providing for the release of paper or electronic copies of birth certificate records that include adequate standards for security and confidentiality, assure the proper record is identified, and prevent fraudulent use of records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58.082.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 108, Laws of 1997 (HB 1930), required the department to adopt rules "providing for the release of paper or electronic copies of birth certificate records that include adequate standards for security, assure the proper record is identified, and prevent fraudulent use of records." The Center for Health Statistics has established policy on the release of records that include adequate standards for security and assurance that the proper record is identified that prevent fraudulent use of records. These policies have been transgressed because they have no status in law. The state legislature has seen the need to strengthen the authority around the release of birth certificates. The goal will be to put the current policies into rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

WSR 98-07-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 18, 1998, 8:55 a.m.]

Subject of Possible Rule Making: Salmon license buy back.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Sustainable Fisheries Act has provided for a salmon license buy back program, with twenty-five percent state matching funds. The National Marine Fisheries Service and the Department of Commerce are the federal entities with oversight of a state program. The Department of Fish and Wildlife is the state entity charged with developing the program through rules. These rules will implement a program to assist fishers affected by 1997 winter floods.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Commerce and National Marine Fisheries Service. These rules will be developed in conjunction with these two agencies.

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 Bruce Crawford, Assistant Director for Fish Management, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325. Contact by May 5, 1998. Expected proposal filing date May 6, 1998.

March 18, 1998
 Evan Jacoby
 Rules Coordinator

WSR 98-07-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 18, 1998, 9:00 a.m.]

Subject of Possible Rule Making: Small scale prospecting and mining.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.20.330.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997 legislature ordered the department to adopt rules under which small scale prospecting and mining will be exempt from obtaining hydraulic project approval, chapter 415, Laws of 1997, codified at RCW 75.20.330.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Ecology, Department of Natural Resources, Corps of Engineers, National Marine Fisheries Service. All are members of the Mineral Prospecting Rule Change External Workgroup.

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 Karen Terwilliger, Assistant Director, Habitat, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2600. Contact by August 4, 1998. Expected proposal filing August 5, 1998.

March 18, 1998
 Evan Jacoby
 Rules Coordinator

WSR 98-07-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
 [Filed March 18, 1998, 10:30 a.m.]

Subject of Possible Rule Making: Consider a petition from industry to issue a marketing order to create a Washington State Turf Grass Commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Agricultural Enabling Act, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The marketing order will allow producers of turf grass seed in the state to help themselves economically by funding research programs for the development of better and more effective production practices.

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

Process for Developing New Rule: The issuance of a marketing order shall be accomplished according to the procedures set forth in chapter 15.65 RCW, Washington State Agricultural Enabling Act of 1961, which includes conducting a referendum vote of the affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2092. A public hearing will be set to give interested parties an opportunity to participate and comment on the proposed marketing order.

March 18, 1998
 William E. Brookreson
 Assistant Director
 Agency Operations

WSR 98-07-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 18, 1998, 10:30 a.m.]

Subject of Possible Rule Making: Chapter 388-265 WAC, Payment of grants and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear rules are needed to describe how clients get program money. These rules identify client rights and responsibilities, protective payee vendor requirements and selection and benefit reissuance policies. The current rules are being reviewed and revised to include all needed materials and conform to regulatory reform criteria.

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

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kay Hanvey, Program Manager, using any means of communication. Meetings will be arranged, if needed.

If you would like to participate in the review, contact Kay Hanvey, Program Manager, Adult Programs and Support Services Section, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3100, FAX (360) 413-3493, e-mail HANVEYKL@DSHS.WA.GOV.

March 18, 1998
 Edith M. Rice, Chief
 Office of Legal Affairs

WSR 98-07-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed March 18, 1998, 10:36 a.m.]

Subject of Possible Rule Making: To amend WAC 460-32A-400, addressing sales in condominiums or units in a real estate development, to eliminate duplicated text contained in federal Securities and Exchange Commission Securities Act Release No. 5347.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To eliminate duplicated text

contained in federal Securities and Exchange Commission Securities Act Release No. 5347 from the language of the rule. The federal release may be incorporated by reference and the duplicated text eliminated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Securities and Exchange Commission promulgated Securities Act Release No. 5347 to address the applicability of the federal securities laws to the offer and sale of condominium units, or other units in a real estate development, coupled with an offer or agreement to perform or arrange certain rental or other services for the purchaser. The Securities Division continues to concur with the federal position.

Process for Developing New Rule: During rules review according to Executive Order 97-02, Securities Division staff recognized that duplicative text could be eliminated and the same result achieved by incorporation by reference to the federal release.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Ferber, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, FAX (360) 586-5068.

March 18, 1998
 John L. Bley
 Director

WSR 98-07-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed March 18, 1998, 10:39 a.m.]

Subject of Possible Rule Making: To amend WAC 460-44A-050 to address the scope of the term "issuer isolated transaction" in addition to the term "nonissuer isolated transaction" currently defined in the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To more completely explain the scope of the isolated transaction exemption of RCW 21.20.320(1) relating to both issuer and nonissuer isolated transactions. The scope of the isolated issuer transaction is currently addressed in Securities Act Interpretive Statement 08, which may appropriately be incorporated into the rule addressing isolated nonissuer transactions.

Process for Developing New Rule: Following review of this rule according to Executive Order 97-02, Securities Division staff has recommended that Securities Act Interpretive Statement 08 should be incorporated into a rule. This action is consistent with RCW 34.05.230, which provides that to better inform and involve the public, agencies are encouraged to convert long-standing interpretive and policy statements into rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad Faber [Ferber], Securities Divi-

sion, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, FAX (360) 586-5068.

March 18, 1998

John L. Bley

Director

WSR 98-07-107

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed March 18, 1998, 11:27 a.m.]

Subject of Possible Rule Making: Repeal of the chrysanthemum white rust disease quarantine, chapter 16-471 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing state quarantine was designed to complement a federal quarantine governing international and interstate shipment of possible hosts of chrysanthemum white rust. Since then the federal regulations have changed, state standards for plant health have been modified, and our knowledge of the disease has expanded. The current rule is outdated and no longer necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Plant Protection and Quarantine, Animal Health and Inspection Service.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rule change with affected stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, FAX (360) 902-2094, e-mail twessels@agr.wa.gov.

March 18, 1998

Mary A. Martin Toohey

Assistant Director

WSR 98-07-111

**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed March 18, 1998, 11:40 a.m.]

Subject of Possible Rule Making: Supplement to Docket No. UT-970325 in order to add the issue of "Obligation to Serve"—i.e., the extent to which telecommunications carriers must provide service on demand; who should provide new service to presently-unserved territory; and how such service should be paid for — to matters considered for possible rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.36.090, 80.36.230, 80.36.300 and 47 U.S.C. Section 214(e).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Revised Code of Washington (RCW) 80.36.090, "Service to be furnished on demand," states:

Every telecommunications company operating in this state shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort and convenience of its patrons and employees.

Every telecommunications company shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto suitable and proper facilities and connections for telephonic communication and furnish telephone service as demanded. [1985 c 450 § 23; 1961 c 14 § 80.36.090. Prior: 1911 c 117 § 35, part; RRS § 10371, part.]

All telecommunications companies offering to provide basic local exchange service are held to the same obligation to provide service—that service to which a customer is reasonably entitled.

Historically, incumbent local exchange telecommunications companies (ILECs) have included language in their tariffs to implement this statutory requirement. More recently new entrant competitive local exchange carriers (or CLEC's) have filed tariffs and price lists which do not exactly match what the ILECs have historically provided. Because there is not currently a rule, it is apparent that one is needed to avoid current and future disputes (at the consumers' expense).

Presently unserved areas present obligation to serve issues as well. Washington has large areas not presently served by any company but which are experiencing some growth in population. The commission is interested in determining what obligation, if any, there should be to include these areas in the service territory of incumbents and whether universal service funds should be used to bring service to these areas.

The need for this proceeding is also evidenced by the discussion outlined in the Commission's Fourth Supplemental Order in Docket UT-961638; additionally some of these concerns have also been expressed in the initial order filed under UT-960832 (Camelot), and numerous other informal complaints in Washington state.

Expected accomplishments will be the development of rules and mechanisms applicable on a competitively neutral basis to all regulated industry participants. The rule-making process is open and explicit and will allow all industry participants (incumbent and new entrant alike) and interested persons to become involved and help shape the future of competitive telecommunications service provision in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Communications Commission regulates comparable interstate service and costing. The major reason for exploring this matter is to consider bringing state rules into consistency with federal requirements (and/or recommendations) to the extent feasible, and to allow for a more

competitive (customer choice and service) telecommunications market in the state of Washington. This will include a review and study of pertinent federal laws, federal rules, and other resources.

Process for Developing New Rule: Agency study; and the commission will call for written comments, and may provide the opportunity for additional written comments. The commission will conduct an informal workshop with interested persons in a manner designed to develop consensus regarding any rule proposal. Data collection may also be necessary. See below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1234, FAX (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commissions's list of interested persons for the proceeding.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the Commission Secretary, referencing Docket No. UT-970325, not later than April 17, 1998. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional pre-proposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held at 9:30 a.m., Tuesday, April 21, 1998, in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. PLEASE NOTE: The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be available and will be assigned one to an organization, on a first-come, first-served basis. Remaining open ports on the day of the workshop will be assigned to provide more ports per organization, if requested. Persons wishing to attend via the teleconference bridge line must contact Tom Spinks, at (360) 664-1289, no later than 3:00 p.m., Friday, April 17, 1998.

March 18, 1998
Terrence Stapleton
for Paul Curl
Acting Secretary



WSR 98-07-004**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed March 6, 1998, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-032.

Title of Rule: Pass-through of the United States Urban Mass Transportation Administration funds for public transportation technical studies.

Purpose: Prescribes application procedures and project selection criteria for grants to municipal public transportation operators for conducting studies.

Statutory Authority for Adoption: RCW 47.01.101.

Summary: Repeal chapter 468-82 WAC, the existing administrative code in its entirety.

Reasons Supporting Proposal: Unpredictable federal funding.

Name of Agency Personnel Responsible for Drafting: Paul Gamble, Olympia, (360) 705-7912; **Implementation and Enforcement:** Cathy Silins, Olympia, (360) 705-7919.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeals existing administrative code that provides application and administrative procedures for Federal Transit Administration's planning program for municipal public transportation operators.

Eliminates application procedures and project selection criteria for a program for which congress has failed to appropriate timely funding to the Federal Transit Administration, the successor to the Urban Mass Transportation Administration, for several years in succession.

Proposal Changes the Following Existing Rules: Repeals existing administrative code that provides application and project selection criteria for program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The existing and proposed rules affect only municipal public transportation operators.

RCW 34.05.328 does not apply to this rule adoption. This rule making is exempt under subsection (5)(b)(ii).

Hearing Location: Transportation Building, Commission Board Room, 1D2, Maple Park S.E., Olympia, Washington 98504, on May 15, 1998, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by May 8, 1998.

Submit Written Comments to: Paul Gamble, Public Transportation Office, Washington State Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387, or (360) 705-7912, FAX (360) 705-6820, by May 8, 1998.

Date of Intended Adoption: May 15, 1998.

March 2, 1998

Gerald E. Smith
Deputy Secretary
for Operations

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 468-82-010	General purpose and applicability.
WAC 468-82-015	Definitions.
WAC 468-82-110	Application for technical study grant.
WAC 468-82-120	Department response to application.
WAC 468-82-200	Application prioritization criteria.

WSR 98-07-005**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed March 6, 1998, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-030.

Title of Rule: Advanced financial support payments for the conduct of public transportation feasibility studies.

Purpose: Provides loans to cities or counties to conduct studies to consider prospects for transportation services for the general public.

Statutory Authority for Adoption: RCW 35.58.2712.

Statute Being Implemented: RCW 35.58.2712.

Summary: Repeal chapter 468-84 WAC, the existing administrative code in its entirety.

Reasons Supporting Proposal: No appropriations to implement the statute. Grants available to accomplish the same objective.

Name of Agency Personnel Responsible for Drafting: Paul Gamble, Olympia, (360) 705-7912; **Implementation and Enforcement:** Cathy Silins, Olympia, (360) 705-7919.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeals existing administrative code that provides application and administrative procedures for program.

Eliminates a program for which there have been no legislative appropriations for a number of years.

Proposal Changes the Following Existing Rules: Repeals existing administrative code that provides application and administrative procedures for program. This completes the elimination of the program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Both the state statute and the proposed rules affect only cities and counties that are either outside of transit districts or do not provide public transportation services.

RCW 34.05.328 does not apply to this rule adoption. This rule making is exempt under subsection (5)(b)(v).

Hearing Location: Transportation Building, Commission Board Room, 1D2, Maple Park S.E., Olympia, Washington 98504, on May 15, 1998, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by May 8, 1998.

Submit Written Comments to: Paul Gamble, Public Transportation Office, Washington State Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387 or (360) 705-7912, FAX (360) 705-6820, by May 8, 1998.

Date of Intended Adoption: May 15, 1998.

March 2, 1998

Gerald E. Smith

Deputy Secretary

for Operations

Title of Rule: Advanced financial support payments for the development of comprehensive transit plans.

Purpose: Identifies procedures for making loans to public transportation benefit areas and county transportation authorities and specifies the contents of plans outlining services and purchases for the initial six years of operations.

Statutory Authority for Adoption: RCW 36.57A.150.

Statute Being Implemented: RCW 36.57A.150.

Summary: The rule updates loan application procedures, clarifies requirements for plans outlining services and purchases for their initial six years of operations, and outlines review procedures.

Reasons Supporting Proposal: Clarifies confusing language, streamlines and reduces some requirements for content of plans, and updates some requirements to reflect current Washington State Department of Transportation needs.

Name of Agency Personnel Responsible for Drafting: Paul Gamble, Olympia, (360) 705-7912; Implementation and Enforcement: Cathy Silins, Olympia, (360) 705-7919.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule outlines procedures associated with loans to public transportation benefit areas and county transportation authorities to undertake plans. The rule updates loan application procedures, clarifies requirements for plans outlining services and purchases for their initial six years of operations, and outlines review procedures.

The effect will be clearer and simpler directions to prospective recipients.

Proposal Changes the Following Existing Rules: The application sections (WAC 468-85-010 - 468-85-130) are easier to read, but the effect is the same. The plan's review section (WAC 468-85-310) is more complete than before.

WAC 468-85-210 calling for a capital improvement element is now WAC 468-85-230.

WAC 468-85-220 calling for a level of service element is reduced, with subsection (6) moving to WAC 468-85-210, retitled Community context.

WAC 468-85-230 calling for an initial year of operating revenues and expenses is now combined with WAC 468-85-240.

WAC 468-85-240 calling for four years of operating revenue and expenses now includes the first year.

WAC 468-85-250 calling for a relation to nearby transit operations is now included in WAC 468-85-210, retitled Community context.

WAC 468-85-260 calling for a prospects for geographic expansion is now included in WAC 468-85-210, retitled Community context.

WAC 468-85-270 calling for a minorities, elderly, handicapped and low-income element is repealed.

WAC 468-85-280 calling for a citizens participation element is now WAC 468-85-250.

WAC 468-85-290 calling for a coordinated planning element is easier to read with a subsection moving to WAC 468-85-310.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 468-84-010	General purpose and applicability.
WAC 468-84-015	Definitions.
WAC 468-84-110	Application.
WAC 468-84-120	Department response to application.
WAC 468-84-130	Conditions of advanced financial support payments.
WAC 468-84-135	Conditions of grants.
WAC 468-84-200	Required elements of feasibility study.
WAC 468-84-210	Geographical extent.
WAC 468-84-220	Identification of related transportation operations.
WAC 468-84-230	Estimation of need.
WAC 468-84-240	Alternative management schemes.
WAC 468-84-250	Alternative funding sources.
WAC 468-84-260	Consideration of school district pupil transportation.
WAC 468-84-300	Submission of feasibility study to department.
WAC 468-84-310	Submission of municipal resolution to department.
WAC 468-84-320	Submission of municipal ordinance levying and collecting taxes to department.

WSR 98-07-006

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 6, 1998, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-031.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Both the state statute and the proposed rules affect only public transportation benefit areas and county transportation authorities.

RCW 34.05.328 does not apply to this rule adoption. This rule making is exempt under subsection (5)(b)(ii).

Hearing Location: Transportation Building, Commission Board Room, 1D2, Maple Park S.E., Olympia, Washington 98504, on May 15, 1998, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by May 8, 1998.

Submit Written Comments to: Paul Gamble, Public Transportation Office, Washington State Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387, or (360) 705-7912, FAX (360) 705-6820, by May 8, 1998.

Date of Intended Adoption: May 15, 1998.

March 2, 1998

Gerald E. Smith

Deputy Secretary
for Operations

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-010 General purpose and applicability.

(1) Purpose: These regulations are to assist county transportation authorities and public transportation benefit areas in the development of comprehensive transit plans consistent with chapter 36.57A RCW, RCW 35.58.2795, and local developmental goals. The comprehensive transit plans are intended to lead to the development and management of regional public transit systems which are energy-efficient, provide viable transportation alternatives, ~~((offer availability to))~~ serve all elements of the public, and are responsive to the public need.

(2) Applicability: These regulations apply only to county transportation authorities created pursuant to chapter 36.57 RCW and to public transportation benefit areas created pursuant to chapter 36.57A RCW.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-015 Definitions. (1) "Department" means the Washington state department of transportation, through its public transportation and rail division, or its successor.

(2) "Comprehensive transit plan" means the official document required of every county transportation authority pursuant to RCW 36.57.070 and of every public transportation benefit area pursuant to RCW 36.57A.060.

(3) "County transportation authority" means an entity created pursuant to chapter 36.57 RCW.

(4) "Population" means the number of residents as shown by the ~~((figures released for the))~~ most recent ~~((official state, federal, or county census, or))~~ population determination made by the office of financial management.

(5) "Public transportation benefit area" means an entity created pursuant to chapter 36.57A RCW.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-110 Application for advanced financial support payment. (1) Eligible applicants: Any county transportation authority established pursuant to chapter 36.57 RCW and any public transportation benefit area established pursuant to chapter 36.57A RCW ~~((is eligible to))~~ may receive a one-time advanced financial support payment from the department ~~((upon submission to the department of))~~ after submitting an application containing the information specified in subsection (2) of this section to the department.

(2) Contents of application: There is no particular form ~~((is hereby))~~ specified for ~~((an application))~~ applying for an advanced financial support payment. The application for such payment ~~((, however,))~~ must be addressed to the department, signed by the chief executive officer of the applicant, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the applicant authorizing or directing that body, or a designated individual acting for that body, to apply for such payment;

(b) In the event the applicant is a public transportation benefit area, and unless it is county-wide, a map indicating the precise boundaries of any unincorporated areas within the public transportation benefit area;

(c) ~~((An estimate of the population of the applicant;~~

~~((d)) A proposed budget indicating proposed expenditures by the following objects: Salaries and wages, personal services contracts, goods and services, travel, equipment, employee benefits, and capital outlays; and~~

~~((e)) A description of the methods anticipated to be used to secure citizen participation in the comprehensive transit planning process; such methods must ensure a reasonable opportunity is provided for input to be made by racial and ethnic minorities, low-income, elderly ~~((and handicapped))~~ individuals, and persons with disabilities.~~

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-120 Department response to application. The department shall respond to applications on a "first-come, first-served" basis. Therefore, upon receipt of an application for an advanced financial support payment, the department shall:

(1) Determination of completeness: Determine whether or not the application contains or includes all of the information or material required by WAC 468-85-110(2). In the event an application is incomplete, the department shall notify the applicant ~~((shall be notified))~~ within seven days of receipt of such application by the department, of the application's deficiencies and that further ~~((department))~~ processing of the application is being suspended until the ~~((department receives a properly completed application))~~ applicant corrects the deficiencies;

(2) Determination of population: Request the office of financial management to determine the population of the applicant. Where the sum of the populations of the incorporated areas within the applicant's jurisdiction exceeds fifty thousand people, or if the applicant's jurisdiction is county-

wide according to the most recently published estimate of the office of financial management, the department will not make such request (~~((will not be made; the department shall, instead, proceed to allocate the maximum amount allowable to said applicant));~~); and

(3) Allocation of funds: Allocate for distribution to the applicant as an advanced financial support payment the product of one dollar times the applicant's population as determined by the office of financial management or the department. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-130 Conditions of advanced financial support payments. (1) Payment constitutes a loan: Funds received by county transportation authorities or public transportation benefit areas as advanced financial support payments constitute loans. The recipient shall repay the department such ((a)) loan (~~((shall be repaid to the department by the recipient thereof))~~) not later than two years after the date such recipient received the advanced financial support payment. The department shall waive such repayment (~~((shall be waived in the event))~~) if the voters in the (~~((appropriate county or public transportation benefit))~~) recipient's area fail to (~~((elect to levy and collect))~~) authorize taxes (~~((authorized))~~) permitted under chapters 35.95 or 82.14 RCW within two years after the date such advanced financial support payment was received.

(2) Obligation to develop a comprehensive transit plan: Following receipt of the advanced financial support payment, the county transportation authority or public transportation benefit area shall undertake and complete the development of a comprehensive transit plan that meets the specifications contained in WAC 468-85-200 through 468-85-290(~~((as well as specifications adopted by the department subsequent to receipt of such payment by a recipient))~~). In the development of such plan, (~~((a county transportation authority and public transportation benefit area))~~) the recipient shall ensure a reasonable opportunity for the receipt of citizens input and participation in the planning process is provided to racial and ethnic minorities; low-income, elderly(~~((and handicapped))~~) individuals and persons with disabilities.

(3) Payment may constitute matching contribution: Any payment received pursuant to this chapter may be used as all or any portion of a matching contribution required for the receipt of federal funds, provided federal law and applicable regulations allow such payment as a matching contribution, and provided, further, such federal funds are used to assist the recipient in the development of a comprehensive transit plan.

(4) Notice of election: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the date(~~((s))~~) chosen for a popular election(~~((s))~~) on taxation authorized by chapter 35.95 or 82.14 RCW to finance public transportation in the recipient's jurisdiction, in advance of such election(s).

(5) Required election: An election to determine (~~((whether or not))~~) the taxes authorized by chapter 35.95 or 82.14 RCW (~~((will))~~) proposed to be levied and collected in the

county or public transportation benefit area must be held within two years of the receipt of an advanced financial support payment.

(6) Notice of election results: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the election(~~((s))~~) results within ten days of (~~((the))~~) its official certification.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-210 (~~((Capital improvements element-))~~) Community context. (~~((The capital improvements element of the comprehensive transit plan shall identify anticipated capital improvements including the number, types, and passenger seating capacities of in-revenue service vehicles, non-revenue equipment, and the number and types of any proposed terminals, stations, shelters, parking facilities for potential system users, and garage and related vehicle maintenance facilities. Sites for fixed facilities need not be identified. Capital improvements shall be identified for the first five years of operation; the priorities and phasing of the acquisition of such improvements shall also be identified.))~~) The comprehensive plan shall describe the community context of the public transit services. This context shall include:

- (1) Demographics according to the most recent census:
 - (a) Distribution of persons aged sixty-five years and older;
 - (b) Distribution of persons aged six to eighteen years;
 - (c) Location of concentrations of any ethnic minorities;
 - (d) Location of concentrations of low-income households; and
 - (e) Automobile ownership by household;
- (2) Location of significant destinations, including:
 - (a) Employment centers with more than fifty employees;
 - (b) Schools, colleges and universities;
 - (c) Shopping centers with five or more shopping opportunities;
 - (d) Medical clinics and hospitals;
 - (e) Public parks;
 - (f) City halls;
 - (g) County courthouses;
 - (h) Airports with scheduled air passenger service; and
 - (i) Passenger rail stations;
- (3) Public transportation operations within the boundaries of and three miles beyond the transit district, including:
 - (a) Intercity bus carriers;
 - (b) Rail passenger service;
 - (c) Municipally operated public transit service;
 - (d) School pupil transportation; and
 - (e) Specialized transportation for elderly or low-income persons, and persons with disabilities;
- (4) An explanation of how the proposed public transit service will serve destinations contained in subsection (2) of this section and integrate with elements contained in subsection (3) of this section;
- (5) A discussion of future annexations to the public transportation benefit area.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-220 Level of service element. The ~~((level of service element of the))~~ comprehensive transit plan shall contain the following information:

- ~~(1) ((User characteristics;~~
- ~~(2) Trip characteristics;~~
- ~~(3))~~ Where scheduled service is anticipated in the plan, the frequency that in-revenue-service vehicles would pass selected points along proposed routes; and ~~((where a demand responsive service is anticipated in the plan, the frequency that in-revenue service vehicles would serve selected neighborhoods;~~

~~(4))~~ (2) The days and hours of service operations;

~~((5) The proposed means of facilitating public use of the proposed system; such means should include consideration of the following:~~

- ~~(a) Shelters or benches;~~
- ~~(b) Signing for loading and unloading locations;~~
- ~~(c) Public timetables, where scheduled service is proposed;~~
- ~~(d) Telephone information;~~
- ~~(e) Advertisements in news media; and~~
- ~~(f) Measures to review, update, and make available public information about the frequency of service and transit routes;~~

~~(6) The location within the proposed transit service area of the following items: Employment centers, employing more than fifty persons; governmental facilities; and shopping centers with five or more shopping opportunities; and~~

~~(7) Vehicle fuel consumption rated per mile traveled by type of vehicle.)~~ (3) Annual revenue vehicle hours and annual vehicle hours of service separated by type of service;

(4) Annual revenue vehicle miles and annual vehicle miles of service separated by type of service.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-230 ((System funding for initial year of operation)) Capital improvements element. ~~((The comprehensive transit plan element dealing with system funding for the initial year of operation shall include, but need not be limited to, the following information:~~

~~(1) An itemized statement of the estimated costs of setting up and operating the recommended public transit system during the first twelve months of operation; such statement shall include, but not be limited to, separate cost estimates for the following items:~~

- ~~(a) Vehicles and optional features, by type of vehicle;~~
 - ~~(b) External passenger-related facilities such as shelters, benches, signing, and parking facilities;~~
 - ~~(c) Garage, and vehicle maintenance facilities and equipment;~~
 - ~~(d) Marketing;~~
 - ~~(e) Administration; and~~
 - ~~(f) Maintenance and operations.~~
- ~~(2) Passenger fare levels, estimated public patronage, and estimated fare box revenue;~~

~~(3) The amount of federal assistance separated by operations and capital purposes;~~

~~(4) The amount of long term debt for the purchase of facilities and equipment;~~

~~(5) Whether any of the following sources of local public transit subsidy are anticipated to assist in the funding of the proposed system:~~

- ~~(a) Household tax authorized by chapter 35.95 RCW;~~
- ~~(b) Business and occupation tax authorized by chapter 35.95 RCW; or~~

~~(c) The .1%, .2%, or .3% sales and use tax in lieu of the household tax and business and occupation tax referenced immediately above; together with the rate(s) for any levied tax identified above and the estimated revenues from any such sources anticipated to be collected; (Assumptions made in order to estimate such revenues should be identified.)~~

~~(6) The amount of any state matching funds assumed. (Such amount shall equal the sum of either one state dollar for each local dollar anticipated to be collected, as identified in WAC 468-85-230(5), or the amount of the motor vehicle excise tax mass transit levy authorized under RCW 35.58.272 through 35.58.279, whichever is less; minus the amount advanced by the department to a county transportation authority or public transportation benefit area for the development of a comprehensive transit plan pursuant to this chapter.)~~ The comprehensive transit plan shall identify anticipated capital improvements. Estimate the annual costs of purchasing the following items during each of the first six years of operation, identifying costs for each of the following categories:

(1) Vehicles - number to be purchased according to passenger seating capacity;

(2) Equipment such as shelters, benches, and signing - number of each to be purchased;

(3) Parking facilities and stations/terminals - number of each to be purchased or constructed; and

(4) Garage and vehicle maintenance, operations and administrative structures, including associated equipment - number of each to be purchased or constructed. Sites for the fixed facilities in this subsection or subsection (3) of this section need not be identified.

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-240 ((System of)) Funding for ((the second through fifth years of)) annual operations element. ~~((The comprehensive transit plan element regarding system funding for the second through fifth years of operation shall contain the following information for each of those years:~~

~~(1) The estimated capital, maintenance, and operating costs of each aspect of the proposed public transit system identified as required in WAC 468-85-230(1) for the first year of operation and an identification of the proposed service life of all equipment acquired or proposed to be acquired; and~~

~~(2) The proposed sources of revenue and amounts of revenue, loans, and federal and state assistance to be used to offset such costs.)~~ The comprehensive transit plan shall

include, but need not be limited to, the following information:

(1) An estimate of the annual costs of operating the recommended public transit system during each of the first six years of operation; such estimate shall include costs for marketing, administration, maintenance and operations.

(2) Passenger fare levels, estimated ridership, and estimated fare box revenue;

(3) The amounts and sources of federal and state assistance separated by operations and capital purposes;

(4) The amount of long term debt for the purchase of facilities and equipment;

(5) Whether any of the following sources of local public transit subsidy are anticipated to assist in the funding of the proposed system:

(a) Household tax authorized by chapter 35.95 RCW;

(b) Business and occupation tax authorized by chapter 35.95 RCW; or

(c) The .1%, .2%, .3%, .4%, .5%, or .6% sales and use tax in lieu of the household tax and business and occupation tax referenced immediately above; together with the rate(s) for any levied tax identified above and the estimated revenues from any such sources anticipated to be collected; (Assumptions made in order to estimate such revenues should be identified.)

(6) The amount of any state matching funds assumed. (Such amount shall equal the sum of either one state dollar for each local dollar anticipated to be collected, as identified in WAC 468-85-230(5), or the amount of the motor vehicle excise tax mass transit levy authorized under RCW 35.58.272 through 35.58.279, whichever is less; minus the amount advanced by the department to a county transportation authority or public transportation benefit area for the development of a comprehensive transit plan pursuant to this chapter.)

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-250 (~~Relation to nearby transit operations~~) **Citizen participation element.** ((The comprehensive transit plan element regarding the proposed system's relation to nearby transit operations shall contain the following information:

(1) ~~An identification of any existing public or private transit operations and affiliated facilities serving any area within the jurisdiction of the county transportation authority, public transportation benefit area, or within three road miles of either; such identified operations shall include, at a minimum, the following:~~

~~(a) Taxicab or jitney service;~~

~~(b) Auto transportation companies holding and operating pursuant to certificates of public convenience and necessity from the Washington utilities and transportation commission;~~

~~(c) Scheduled air passenger service;~~

~~(d) Rail passenger service;~~

~~(e) Municipally operated public transit service;~~

~~(f) School pupil transportation; and~~

~~(g) Specialized transportation service for elderly, handicapped, or low income persons;~~

~~(2) An explanation of how the proposed public transit service would integrate with and affect the use of services identified in WAC 468-85-250(1); and~~

~~(3) The location and description of any streets and roads channelizations or other special identification for public transit use.) The comprehensive transit plan citizen participation element shall identify how citizens shall be consulted by the county transportation authority or public transportation benefit area. County transportation authorities and public transportation benefit areas shall ensure that they receive citizens' input on a continuing basis.~~

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-290 Coordinated planning element. The comprehensive transit plan coordinated planning element shall ~~((include the following information:~~

~~(1)) contain comments on the comprehensive transit plan's compatibility with the adopted goals, objectives and policies for ((development)) transportation by; Every unit of general purpose local government that is ((a member of or participant in the activities of governments of a)) located within the county transportation authority or public transportation benefit area ((as well as every area wide comprehensive)); the regional transportation planning organization that is located in whole or in part within the jurisdiction of that transit service planning entity; and the Washington state department of transportation.~~

~~((2) A commitment in writing by the officials of the county transportation authority or public transportation benefit area that a copy of the comprehensive transit plan and any updated portions thereof shall be supplied within thirty days of the official adoption thereof to the chief executives of every unit of general purpose local government located in whole or in part within the jurisdiction of that planning entity; every area wide comprehensive planning organization, and engineering or public works department of any unit of general purpose local government, located in whole or in part within the jurisdiction of that planning entity; the department; and the district administrator and public transportation planning engineer of the department.))~~

AMENDATORY SECTION (Amending Order 42, filed 12/17/79)

WAC 468-85-310 Review of comprehensive transit plan of public transportation benefit area. (1) Within sixty days of the receipt thereof, the department shall review any comprehensive transit plan submitted by a public transportation benefit area. The department shall determine whether or not such comprehensive transit plan can be "approved" on the basis of the following standards:

(a) The capital improvement program and anticipated upgrading costs are offset by the proposed system funding;

(b) The comprehensive transit plan as submitted contains all of the elements required by WAC 468-85-200((;

(c) Such plan is consistent with the public transportation coordination criteria adopted pursuant to the Urban Mass Transportation Act of 1964, as amended)).

(2) In the event such plan is approved, the department shall certify to the state treasurer that a public transportation benefit area that submitted a reviewed and approved plan is eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended.

(3) The county transportation authority or public transportation benefit area shall supply a copy of the comprehensive transit plan and any updated portions thereof shall be supplied within thirty days of the official adoption thereof to the chief executives of every unit of general purpose local government located in whole or in part within the jurisdiction of that planning entity; every regional transportation planning organization, and engineering or public works department of any unit of general purpose local government, located in whole or in part within the jurisdiction of that planning entity; the department; and the regional administrator and public transportation and rail division director of the department.

(4) In the event a comprehensive transit plan is disapproved and a public transportation benefit area is determined to be ineligible to receive such motor vehicle tax proceeds, the department shall provide written notice to such entity within thirty days as to the reasons for the plan disapproval and the entity's ineligibility, together with notice that such public transportation benefit area may resubmit a corrected plan at any time.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-85-260	Prospects for geographic expansion of service area element.
WAC 468-85-270	Minorities, elderly, handicapped and low-income persons transportation service element.
WAC 468-85-280	Citizen participation element.

WSR 98-07-008
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 6, 1998, 11:48 a.m.]

The Department of Labor and Industries is withdrawing the following proposed amended section of chapter 296-45 WAC, Safety standards—Electrical workers.

We are withdrawing WAC 296-45-67543 General, of the helicopter rules. It is being reconsidered and may be amended at a later date. The proposed change was filed on October 22, 1997, with a public hearing held on December 3, 1997, WSR 97-21-147.

Gary Moore
Director

WSR 98-07-018
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed March 9, 1998, 2:47 p.m.]

The Department of Licensing hereby withdraws WSR 98-06-080 filed with your office on March 4, 1998.

Nancy Kelly, Administrator
Title and Registration Services

WSR 98-07-025
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed March 10, 1998, 2:22 p.m.]

Continuance of WSR 98-01-224, 98-01-225, 98-01-226, 98-01-227, 98-01-228, 98-01-229, 98-01-230, 98-01-231, 98-01-232, 98-01-233, and 98-01-234.

Purpose: To continue written comment period.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, FAX (360) 664-9190, by April 17, 1998.

Date of Intended Adoption: April 17, 1998.

March 10, 1998
Cheryl M. Sexton
Confidential Secretary

WSR 98-07-029
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
 [Filed March 11, 1998, 10:09 a.m.]

Original Notice.

RCW 70.94.141(1).

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Section 6.13 - General Surface Coating.

Purpose: To amend the existing regulation to address issues that made enforcement of the regulation difficult and to make the regulation more understandable.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: The amendments to this rule will make enforcement more achievable and they are still consistent with the original intent which is to reduce particulate emissions from coating overspray; reduce public exposure to toxic air pollutants as listed in chapter 173-460 WAC. An in-depth history of reasons for the proposed revisions is shown below. *See Reviser's Note below.

Reasons Supporting Proposal: Issues arising from the lack of cohesive structure of the initial rule posed difficulties in rule interpretation for enforcement staff and confused the regulated industry. In addition, some portions of the rule

were counterproductive to the overall intent of the rule, which is to decrease toxic air pollutant emissions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Certain sections of the original regulation were unclear in their intent. In addition, enforcement staff were having some difficulty in enforcing the original regulation. The historical document shown below addresses these difficulties.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Reduce particulate emissions from coating overspray; (2) reduce public exposure to toxic air pollutants as listed in chapter 173-460 WAC; (3) reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and (4) encourage pollution prevention.

Proposal Changes the Following Existing Rules: The Surface Coating Regulation is more understandable and better organized; the Surface Coating Regulation is more flexible; definitions for Airless Spray, Air-Assisted Airless Spray, Automated, and Standard Engineering Practices were added; definitions for High Volume Low Pressure, Multi-Coat System, Topcoat, Volatile Organic Compound, and Wash Solvent were clarified and the definition for Touchup is deleted; types of acceptable filtration is defined, stack requirements are better defined; applications techniques are further defined. Techniques with less than 65% transfer efficiency are approved under prescribed conditions; General Clean-up and Recordkeeping requirements are further defined; exception list is expanded, touchup exemption is eliminated, large object exemption is further defined, Wash solvent exemption decreased to ten gallons per year, Nonspray application exemption list expanded; expanded Control Officer's ability to approve exemptions where the requirements would be ineffective, inadequate, or unreasonable; inside exhaust is acceptable if, the Department of Labor and Industries and the fire department have no objection; and compliance schedule extended.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on May 7, 1998 at 9:00 a.m.

Submit Written Comments to: Charles E. Studer, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, FAX (509) 459-6828, by May 4, 1998.

Date of Intended Adoption: May 7, 1998.

March 9, 1998

Charles E. Studer

Environmental Engineer

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 98-08 issue of the Register.

WSR 98-07-032

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 11, 1998, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-008.

Title of Rule: Change (1) the hourly inspection rates (regular and overtime) and (2) eliminate mandatory assessment charges for "USDA Positive Lot Identification Inspection."

Purpose: Raise fees within fiscal growth factor, current fees are below actual costs of providing services. Alignment of inspection charges with inspection practices and procedures.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jim Quigley, Olympia, (360) 902-1833.

Name of Proponent: Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current hourly fees are \$21.50, which is not sufficient to recover actual per hour expenses.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to increase the hourly inspection rates (regular and overtime), within the fiscal growth factors allowed under Initiative 601. The increased inspection rate will reduce the proportionate disparity of inspection costs between the high volume warehouses and the lower volume warehouses. High volume warehouses are generally assessed fees on a per unit basis which usually meets or exceeds the hourly rate for the total inspection time. The lower volume warehouses are assessed fees on a per unit basis in addition to the hourly rate to compensate for the total inspection time.

United States Department of Agriculture positive lot identification assessment will be an optional charge, dependent on the availability of an inspector on-site.

Proposal Changes the Following Existing Rules: (1) Increase the hourly inspection rates from \$21.50 to \$22.25 per hour on June 1, 1998, and to \$23.00 per hour on July 1, 1998. Increase the overtime inspection rates from \$29.00 to

\$30.00 per hour on June 1, 1998, and to \$31.25 per hour on July 1, 1998.

(2) United States Department of Agriculture positive lot identification inspections currently have a mandatory additional assessment of ten percent of the inspection rate with a minimum \$12.00 charge. The change would eliminate these assessments when an inspector is on-site performing marketing order or other type of inspections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The financial impact, if any, will be minimal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: On April 21, 1998, at 10:00 a.m., at the Yakima Ag Center, 2015 South 1st Street, Yakima, WA; on April 22, 1998, at 10:00 a.m., at the Washington Apple Commission, 2900 Euclid Avenue, Wenatchee, WA; and on April 23, 1998, at 10:00 a.m., at the Shilo Inn, 1819 East Kittleson, Moses Lake, WA.

Assistance for Persons with Disabilities: Contact Cathy Jensen, TDD (360) 902-1976, or (360) 902-1996.

Submit Written Comments to: Jim Quigley, Program Manager, Washington State Department of Agriculture, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, FAX (360) 902-2085.

Date of Intended Adoption: May 5, 1998.

March 9, 1998
Robert W. Gore
Assistant Director

Chapter 16-400 WAC

~~((HORTICULTURAL))~~ FRUIT AND VEGETABLE INSPECTION FEES

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-007 Definition. For the purposes of this chapter districts two, three, and four are defined in chapter 16-458 WAC (~~Horticultural~~) Fruit and vegetable inspection district boundaries.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/96)

WAC 16-400-040 Grade and condition certificates—Vegetables. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:

Asparagus	21¢
Cantaloupes, and corn	12.5¢
Onions	8¢
Potatoes, and seed potatoes	6¢
Processing potatoes	6¢
Complete inspection (rate shall be reduced for level of service required)	
Tomatoes	19¢
(b) For state certification:	
Asparagus	19¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of (~~twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996~~) twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/95)

WAC 16-400-100 Certificates. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of (~~twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996~~) twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

PROPOSED

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/96)

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of (~~twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996~~) twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of (~~twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996~~) twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, non-permanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to (~~twenty-eight dollars beginning June 1, 1996, and twenty-nine dollars beginning July 1, 1996~~) thirty dollars beginning June 1, 1998, and thirty-one dollars and twenty-five cents beginning July 1, 1998.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of (~~twelve~~) eighteen percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 (~~with an additional charge of ten percent. The minimum shall be twelve dollars per inspection~~). An additional charge of ten percent may be added when an

inspector is required to be on-site when no other inspections are requested. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.

WSR 98-07-033

PROPOSED RULES

PUBLIC WORKS BOARD

[Filed March 11, 1998, 3:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-015.

Title of Rule: All permanent rules of the Public Works Board, Title 399 WAC will be reviewed under this proposed action.

Purpose: Consistent with Executive Order 97-02, Regulatory Improvement, the Public Works Board is reviewing, modifying, reconfirming, or eliminating its current rules as contained in the WAC.

Statutory Authority for Adoption: RCW 43.155.040 (4) and (5).

Statute Being Implemented: Chapter 43.155 RCW.

Summary: By its preproposal statement of inquiry and a public meeting, the board has sought public input and modified its proposed rules review and re-adoption process. The proposed rule modifications are those that accompany this notice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pete A. Butkus, P.O. Box 48319, Olympia, WA 98504, (360) 586-7186.

Name of Proponent: Public Works Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter [title] of the WAC covers activities of the Public Works Board. Consistent with Executive Order 97-03 [97-02], Regulatory Improvement, the board has reviewed its rules and determined that minor modifications and housekeeping language changes are necessary. In order

to reduce costs and public confusion, the entire WAC title is being reviewed at once.

Proposal Changes the Following Existing Rules: The changes involve clarification of eligible cost activities and general "housekeeping" language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The board WAC deals only with local governments, not business. There is no small business impact.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant rule as defined by RCW 34.05.328 (5)(a)(i).

Hearing Location: The Wenatchee Center, 201 North Wenatchee, Wenatchee, WA, on Tuesday, May 5, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Beth Rockwell by April 21, 1998, (360) 753-3262.

Submit Written Comments to: Pete A. Butkus, e-mail peteb@cted.wa.gov or FAX (360) 664-3029 by April 23, 1998.

Date of Intended Adoption: May 5, 1998.

March 11, 1998

Pete A. Butkus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-11-093, filed 5/19/95, effective 6/19/95)

WAC 399-10-010 Organization and operation of the public works board. (1) The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to RCW 43.155.030.

(2) The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such terms as it may from time to time deem necessary (~~(in accordance with the board's bylaws)~~).

(3) The board's staff support and office space is provided by the Department of Community, Trade, and Economic Development, P.O. Box 48319, Olympia, Washington 98504-8319; phone (360) 753-2200.

The Internet WEB site address is: www.CRAB.wa.gov/pwtf

AMENDATORY SECTION (Amending WSR 93-22-014, filed 10/26/93, effective 11/26/93)

WAC 399-10-030 Communications with the board. Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the public works board, in care of the chair, at the address which appears in WAC 399-10-010(3). Telephonic communications may be initiated by calling the phone number (~~(also)~~) listed in WAC 399-10-010(3). Electronic communications may be initiated through the Internet WEB site listed in WAC 399-10-010(3).

PROPOSED

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-060 Office hours. Public records shall be available for inspection and copying during the department's normal office hours. For purposes of this chapter, normal office hours shall be from ~~((9:00))~~ 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, closure due to natural disaster, inclement weather, or local emergencies.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-070 Requests for public records. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon ~~((a))~~ the form prescribed by the board and set forth in WAC 399-20-120 which shall be available at the board's offices, or by writing or calling the board.

(2) The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. ~~((The request shall include the following information:~~

~~(a) The name, address, and organization represented, if any, of the person requesting the record;~~

~~(b) The calendar date on which the request was made, and, when presented in person, the time of day;~~

~~(c) The nature of the request;~~

~~(d) If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.~~

~~(2))~~ (3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-100 Review of denials of public records requests. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request from public records, the public records officer or other authorized staff member denying the request shall refer it to the ~~((chairman))~~ chair of the board or ~~((his))~~ designee. The ~~((chairman))~~ chair or ~~((his))~~ designee

shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

(3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-120 Adoption of form. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

REQUEST FOR PUBLIC RECORDS			
Public Works Board ((9th and Columbia Building Mail Stop GH-51 CAMPUS Olympia, Washington 98504-4151)) PO Box 48319 Olympia, WA 98504-8319 (360) 753-2200			
NAME OF REQUESTOR:		PHONE:	
STREET ADDRESS:			
CITY:	STATE:	ZIP:	
DATE OF REQUEST (M/D/Y):		TIME:	A.M. P.M.
PUBLIC RECORDS OR INFORMATION REQUESTED:			
		Completed by Public Works Board Staff	
NUMBER OF COPIES, IF REQUESTED:		NUMBER OF COPIES PROVIDED:	
APPOINTMENT TO VIEW RECORDS:		AMOUNT RECEIVED FOR COPIES: \$	
(Preferred Dates)			
(1st) DATE:	TIME:	APPOINTMENT CONFIRMED:	
(2nd) DATE:	TIME:		
(3rd) DATE:	TIME:	DATE:	TIME: STAFF:
IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:			

AGREEMENTS: I have read, understand, and will comply with the rules of the public works board governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the board shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

SIGNATURE OF REQUESTOR: _____ DATE: _____

ACKNOWLEDGEMENT OF RECEIPT

DATE: _____ TIME: _____ A.M. P.M.

SIGNATURE OF STAFF RECIPIENT: _____

REASON IF AGENCY IS UNABLE TO COMPLY: _____

WAC 399-20-120 (11/85)

(FOR BOARD USE ONLY)

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AMENDATORY SECTION (Amending Order 89-01, filed 4/28/89)

WAC 399-30-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of community, trade, and economic development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.
- (5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of (~~streets and roads, bridges, water systems, or storm and sanitary sewage~~) bridges, roads, domestic water systems, sanitary sewer systems, storm sewer systems, and solid waste/recycling systems.
- (6) "Emergency public works project" means a public works project made necessary by a natural disaster, or an immediate and emergent threat to the public health and safety due to unforeseen or unavoidable circumstances.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-030 Loan and financing guarantee applications. (1) Applications for loans and/or financing guarantees to assist in the financing of critical public works projects may be made by any local government in the state of Washington.

- (2) All applicants must meet the following conditions:
 - (a) Applicant cities and counties must be imposing a real estate excise tax under RCW 82.46.010(2) at a rate of at least one-quarter of one percent;
 - (b) Applicant local governments must have developed a long-term plan for financing public works needs as further described in the loan application package(, and
 - (c) ~~Applicant local governments must be using all local revenue sources that are reasonably available for funding public works, taking into consideration local employment and economic factors.)~~ under "capital facilities planning."

(3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:

- (a) ~~(Direct labor (engineering and/or construction) including related employee benefits.)~~ Work done by employees of the applicant, or by other government employees under an inter-local agreement or contract limited to: Engineering, environmental review, design activities, acquisition of rights of way or property, construction inspection activities, roadway seal coating if bids from private sector contractors have been solicited and compared with the inter-local agreement proposal, and the cleaning, sterilization, or bacteriological testing of water system components prior to public use.

(i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (including the administrative organization of the operating unit involved) (~~for periods of time, actively or incidentally engaged in (A) engineering, (B) acquisition of rights of way, (C) construction inspection activities~~). The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) - employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total

PROPOSED

labor costs for the prior fiscal year and adjusted by known current year variations.

(b) Contract engineering ~~((and))~~, planning, legal, and financial planning services.

(c) Right-of-way acquisition costs including:

(i) Purchase of land and easements acquired for and devoted to the project;

(ii) Purchase of improvements;

(iii) Adjustment or reestablishment of improvements;

(iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;

(v) Removal or demolition of improvement;

(vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: *Provided*, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less which may not use this type of fund shall be allowed the same rates as used by the department of transportation.

(f) Direct materials and supplies. ~~((The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.))~~

(i) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by public works loan funds and may include, but shall not be limited to such items as:

(i) Telephone charges;

(ii) Reproduction and photogrammetry costs;

(iii) Video and photography for project documentation;

(iv) Computer usage; and

(v) Printing and advertising.

(4) Other than work identified in subsection (3)(a) of this section, no government employee labor related costs, including force account work, are eligible for financing assistance or to be considered as local match under this chapter.

(5) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board for the current funding cycle.

~~((5))~~ (6) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-045 Emergency loan program. This section implements RCW 43.155.060 as amended in 1988 to provide that: The board may make low-interest or interest free loans to local governments for emergency public works projects. The emergency loan program is to financially assist eligible communities experiencing the loss of critical public works services or facilities due to an emergency, and that can demonstrate a substantial fiscal need.

(1) Eligible local governments. Applicants must meet the conditions as identified under WAC 399-30-030(2).

(2) Eligible uses of funds. Financial assistance received shall be used for the purpose of restoring the services and/or repair of the public works facilities involved in the emergency. Assistance provided may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following:

(a) Federal disaster or emergency funds, including funds from the Federal Emergency Management Agency;

(b) State disaster or emergency funds;

(c) Insurance settlements; or

(d) Litigation.

Reimbursement from the sources listed above shall be made to the department and shall remain an obligation of the assisted local government up to four years after the date of formal project closeout with the department. Local governments ~~((receiving))~~ eligible to receive such funds shall undertake efforts to be reimbursed in a timely manner. ~~((Further, that assistance will be offered only for those eligible costs identified in WAC 399-30-030(3).))~~

(3) Availability of funds. Funding will be made available on a first-come first-served basis. Only those funds specifically appropriated by the legislature from the public works assistance account shall be used to make emergency loans. That amount shall not exceed five percent of the total amount appropriated from this account in any biennium.

(4) Application process. The application process shall be in writing on such forms or format as may be prescribed and obtained from the board. The date and time of receipt of the application by the board designated representative shall determine the sequence for application processing.

(5) Board deliberations—Emergency loan applications.

(a) The board will consider and approve or disapprove all eligible applications for emergency financial assistance at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(b) All applications will be accepted, evaluated, and prioritized in accordance with the following procedures:

(i) Applications will be accepted only when emergency funding is available.

(ii) Staff will review applications and verify that the applicant is eligible for assistance as set forth in RCW 43.155.070(1).

(iii) Staff will provide the board an evaluation of whether an emergency loan is needed based upon the information documented by the applicant and staff.

(iv) Site visits to the location of the emergency public works project will be carried out at the discretion of the board or staff.

(6) Loan terms. The board shall determine the term and interest rate(s) of emergency loans annually.

(7) Exceptions to public works trust fund policies and procedures. Except as provided in this chapter or specified in annual program guidelines, the emergency program shall follow all general administrative program policies as set for the public works trust fund.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-060 Loan and financing guarantee contracts. (1) The board shall not sign loan agreements or otherwise financially obligate funds from the public works assistance account until the list and accompanying appropriation are approved by the legislature.

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: *Provided*, That the amount loaned to a local government shall not exceed ninety percent of eligible proposed project cost: *Provided further*, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state-shared revenues subject to discretionary allocation by the recipient unit of local government: *Provided further*, That the interest rate and local share requirements for loans shall be determined annually by the board: *Provided further*, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.

(3) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department (~~(of community development)~~) prior to the disbursement of any funds thereunder.

(4) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department (~~(of community development)~~) by the local government within ninety days of the date a scope of work form request is initiated.

(5) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(6) Work on public works projects financed through loans or financing guarantees offered to local governments must commence prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within (~~(thirty months of the date of loan execution)~~) the time specified in the loan agreement, unless a written request for extension is approved by the board.

(8) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department (~~(of community development)~~) may not be reimbursed with funds from the public works assistance account. Such funds may be used by the local government as an element in its required local participation in a project financed by the public works assistance account provided they are used for activities eligible under WAC 399-30-030 and are consistent with the executed loan agreement.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-065 Emergency loan and financing guarantee contracts. (1) After the legislature has appropriated funds from the public works assistance account for emergency loans, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine, if any: *Provided*, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state-shared revenues subject to discretionary allocation by the recipient unit of local government: *Provided further*, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.

(2) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department (~~(of community development)~~) prior to the disbursement of any funds thereunder.

(3) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department of community development by the local government within ninety days of the date a scope of work form request is initiated.

(4) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(5) Work on emergency public works projects financed through loans or financing guarantees offered to local governments must commence within ninety days of the date of loan execution.

(6) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within twelve months of the date of loan

PROPOSED

execution, unless a written request for extension is approved by the board.

(7) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account: *Provided*, That if the local government has made a formal declaration of an emergency, eligible costs for correction of the emergency incurred from the effective date of such declaration, and approved by the public works board, will be eligible for reimbursement. Such eligible costs not reimbursed but incurred before a loan agreement is approved may be used by the local government as an element of its required local participation, if any, for the emergency public works project.

(8) All public works projects shall comply with the competitive bid requirement of RCW 43.155.060 to the extent feasible and practicable.

WSR 98-07-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 12, 1998, 1:59 p.m.]

Supplemental Notice to WSR 98-03-080.

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

Title of Rule: WAC 388-310-1300, WorkFirst, the community jobs wage subsidy program.

Purpose: This new rule sets eligibility and performance standards for a new legislatively mandated program for certain temporary assistance to needy families participants. The change for this second supplemental CR-102, adds new subsection (3), which disregards the first month's wage for participants in a community jobs position, when determining TANF/SFA benefit amount.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.08A.320, EHB 3901, chapter 58, Laws of 1997.

Summary: The change in this second supplemental CR-102, adds a new subsection (3), which disregards the first month's wage for participants in a community jobs position, when determining TANF/SFA benefit amount.

Reasons Supporting Proposal: Expresses intent of federal and state welfare reform legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Linda Rae Alvarado, Lacey Government Center, Olympia, Washington 98504-5480, (360) 413-3244.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets eligibility and performance standards for a new legislatively mandated program for certain temporary assistance to needy families (TANF) participants. This second supplemental CR-102 adds a new subsection (3), which disregards the first month's wage for participants in a community jobs position, when determining TANF/SFA benefit amount.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule concerns only client eligibility.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that apply only to client medical or financial eligibility.

Hearing Location: Lacey Government Center, (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 21, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 10, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by April 21, 1998.

Date of Intended Adoption: No sooner than April 22, 1998.

March 11, 1998

Edith M. Rice, Chief
Office of Legal Affairs

NEW SECTION

WAC 388-310-1300 Community jobs wage subsidy program. The community jobs wage subsidy program is to allow participants to gain skills and experience in a temporary position which helps them move into unsubsidized employment as quickly as possible. In all instances, the term 'department' refers to the department of social and health services (DSHS). The state department of community, trade and economic development (DCTED) administers the community jobs program. DCTED selects community jobs contractors (CJC) by using a competitive "requests for proposal" (RFP) process. DCTED, based upon the successful proposals, develops contracts specific to each selected community jobs contractor.

(1) WorkFirst case managers may assign a TANF/SFA participant to a community jobs (CJ) position when:

(a) The participant has an unsuccessful job search;

(b) The case manager determines the participant needs a supportive work environment to help them become more employable; and

(c) Participants monthly cash grant is sufficient to pay their community jobs wages for twenty hours per week at the federal or state minimum wage, whichever is greater.

(2) The department uses a participant's grant to provide a wage subsidy to the community jobs contractor.

(3) The first month's wages from a community jobs position will be disregarded when determining the grant amount for TANF/SFA participants.

(4) The CJC's develop and manage the CJ positions, pay the wages and provide support services.

(5) Once hired, the department will authorize the participant's wage subsidy for no longer than nine TANF/SFA payment months in that specific position.

(6) While in a subsidized job, CJC's may not hire participants into a community jobs position to do work related to religious, electoral or partisan political activities.

(7) Community jobs participants are employees of the community jobs contractor(s).

(8) Wages from the community jobs wage subsidy program are fully attributable to diverted public assistance funds. These wages are not "earned income" for purposes of eligibility for the WorkFirst fifty percent-earned income disregard, nor for determining income eligibility for food stamps.

(9) The department shall review the appropriateness for continued participation in a community jobs position every ninety days during the nine-month placement. This review shall include:

(a) A review of any earned or unearned income received by the participant or other members of the assistance unit; and

(b) A review of continued TANF/SFA eligibility.

(10) Community jobs participants work an average of twenty hours per week at a wage at least equal to the state or federal minimum wage, whichever is higher. CJ participants are eligible for a twenty percent "work expense" income disregard applied to their gross pay for DSHS purposes when determining TANF/SFA residual grant amounts. In no instance may the wages earned in a community jobs position exceed the participant's authorized TANF/SFA monthly grant amount.

(11) Community jobs participants earn sick leave and annual leave according to the rates designated for part-time employment by their employer - community jobs contractor. If the employer has no guidelines, participants earn sick leave at a rate of four hours each month and vacation leave at a rate of four hours each month. If they exhaust all leave and miss work time, a community jobs participant may make up the missed time. One way to make up missed time is to work extra hours, not to exceed forty hours per week, during the same or immediately succeeding pay period. There is no cash-out value to the participant for accrued sick and annual leave hours remaining at the end of the community jobs assignment.

(12) If the CJ participant earns less than the amount of the authorized TANF/SFA grant, DSHS sends the participant a supplemental payment. A CJ participant's monthly wages and supplemental payment will equal the participant's authorized TANF/SFA grant amount.

(13) Only those employers who take actions that enable a participant to move into other unsubsidized employment will be considered for additional subsidized employees.

(14) The following categories of employers will be considered for employment sites for participants in the community jobs wage subsidy program:

(a) Federal, state or local governmental agencies, and tribal governments; and

(b) Private and tribal nonprofit businesses, charities, and educational institutions.

WSR 98-07-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 13, 1998, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-188.

Title of Rule: Chapter 388-555 WAC, Interpreter services.

Purpose: To codify into WAC existing policies regarding interpreter services for limited-English proficient (LEP), deaf-blind, and deaf hard of hearing clients. Without the enforceability provided by rule, MAA cannot keep its expenditures on track. If funds run out, the program would not survive. Lack of interpreter services could endanger the health, safety, and general welfare of LEP, deaf-blind, and deaf hard of hearing clients due to inability to effectively communicate with their medical providers.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.04.025, 45 CFR Sec. 80.1 and 80.3, 45 CFR Sec. 605.52, 28 CFR, part 35.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Barbara Davis, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504, (360) 586-2337 or bdavis@dshs.wa.gov; Implementation and Enforcement: Nora Guzman-Dyrseth, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504, (360) 586-4195.

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

Rule is necessary because of federal law, 42 USC Sec. 2000d, 29 USC Sec. 794, 42 USC Sec. 12101.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because this proposed rule codifies existing policies, procedures, operational relationships and arrangements, it has no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The Department of Social and Health Services Medical Assistance Administration is preparing a benefit-cost analysis. You can obtain copies of the CBA by contacting the following person: Barbara Davis, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 21, 1998, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Paige Wall by April 10, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, or pwall@dshs.wa.gov, by April 21, 1998.

Date of Intended Adoption: No sooner than April 22, 1998.

March 13, 1998

Edith M. Rice, Chief
Office of Legal Affairs

Chapter 388-555 WAC

INTERPRETER SERVICES

NEW SECTION

WAC 388-555-1000 Definitions. For the purposes of this chapter, the following definitions apply:

"Consecutive appointments" – means appointments beginning or scheduled to begin within fifteen minutes of the last completed appointment.

"Family member" – means any person who is related to the client: a spouse, child, grandmother, grandfather, grandchild, mother, father, sister, brother, cousin, niece, nephew, aunt, uncle, step relations and/or in-laws.

"Independent interpreter" – means any fluent, bilingual/multilingual person, certified by language interpretation services and translation (LIST) in medical terminology, who provides interpreter services for payment and who is not employed by, or a contractor of, any interpreter agency enrolled with the medical assistance administration (MAA). Independent interpreter also means any person fluent in American Sign Language, certified by the National Association for the Deaf (NAD) or Registry for Interpreters for the Deaf (RID).

"Interpreter" – means a person who speaks English and another language fluently or signs American Sign Language fluently. Fluency includes an understanding of nonverbal and cultural patterns necessary to communicate effectively. An interpreter enables clients and medical/health care providers to communicate effectively with each other.

"Interpreter agency" – a business entity, organized under and permitted to operate by the laws of the state of Washington. The main objective or purpose of the agency is to procure interpreter services by employing or contracting with bilingual/multilingual persons on a permanent or part-time basis to provide medical interpreter services for payment to MAA clients. For purposes of this chapter, interpreter agency does not include:

(1) A business entity that employs a person exclusively or regularly to perform other duties, or to perform interpreter services solely in connection with the affairs of that employer; or

(2) A person who is self-employed and is the only bilingual/multilingual employee contracting for the purpose of providing interpreter services to others.

"Language interpretation services and translation" (LIST) – means the section within the department of social and health services (DSHS) that is responsible for certifying and qualifying spoken language interpreters.

"Limited English proficient (LEP)" – means a limited ability or an inability to speak, read, or write English well enough to understand and communicate effectively in normal daily activities. The client decides whether he/she is limited in his/her ability to speak, read, or write English.

"Primary language" – means the language identified by the client as the language in which he/she wishes to communicate. This may also be referred to as the preferred language.

"Qualified interpreter for American Sign Language" – means a noncertified interpreter for the deaf, deaf-blind and/or hard of hearing who is:

- (1) Not certified by NAD or RID; and
- (2) Qualified as determined by the consumer to effectively meet his/her communication needs, both receptively and expressively.

"Qualified interpreter for spoken languages" – means an interpreter who has passed DSHS screening tests in languages other than the DSHS certificated languages as specified in RCW 74.04.025.

"Unit" – means a billable amount of time for interpreter services equal to fifteen minutes.

NEW SECTION

WAC 388-555-1050 Covered services. Interpreters and/or interpreter agencies shall receive payment for interpreter services that are:

- (1) Provided for a client who is:
 - (a) Deaf;
 - (b) Deaf-blind;
 - (c) Hard of hearing; or
 - (d) Limited English proficient.
- (2) Provided during a necessary medical service performed by an eligible provider; and
- (3) Covered under a MAA program for which the client is eligible. For exceptions, see WAC 388-555-1100, Noncovered services.

NEW SECTION

WAC 388-555-1100 Noncovered services. Interpreters and/or interpreter agencies shall not receive payment for interpreter services related to:

- (1) Inpatient hospital services;
- (2) Nursing facility services;
- (3) Community mental health center services;
- (4) The provision of any noncovered service;
- (5) Interpreter services funded or paid for by any other source;
- (6) Interpreter services provided to the interpreter's family members;
- (7) Any person other than an eligible MAA client;

- (8) Medical Assistance client no-shows;
- (9) The interpreter's failure to appear for scheduled services;
- (10) The interpreter's transportation costs or travel time;
- (11) Waiting time before the scheduled appointment; or
- (12) Any block of time when interpreter services are not required by the medical provider to communicate with a medical assistance client.

NEW SECTION

WAC 388-555-1150 Eligible providers. (1) Independent interpreters and/or interpreter agencies are considered eligible providers when they:

- (a) Are enrolled with MAA to provide interpreter services;
- (b) Meet the criteria in WAC 388-87-007, Medical provider agreement, and WAC 388-87-010, Conditions of payment—General.
- (2) To enroll as an independent interpreter for MAA clients, interpreters shall submit the following to the department:
 - (a) Proof of certification which may be either:
 - (i) Number and date of medical certificate from LIST; or
 - (ii) A copy of a RID or NAD certificate for certified sign language interpreters.
 - (b) A Social Security Number, if the interpreter has one;
 - (c) A completed interpreter services core provider agreement;
 - (d) A signed confidentiality pledge;
 - (e) A completed provider information form; and
 - (f) Verification of errors and omissions liability insurance at or over one hundred thousand dollars per occurrence.
- (3) To enroll with MAA as an interpreter agency, the agency shall submit to the department:
 - (a) A completed interpreter services core provider agreement;
 - (b) Verification of errors and omissions liability insurance at or over one million dollars per occurrence;
 - (c) A completed provider information form; and
 - (d) A list of interpreters employed/contracted to provide services to MAA clients, including the following information for each interpreter:
 - (i) A signed confidentiality pledge; and
 - (ii) Number and date of medical certificate from LIST;
- or
 - (iii) A copy of a current RID or NAD certificate for certified sign language interpreters or written description of evaluation process for qualified interpreter status.
- (4) To qualify as an eligible provider, an interpreter agency shall have the capacity to provide interpreter services in:
 - (a) At least three languages, or
 - (b) Fewer than three languages if the languages provided are reflective of a majority of the LEP clients residing within the county(ies) served by the agency. DSHS reports will be used to identify the languages needed in the demographic area.

NEW SECTION

WAC 388-555-1200 Provider requirements. (1) An interpreter or interpreter agency shall not determine the need for interpreter services, nor shall the interpreter market interpreter services to MAA clients. See WAC 388-555-1250, Coordination of services.

(2) An interpreter or interpreter agency shall not require a client to obtain interpreter services exclusive of other interpreters or interpreter agencies.

(3) An interpreter or interpreter agency shall adhere to department policies and procedures regarding confidentiality of client records as stated in WAC 388-501-0150.

(4) An independent interpreter shall enroll with the department as provided in WAC 388-555-1100 and obtain a current medical assistance provider number.

(5) An interpreter or interpreter agency must participate in an orientation which will be scheduled and given by MAA within their first year of contracting with the department. The department may terminate contracts with any provider who does not participate in the orientation.

(6) Interpreter agencies shall assume full legal and financial liability for interpreter services provided by employees and contractors.

NEW SECTION

WAC 388-555-1250 Coordination of services. An interpreter and/or interpreter agency shall:

(1) Facilitate coordination of the appointment dates and times with the medical provider and the client as requested by the medical provider; and

(2) Notify the medical provider of any changes to scheduled appointments at least twenty-four hours in advance.

NEW SECTION

WAC 388-555-1300 Payment. (1) Eligible interpreters and/or interpreter agencies shall only provide services when the following conditions are met:

(a) The client or the medical provider determines that an interpreter is necessary in order for the client to appropriately access necessary medical and health care services covered by the client's medical assistance program;

(b) The medical provider has informed the client that interpreter services are available at no cost to the client; and

(c) The interpreter presents a current identification card with his/her name, such as a driver's license, prior to providing interpreter services.

(2) To the extent permitted under federal law and regulation, the department may provide federal financial participation to match funds expended by public agencies for interpreter services.

NEW SECTION

WAC 388-555-1350 Payment methodology. An interpreter and/or interpreter agency shall receive payment for interpreter services based on:

(1) Funds legislatively provided for interpreter services;

(2) Department allocation of vendor rate increases appropriated by the legislature;

(3) Billable units of time; and

(4) Submitting claims to the department according to billing instructions provided by MAA. All eligible interpreters will be provided with billing instructions.

NEW SECTION

WAC 388-555-1400 Recordkeeping and audits. (1) Interpreters and/or interpreter agencies shall maintain legible, accurate, and complete records in order to support and justify interpretation services provided to medical assistance clients. The types of records that must be maintained are described in the billing instructions.

WSR 98-07-058

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 16, 1998, 8:02 a.m.]

The Washington State Apprenticeship and Training Council is withdrawing its proposed rule amendments for chapter 296-04A WAC, Washington State Apprenticeship and Training Council requirements and standards for approved apprenticeship, in their entirety. Specifically, the following sections are being withdrawn:

Chapter 296-04A WAC, Washington State Apprenticeship and Training Council requirements and standards for approved apprenticeship.

WAC 296-04A-001 How is this chapter divided?

WAC 296-04A-003 What does this chapter cover?

WAC 296-04A-006 What general definitions apply to this chapter?

WAC 296-04A-009 What is the purpose of these rules?

WAC 296-04A-012 What is the value of an approved apprenticeship program?

WAC 296-04A-015 Can any Washington state employer use an approved apprentice?

WAC 296-04A-018 How can an employer utilize apprentices outside of a local geographic area?

WAC 296-04A-025 How does a sponsor begin the application process?

WAC 296-04A-028 What needs to be included in proposed apprenticeship standards?

WAC 296-04A-034 Who do I send the proposed standards to?

WAC 296-04A-037 What action will the council take on proposed standards?

WAC 296-04A-040 When are council meetings held?

WAC 296-04A-043 Who can attend council meetings?

WAC 296-04A-046 Who is given notice of council meetings?

WAC 296-04A-049 When do my materials have to be submitted?

WAC 296-04A-052 After the standards have been approved what are the committee's responsibilities?

WAC 296-04A-055 What are the requirements for an on-the-job training program?

WAC 296-04A-060 What are the requirements for a plant program?

WAC 296-04A-100 Does the council review an approved program?

WAC 296-04A-110 What happens if the committee and an apprentice cannot resolve a dispute?

WAC 296-04A-120 What is the council's apprenticeship program review and enforcement process?

WAC 296-04A-130 Is there a way to have the council review complaints about a training agent?

WAC 296-04A-150 When does an apprentice receive a certificate of completion?

WAC 296-04A-200 Who are the council officers and what are their duties?

WAC 296-04A-210 What are the supervisor's responsibilities?

WAC 296-04A-230 Rules may be amended.

WAC 296-04A-300 What are the important terms in defining a sponsor or employer's equal employment opportunity obligations?

WAC 296-04A-30001 What is the purpose of the affirmative action sections?

WAC 296-04A-330 What are the obligations of an apprenticeship program sponsor?

WAC 296-04A-340 What are the requirements of an affirmative action plan?

WAC 296-04A-350 What obligations or options does a sponsor have in selecting an apprentice?

WAC 296-04A-351 What are an employer's affirmative action responsibilities?

WAC 296-04A-360 Existing lists of eligibles and public notice.

WAC 296-04A-370 What types of records need to be kept?

WAC 296-04A-380 What is the compliance review process?

WAC 296-04A-390 Noncompliance with federal and state equal opportunity requirements.

WAC 296-04A-400 How does an apprentice file a complaint?

WAC 296-04A-410 Can there be schedule adjustments in compliance review or complaint processing?

WAC 296-04A-420 What are the sanctions for noncompliance?

WAC 296-04A-430 Can a program be reinstated?

WAC 296-04A-440 Adoption of consistent state plans.

WAC 296-04A-460 Intimidatory or retaliatory acts.

WAC 296-04A-470 Nondiscrimination.

WAC 296-04A-480 Exemptions to affirmative action plan requirements.

These proposed amendments were filed on November 19, 1997, with a public hearing held on January 14, 1998, WSR 97-23-088.

Melinda Nichols
Chair

WSR 98-07-059**PROPOSED RULES****STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 17, 1998, 8:23 a.m.]

Continuance of WSR 98-06-069, 98-06-070, 98-06-071, 98-06-072, 98-06-073, and 98-06-074.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Purpose: Rules review in compliance with Governor's Executive Order 97-02 pertaining to regulatory improvement.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Title 131 WAC updating for anticipated adoption June 18, 1998, by the State Board for Community and Technical Colleges.

Summary: See Purpose above.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, South 16th Avenue and Nob Hill, Yakima, Washington 98907-1647, on June 18, 1998 at 10 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

March 17, 1998

Claire C. Krueger

Executive Assistant and
Agency Rules Coordinator

WSR 98-07-062**PROPOSED RULES****INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 97-4—Filed
March 17, 1998, 11:58 a.m.]

Continuance of WSR 98-04-083.

Preproposal statement of inquiry was filed as WSR 97-20-140.

Purpose: Continue adoption date to April 17, 1998.

Date of Intended Adoption: April 17, 1998.

March 17, 1998

Edward L. Fleisher

Deputy Insurance Commissioner

WSR 98-07-080**PROPOSED RULES****DEPARTMENT OF HEALTH**

[Filed March 17, 1998, 4:29 p.m.]

Original Notice.

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

Title of Rule: WAC 246-254-070 through 246-254-100, fees for specialized, medical, veterinary, and industrial radioactive material licenses.

Purpose: Revise fees schedule for radioactive material licensure.

Statutory Authority for Adoption: RCW 43.70.110.

Summary: A revision of fee schedule to reflect program costs. The fee increase is below the I-601 fiscal growth of 4.05% for fiscal year 1998.

Reasons Supporting Proposal: Provides for the licensure, review and inspection of facilities that possess, use, or store radioactive material. The licensure, inspections and incident investigations conducted by the program are to ensure maximum protection of the public health and maximum safety to all persons.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry Frazee, Olympia, (360) 236-3221.

Name of Proponent: Department of Health, Environmental Health Programs, Division of Radiation Protection, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is a revision of the fee schedule for the radioactive materials program. The purpose is to increase its fees to allow the program to operate with the current level of service, while simultaneously meeting the overall cost of the program. The individual facility fee increases, for the 41 types of radioactive material users, are in the range of 3.28 to 4.03 percent. The impact that the proposed fee increases will have on individual radioactive materials users depends on the category (laboratory, medical, industrial, specialized), size and type of user. The radioactive materials program expects to receive a total revenue of \$707,730 from the proposed fees. This figure represents an overall increase in revenue of 3.9 percent from the \$681,063 the program would receive using the current fee schedule.

Proposal Changes the Following Existing Rules: The change to the existing rule is a proposed fee increase only.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The radioactive materials program offers a discount of twenty-five percent off the license fee as an appropriate mitigation of the license fee impact for qualified small businesses. In addition, under RCW 19.85.025(2), a small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards. An economic impact analysis has been prepared.

RCW 34.05.328 does not apply to this rule adoption. As stated, this rule is an amendment to the fee schedule for licensure of radioactive materials users. As an adjustment to fees,

PROPOSED

to reflect program costs, pursuant to legislative standards this section is exempt from the significant rule analysis, per RCW 34.05.328 (5)(b)(vi).

Hearing Location: The 7th Floor Conference Room of the Melbourne Tower, 1511 3rd Avenue, Seattle, WA 98101, on April 23, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Michael Odlag by April 20, 1998, TDD (800) 833-6388.

Submit Written Comments to: Terry Frazee, FAX (360) 236-2255, by April 23, 1998.

Date of Intended Adoption: May 1, 1998.

March 17, 1998

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Four thousand (~~three hundred seventy~~) five hundred forty-five dollars for operation of a single nuclear pharmacy.

(b) Seven thousand (~~four hundred sixty~~) seven hundred fifty-five dollars for operation of a single nuclear laundry.

(c) Seven thousand (~~four hundred sixty~~) seven hundred fifty-five dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Two thousand (~~six hundred twenty~~) seven hundred twenty-five dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) (~~Six hundred eighty~~) Seven hundred five dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Five thousand two hundred dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand (~~three hundred seventy~~) four hundred sixty-five dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand (~~sixty~~) one hundred dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) (~~One thousand nine hundred eighty~~) Two thousand fifty-five dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand two hundred (~~forty~~) ninety dollars for a civil defense license.

(k) Three hundred (~~seventy~~) eighty-five dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) (~~Fourteen thousand eight hundred~~) Fifteen thousand three hundred ninety dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) (~~Six thousand eight hundred forty~~) Seven thousand one hundred ten dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Five thousand (~~five hundred~~) seven hundred twenty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of ninety dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

AMENDATORY SECTION (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following

medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand (~~((seven hundred))~~) eight hundred forty-five dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand (~~((seven hundred))~~) eight hundred five dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand (~~((three hundred forty))~~) four hundred thirty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand (~~((seven hundred twenty))~~) eight hundred sixty-five dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) Two thousand eighty dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand two hundred (~~((forty))~~) ninety dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) One thousand (~~((eight hundred eighty))~~) nine hundred fifty-five dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand five hundred sixty dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand one hundred (~~((ten))~~) fifty dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) (~~((Nine hundred eighty))~~) One thousand fifteen dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Six hundred (~~((ten))~~) thirty dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

AMENDATORY SECTION (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Four thousand (~~((three hundred sixty))~~) five hundred thirty dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) (~~((Five thousand eight hundred forty))~~) Six thousand seventy dollars for a license authorizing the use of radio-

graphic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand (~~((eight hundred sixty))~~) nine hundred seventy-five dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Six hundred (~~((twenty))~~) forty-five dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) (~~((Six hundred eighty))~~) Seven hundred five dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Four hundred (~~((thirty))~~) forty-five dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand (~~((one hundred eighty))~~) two hundred twenty-five dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Six thousand (~~((two hundred forty))~~) four hundred ninety dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Five thousand (~~((four hundred forty))~~) six hundred fifty-five dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand (~~((seven hundred forty))~~) eight hundred ten dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Two hundred (~~((eighty))~~) ninety dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of sixty dollars to the department.

AMENDATORY SECTION (Amending WSR 96-11-043, filed 5/8/96, effective 6/28/96)

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) (~~((Two thousand nine hundred eighty))~~) Three thousand ninety-five dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

(iii) Ten millicuries of any single isotope.

PROPOSED

(b) One thousand (~~four hundred eighty~~) five hundred thirty-five dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or

(ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand two hundred (~~forty~~) ninety dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or

(ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or

(iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Four hundred (~~thirty~~) forty-five dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

(i) Less than or equal to 0.01 millicurie of I-125 or I-131; or

(ii) Less than or equal to one millicurie of H-3 or C-14; or

(iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Five hundred (~~seventy~~) ninety-five dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of sixty dollars to the department.

WSR 98-07-081

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 17, 1998, 4:30 p.m.]

Original Notice.

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

Title of Rule: WAC 246-254-053 Radiation machine facility registration fees.

Purpose: Revise the fee schedule for x-ray facilities, clarify language of the rule without changing its effect.

Statutory Authority for Adoption: RCW 43.70.110.

Summary: A revision of the fee schedule to reflect program costs, and clarifying language depicting fee schedule. The fee increase is below 601 fiscal growth for fiscal year 1998.

Reasons Supporting Proposal: Provide for the licensure and inspections of facilities that use x-ray equipment. The

license and inspections are to ensure maximum protection of the public health and the maximum safety to all persons.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Odlaug, Seattle, (206) 464-5408.

Name of Proponent: Department of Health Environmental Health Programs, Radiation Protection Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is a revision of the fee schedule for x-ray facilities found in WAC 246-254-053. A small increase is necessary to ensure that revenue will meet program costs. In addition there will be clarifying language to advocate understanding of the fee schedule and collection of fees from unregistered x-ray facilities. The fees associated with the initial x-ray tube will remain the same. Under the proposed fee increase, the fee associated with additional x-ray tubes will increase from \$124.50 to \$129.00 for medical facilities, and from \$43.50 to \$45.00 for all others. There will be no effect to a single tube chiropractor or doctor. The anticipated effect for a three x-ray tube dentist is an increase in fees of 1.1% and with respect to a ten x-ray tube hospital there would be a fee increase of 2.8%.

Proposal Changes the Following Existing Rules: The fees associated with the first or initial x-ray tubes remains unchanged. The fees for additional x-ray tubes will have a small increase. Language has also been modified for clarification.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Fee impact on small business has been mitigated through the structure of the fee schedule. The fees you pay are based on the number of x-ray tubes your facility operates. A small facility that has a single tube, pays a fee based on a single x-ray tube, while a larger business that operates many tubes will pay a higher fee, based on the number of tubes that are operated. The more tubes you operate the larger your fee. In addition, under RCW 19.85.025, a small business impact statement is not required for rules that set or adjust fees pursuant to legislative standards. An economic impact analysis has been prepared.

RCW 34.05.328 does not apply to this rule adoption. As stated, this rule is an amendment to the fee schedule for radiation machine facility registration. As an adjustment to fees, to reflect program costs, pursuant to legislative standards this section is exempt from the significant rule analysis, per RCW 34.05.328 (5)(b)(iv).

Hearing Location: The 7th Floor Conference Room of the Melbourne Tower, 1511 3rd Avenue, Seattle, WA 98101, on April 23, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Michael Odlaug by April 20, 1998, TDD (800) 833-6388.

Submit Written Comments to: Michael Odlaug, FAX (206) 464-5408, by April 21, 1998.

Date of Intended Adoption: May 1, 1998.

March 17, 1998

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending WSR 98-01-047, filed 12/8/97, effective 1/8/98)

WAC 246-254-053 Radiation machine facility registration fees. (1) Persons owning and/or leasing and using radiation-producing machines shall submit a ~~((ninety))~~ forty-five dollar registration fee to the department at the time of application and every ~~((two))~~ year~~((s))~~ thereafter. In addition, the annual tube fees are:

(a) Group A - For ~~((dentists, veterinarians, and podiatrists))~~ dental, veterinary, and podiatric uses, ~~((add))~~:

(i) ~~((Ninety))~~ Forty-five dollars for the first tube in Group A; and

(ii) ~~((Forty-three))~~ Twenty-two dollars and fifty cents for each additional tube.

(b) Group B - For hospitals and medical or chiropractic ~~((facilities))~~ uses, ~~((add))~~:

(i) ~~((Two hundred fifty))~~ One hundred twenty-five dollars for the first tube in Group B; and

(ii) ~~((One hundred twenty-four))~~ Sixty-four dollars and fifty cents for each additional tube.

(c) Group C - For industrial, research, and other uses, ~~((add))~~:

(i) ~~((One hundred forty))~~ Seventy dollars for the first tube in Group C; and

(ii) ~~((Forty-three))~~ Twenty-two dollars and fifty cents for each additional tube.

(d) Group D - No tube fee shall be charged for electron microscopes, mammographic X-ray machines, bone densitometers or airport baggage cabinet X-ray systems.

(2) The department shall charge a maximum annual total fee of ~~((five thousand five hundred))~~ two-thousand eight-hundred twenty-five dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) A penalty fee of ~~((ninety))~~ forty-five dollars shall be charged for late registration or late reregistration. See WAC 246-224-020 and 246-224-050.

(4) A fee of ninety dollars per X-ray room shall be charged for review of ~~((medical))~~ X-ray shielding calculations and floor plans submitted under WAC 246-225-030. ~~((This fee shall be added to the registration fee described above.))~~

(5) A penalty fee of ~~((ninety))~~ forty-five dollars shall be charged to a facility where submittal of ~~((medical))~~ X-ray shielding calculations and floor plans ~~((is))~~ required by WAC 246-225-030 was not made before the X-ray machine installation ~~((as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.))~~.

(6) Facilities electing to consolidate X-ray machine registrations into a single registration shall ~~((be able to demonstrate and))~~ document in writing to DOH that their ~~((businesses))~~ facilities are under one business license.

(7) ~~((No additional tube fee shall be charged for electron microscopes, mammographic x ray machines or airport baggage cabinet x ray systems. Only the base registration fee described above is applicable.))~~ Any X-ray facility found unregistered will be billed registration fees for the period of time since X-ray machine installation and/or operation.

~~gage cabinet x ray systems. Only the base registration fee described above is applicable.))~~ Any X-ray facility found unregistered will be billed registration fees for the period of time since X-ray machine installation and/or operation.

WSR 98-07-082
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:31 p.m.]

Original Notice.

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

Title of Rule: WAC 246-290-900 Water system evaluation and project review and approval fees and 246-292-160 Water works certification fees.

Purpose: The proposed amendments will raise fees described in WAC 246-290-990 and 246-292-160 by the FY98 fiscal growth factor of 4.05%.

Statutory Authority for Adoption: RCW 43.20B.020.

Summary: The increases in service fees and operator certification fees are necessary to meet increased program costs due to a 3% cost of living adjustment in salaries in July of 1997 as well as costs associated with fulfilling the operator certification requirements mandated in the reauthorized federal Safe Drinking Water Act.

Reasons Supporting Proposal: This fee increase is necessary to continue public health activities at current levels.

Name of Agency Personnel Responsible for Drafting: Tom Jaenicke, 7171 Cleanwater Lane, Building 3, (360) 236-3094; Implementation: Peggy Johnson, 7171 Cleanwater Lane, Building 3, (360) 236-3101; and Enforcement: Linda Chapman, 7171 Cleanwater Lane, Building 3, (360) 236-3156.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The fees contained in WAC 246-290-990 cover a wide range of services and vary according to the service performed and water system size. Therefore, the rule's effect on a given water system will depend on the size of the water system and the type of service provided by the program. Table 1, below, shows how select fees for water systems of size 100 to 500 services would be affected by a 4.05 percent increase. The operator certification fees in WAC 246-292-160 enable the department to run an operator certification program that ensures that systems operate under appropriate standards and that water works operators are adequately educated and trained. Tables 2 and 3 demonstrate how the certification fees in WAC 246-292-160 would increase for water systems and individual operators.

Table 1. Various service fees under WAC 246-290-990.

Service provided	Current fee	New fee with 4.05% increase
Review of water system plan	\$929	\$966
Review of engineering report for a complete water system	\$600	\$624

PROPOSED

Review of construction documents that do not require a detailed evaluation	\$600	\$624
Miscellaneous services (for all size systems)	\$81 per hour	\$84 per hour

Table 2. Annual system certification fees under WAC 246-292-160.

Service provided	Current fee	New fee with 4.05% increase
Less than 601 Services	\$75	\$78
601 through 6,000 Services	\$225	\$234
6,001 through 20,000 Services	\$300	\$312
More than 20,000 Services	\$450	\$468

Table 3. Water works operator fees under WAC 246-292-160.

Operator Classification	Current Application fee	New fees with 4.05% increase
Water Treatment Plant Operator	\$50	\$52
Water Distribution Manager	\$50	\$52
Water Distribution Specialist	\$50	\$52
Cross-connection Control Specialist	\$30	\$31
Backflow Assembly Tester	\$30	\$31
Basic Treatment Operator	\$30	\$31
	Current reapplication, late and annual renewal fees	New fees with 4.05% increase
All classes	\$25	\$26

Proposal Changes the Following Existing Rules: The proposal increases fees and also clarifies that sanitary surveys are among the services for which the program charges an hourly rate.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment proposal is a fee increase. A small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards, but an agency economic impact analysis has been prepared.

RCW 34.05.328 does not apply to this rule adoption. A significant rule analysis is not required for rules that set or adjust fees or rates pursuant to legislative standards.

Hearing Location: Conference Room A & B, Building 3, Airdustrial Center, 7171 Cleanwater Lane, Tumwater, WA 98504, on April 22, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Tom Jaenicke by April 15, 1998, TDD (800) 833-6388.

Submit Written Comments to: Tom Jaenicke, Department of Health, P.O. Box 47822, Olympia, WA 98504, FAX (360) 236-2252, by April 22, 1998.

Date of Intended Adoption: May 1, 1998.

March 17, 1998
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 97-12-032, filed 5/30/97, effective 6/30/97)

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, and 246-295 WAC shall be as follows:

(a) Water system plans required under WAC 246-290-100, ~~246-291-140~~, 246-293-220, and 246-293-230.

PROPOSED

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	((109-00)) <u>\$113.00</u>	381-00 <u>\$396.00</u>	929-00 <u>\$966.00</u>	1,754-00 <u>\$1,825.00</u>	2,851-00 <u>\$2,966.00</u>	4,219-00)) <u>\$4,389.00</u>
Minor water system plan alteration	((27-00)) <u>\$ 28.00</u>	92-00 <u>\$ 95.00</u>	229-00 <u>\$238.00</u>	438-00 <u>\$455.00</u>	710-00 <u>\$738.00</u>	1,039-00)) <u>\$1,081.00</u>

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

Project Type	((Group B))	((Group A)) Total Active or Approved Services				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
SMA plan for ownership (New and Updated)	((No plan required))	381-00 <u>\$396.00</u>	929-00 <u>\$966.00</u>	1,754-00 <u>\$1,825.00</u>	2,851-00 <u>\$2,966.00</u>	4,219-00)) <u>\$4,389.00</u>
SMA approval amendment	((No amendment required))	81-00-))	<u>\$84.00 per hour or appropriate fee from category above, whichever is less</u>			
SMA plan for operation only (New and Updated)	((No plan required))	929-00 <u>\$966.00</u>	929-00 <u>\$966.00</u>	929-00 <u>\$966.00</u>	929-00 <u>\$966.00</u>	929-00)) <u>\$966.00</u>

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-135, and 246-291-140 including:

(i) Conservation; and

(ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ~~((eighty-one))~~ eighty-four dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

PROPOSED

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	((271.00)) <u>\$281.00</u>	548.00 <u>\$570.00</u>	851.00 <u>\$885.00</u>	1,232.00 <u>\$1,281.00</u>	1,697.00 <u>\$1,765.00</u>	2,250.00)) <u>\$2,341.00</u>
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	((81.00)) <u>\$ 84.00</u>	161.00 <u>\$167.00</u>	271.00 <u>\$281.00</u>	407.00 <u>\$423.00</u>	574.00 <u>\$597.00</u>	767.00)) <u>\$798.00</u>
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	((161.00)) <u>\$167.00</u>	381.00 <u>\$396.00</u>	600.00 <u>\$624.00</u>	877.00 <u>\$912.00</u>	1,206.00 <u>\$1,254.00</u>	1,587.00)) <u>\$1,651.00</u>
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	((109.00)) <u>\$113.00</u>	271.00 <u>\$281.00</u>	438.00 <u>\$455.00</u>	658.00 <u>\$684.00</u>	929.00 <u>\$966.00</u>	1,253.00)) <u>\$1,303.00</u>

- (e) Special reports or plans required under WAC 246-290-115, 246-290-230, 246-291-230, 246-290-250, 246-290-470, 246-290-636, 246-290-654, and 246-290-676 including:
- (i) Corrosion control recommendation report;
 - (ii) Corrosion control study;
 - (iii) Plan to cover uncovered reservoirs;
 - (iv) Predesign study;
 - (v) Uncovered reservoir plan of operation;
 - (vi) Tracer study plan;
 - (vii) Surface water or GWI treatment facility operations plan; or
 - (viii) Filtration pilot study, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ~~((eighty-one))~~ eighty-four dollars per hour.
- (f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

PROPOSED

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	((271.00)) <u>\$281.00</u>	548.00 <u>\$570.00</u>	851.00 <u>\$885.00</u>	1,232.00 <u>\$1,281.00</u>	1,697.00 <u>\$1,765.00</u>	2,250.00)) <u>\$2,341.00</u>
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	((81.00)) <u>\$ 84.00</u>	161.00 <u>\$167.00</u>	271.00 <u>\$281.00</u>	407.00 <u>\$423.00</u>	574.00 <u>\$597.00</u>	767.00)) <u>\$798.00</u>
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	((219.00)) <u>\$227.00</u>	490.00 <u>\$509.00</u>	710.00 <u>\$738.00</u>	987.00 <u>\$1,026.00</u>	1,316.00 <u>\$1,369.00</u>	1,697.00)) <u>\$1,765.00</u>
New source only (an additional fee shall be assessed for review of treatment facility, if any)	((161.00)) <u>\$167.00</u>	297.00 <u>\$309.00</u>	407.00 <u>\$423.00</u>	548.00 <u>\$570.00</u>	710.00 <u>\$738.00</u>	903.00)) <u>\$939.00</u>
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	((109.00)) <u>\$113.00</u>	188.00 <u>\$195.00</u>	297.00 <u>\$309.00</u>	438.00 <u>\$455.00</u>	600.00 <u>\$624.00</u>	793.00)) <u>\$825.00</u>

PROPOSED

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects:						
Comply with design standards established by the department;						
Are prepared by a professional engineer in accordance with WAC 246-290-040; and						
Do not require a detailed evaluation by the department.	((52.00 <u>\$ 54.00</u>	94.00 <u>\$ 97.00</u>	+56.00 <u>\$162.00</u>	219.00 <u>\$227.00</u>	302.00 <u>\$314.00</u>	396.00)) <u>\$412.00</u>

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	((208.00 <u>\$216.00</u>	417.00 <u>\$433.00</u>	626.00 <u>\$651.00</u>	835.00 <u>\$868.00</u>	+1,044.00 <u>\$1,086.00</u>	+1,253.00)) <u>\$1,303.00</u>
NONEXPANDING system requiring a detailed evaluation as determined by the department	((313.00 <u>\$325.00</u>	626.00 <u>\$651.00</u>	940.00 <u>\$978.00</u>	+1,253.00 <u>\$1,303.00</u>	+1,566.00 <u>\$1,629.00</u>	+1,880.00)) <u>\$1,956.00</u>
EXPANDING system not requiring a detailed evaluation by the department	((417.00 <u>\$433.00</u>	835.00 <u>\$868.00</u>	+1,253.00 <u>\$1,303.00</u>	+1,671.00 <u>\$1,738.00</u>	2,089.00 <u>\$2,173.00</u>	2,506.00)) <u>\$2,607.00</u>
EXPANDING system requiring a detailed evaluation as determined by the department	((522.00 <u>\$543.00</u>	+1,044.00 <u>\$1,086.00</u>	+1,566.00 <u>\$1,629.00</u>	2,089.00 <u>\$2,173.00</u>	2,611.00 <u>\$2,716.00</u>	3,133.00)) <u>\$3,259.00</u>

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	((73.00)) <u>\$ 75.00 per source</u>	((99.00)) <u>\$103.00 per source</u>	((125.00)) <u>\$130.00 per source</u>	((151.00)) <u>\$157.00 per source</u>	((177.00)) <u>\$184.00 per source</u>
Organic chemical monitoring waiver	Not applicable	((130.00)) <u>\$135.00 per source</u>	((182.00)) <u>\$189.00 per source</u>	((235.00)) <u>\$244.00 per source</u>	((287.00)) <u>\$298.00 per source</u>	((339.00)) <u>\$352.00 per source</u>
Use waiver	Not applicable	((156.00)) <u>\$162.00 per source</u>	((208.00)) <u>\$216.00 per source</u>	((266.00)) <u>\$276.00 per source</u>	((313.00)) <u>\$325.00 per source</u>	((365.00)) <u>\$379.00 per source</u>
Area wide waiver renewal	Not applicable	((208.00)) <u>\$216.00 per source</u>	((287.00)) <u>\$298.00 per source</u>	((365.00)) <u>\$379.00 per source</u>	((443.00)) <u>\$460.00 per source</u>	((522.00)) <u>\$543.00 per source</u>
Inorganic chemical monitoring waiver renewal	Not applicable	((41.00)) <u>\$ 42.00 per source</u>	((52.00)) <u>\$ 54.00 per source</u>	((62.00)) <u>\$ 64.00 per source</u>	((73.00)) <u>\$ 75.00 per source</u>	((83.00)) <u>\$ 86.00 per source</u>
Organic chemical monitoring waiver renewal	Not applicable	((78.00)) <u>\$ 81.00 per source</u>	((109.00)) <u>\$113.00 per source</u>	((141.00)) <u>\$146.00 per source</u>	((172.00)) <u>\$178.00 per source</u>	((203.00)) <u>\$211.00 per source</u>
Use waiver renewal	Not applicable	((109.00)) <u>\$113.00 per source</u>	((146.00)) <u>\$151.00 per source</u>	((182.00)) <u>\$189.00 per source</u>	((219.00)) <u>\$227.00 per source</u>	((255.00)) <u>\$265.00 per source</u>
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	((329.00)) <u>\$342.00</u>	407.00 <u>\$423.00</u>	517.00 <u>\$537.00</u>	658.00) <u>\$684.00</u>	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	((104.00)) <u>\$108.00</u>	104.00 <u>\$108.00</u>	104.00 <u>\$108.00</u>	104.00) <u>\$108.00</u>	Not applicable

PROPOSED

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	((161.00)) \$167.00	240.00 \$249.00	282.00 \$293.00	349.00 \$363.00	438.00 \$455.00	548.00 \$570.00
Regulatory monitoring plan ¹	No plan required	((156.00)) \$162.00	208.00 \$216.00	261.00 \$271.00	313.00 \$325.00	365.00 \$379.00
Unfiltered system annual comprehensive report	Not applicable	((313.00)) \$325.00	522.00 \$543.00	731.00 \$760.00	940.00 \$978.00	1,148.00 \$1,194.00
<p>¹ A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300 (2)(b), (3)(f), and (7)(e).</p>						
Water system compliance report	((54.00)) \$ 95.00	92.00 \$ 95.00	92.00 \$ 95.00	92.00 \$ 95.00	92.00 \$ 95.00	\$ 95.00

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of ~~((eighty-one))~~ eighty-four dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ~~((eighty-one))~~ eighty-four dollars per hour.

Examples of these services include, but are not limited to:

- (i) Review and inspection of water reuse projects;
- (ii) Collection of water quality samples requested by purveyor; ~~((or))~~
- (iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative; or
- (iv) Sanitary surveys, including the annual on-site inspections required for systems under the WAC 246-290-690(3) to assess watershed control and disinfection treatment.

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

PROPOSED

AMENDATORY SECTION (Amending WSR 94-04-004, filed 1/20/94, effective 2/20/94)

WAC 246-292-160 Water works certification fees. (1)

Operator fees:

(a) Applicable fees shall be as indicated in Table 2;

Table 2
WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	(\$ 50.00) \$ 52.00	\$ 25.00 \$ 26.00	\$ 25.00* \$ 26.00 *	\$ 25.00* \$ 26.00 *
WDM	(\$ 50.00) \$ 52.00	\$ 25.00 \$ 26.00	\$ 25.00* \$ 26.00 *	\$ 25.00* \$ 26.00 *
WDS	(\$ 50.00) \$ 52.00	\$ 25.00 \$ 26.00	\$ 25.00* \$ 26.00 *	\$ 25.00* \$ 26.00 *
CCS	(\$ 30.00) \$ 31.00	\$ 25.00 \$ 26.00	\$ 25.00* \$ 26.00 *	\$ 25.00* \$ 26.00 *
BAT	(\$ 30.00) \$ 31.00	\$ 25.00 \$ 26.00	\$ 25.00 \$ 26.00	\$ 25.00) \$ 26.00
BTO	(\$ 30.00) \$ 31.00	\$ 25.00 \$ 26.00	\$ 25.00 \$ 26.00	\$ 25.00) \$ 26.00

* The annual renewal fee and late fee for a WTPO, WDM, WDS and CCS certification shall be ~~((twenty-five))~~ twenty-six dollars regardless of the number of classifications held.

(b) A late fee shall be assessed to operators failing to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity shall be one hundred four dollars per classification.

(2) Group A system fees:

(a) Applicable fees shall be as indicated in Table 3.

Table 3
ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE * (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	(\$ 75.00) \$ 78.00
601 through 6,000 Services	(\$ 225.00) \$ 234.00
6,001 through 20,000 Services	(\$ 300.00) \$ 312.00
More than 20,000 Services	(\$ 450.00) \$ 468.00

* Systems designated by the department as approved satellite management agencies (SMAS) shall pay a fee based on total services in all systems owned by the SMA.

(b) Group A system fees shall be paid in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) A late fee shall be assessed against any system not submitting the applicable fee to the department within the designated time period. The late fee shall be based on the water system's classification and shall be an additional ten percent of the applicable system fee or ~~((twenty-five))~~ twenty-six dollars, whichever is greater.

(d) The system fee for issuance of a temporary certificate shall be ~~((fifty))~~ fifty-two dollars for each temporary position.

(3) Fees shall be nonrefundable and transfers of fees shall not be allowed.

(4) Payment of fees required under this chapter shall be in the form of a check or money order made payable to the department of health and shall be mailed to Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department.

WSR 98-07-083
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-08-024.

Title of Rule: WAC 246-828-025 Definitions. Definition of education requirements for voluntary certification.

Purpose: Rules are needed to provide definition of education requirements for certification. Individuals applying for certification must have a degree from a board-approved institution and complete clinical practicum experience defined by the board. Rules providing definitions for these institutions and the practicum will clarify the requirements necessary for certification.

Statutory Authority for Adoption: RCW 18.35.040 (2)(b) and 18.35.161.

Statute Being Implemented: RCW 18.35.040 (2)(b).

Summary: Certification applicants are required to have a degree from a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board.

Reasons Supporting Proposal: There is currently no board definition of approved institution of higher learning or supervised clinical practicum experience.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Diane Young, 1300 Quince Street S.E., Olympia, (360) 586-0205.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clearly defines board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as required by RCW 18.35.040 (2)(b). The rule is anticipated to protect the public from incompetent and inadequately trained individuals, who chose to become certified, from providing hearing and speech health care services.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement
and
Economic Impact Analysis

This report contains, the economic impact analysis used by health professions quality assurance in determining program costs associated with education requirements.

Background: The state of Washington recognizes speech-language pathology as a profession that provides services related to the development and disorders that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of communication. These services are provided in a number of professional health care and educational settings to infants, children, adults and elderly.

The state of Washington recognizes audiology as a profession that provides services related to hearing and the disorders of hearing and to related language and speech disorders, that impede the normal process of communication. It is also acknowledged that this profession fits and dispenses hearing instruments and provides cerumen management. These services are provided in a number of professional health care and education settings to infants, children, adults and elderly.

The proposed regulation of speech-language pathologists and audiologists is intended to protect the public from being misled by incompetent, unethical and unauthorized persons; and to assure the availability of hearing and speech services of high quality to citizens of Washington state.

The potential for physical, economical and mental harm compelled the industry to seek regulation. Some examples of harm that could and have resulted from incompetent practice include: Defrauding individuals of thousands of dollars; failure to recognize early signs of chronic disease and misuse of hearing instrumentation causing infections or lacerations of the ear or perforation of the ear drum.

Pursuant to RCW 18.35.040(2), applicants for certification as a speech-language pathologist or audiologist must have a master's degree from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board and must complete postgraduate professional work experience approved by the board.

E SHB 2309 expanded the professionals regulated under chapter 18.35 RCW to include not only hearing instrument fitter/dispensers as it did previously but also audiologists and

speech-language pathologists. The new regulation creates a voluntary certification for speech-language pathologists and audiologists. The proposed rules will clarify the education requirements necessary for certification.

Economic Impact Analysis

Costs to a Business: Due to the voluntary nature of certification of speech-language pathologists there is no imposed impact on business. Those individuals who were practicing in the profession on June 6, 1996, will experience no impact by the rules defining commonly accepted standards as all individuals with current certification from the national organization or from the state of Washington Superintendent of Public Instruction or the equivalent will be granted a certificate without obtaining further education, training or testing. Research demonstrates that the majority of professionals currently practicing meet these requirements. As the proposed education requirements are a reflection of the requirements of the American Speech-Language and Hearing Association.

There would be no disproportionate affect on small and large entities. The regulated entities are all small businesses. These businesses have been involved in work groups to develop the rules defining the education requirements for the profession and suggestions submitted by individuals in writing have been incorporated into the proposed rule.

Department of Health Costs to Administer the Regulation: Audiology and speech-language pathology are newly regulated health professions; therefore, there is no program history on cost. Estimated expenditures are based on the Department of Health standard cost factors for budgeting. These include phase-in costs support staffing, purchase of workstation furniture and other equipment, purchase of attorney general services, the Department of Health investigation services and agency indirect costs.

This revenue must be collected from fees assessed on the regulated entities.

The required program revenue includes funds to support both start-up costs as well as recurring expenses for program administration.

The following table illustrates overall administration cost and estimated revenue.

Fees	Cert. App.	Initial Cert.		
	\$ 125.00	\$ 100.00		
Annual volume revenue	76.5	76.5		
	\$9,562.50	\$7,650.00	Total revenue from certificates issued	\$17,212.50
DOH time review	Program staff time for Clerk typist 3 at \$12.40hr and Program Manager at \$19.10hr			
processing	20 minutes	x \$12.40hr = \$4.09		
certification	20 minutes	x \$12.40hr = \$4.09		
review	15 minutes	x \$12.40hr = \$3.10		
	30 minutes	x \$19.10hr = \$9.55		
		\$3.10		
		\$4.09		
		\$4.09		
		\$11.28		

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cost of application review and processing time multiplied by expected annual volume		
	\$11.28	\$9.55
	76.5	15
	<hr/>	
	\$862.92	\$143.25
		\$1,006.17

Equipment	Start-up of new program workstation/desk	\$3,000.00	
	computer	\$4,500.00	
	printer	\$5,000.00	
	software	\$475.00	
	calculators	\$225.00	
		<hr/>	\$13,200.00

	\$13,200.00
Subtotal	\$14,206.17
Agency Indirect (20.5%)	\$2,912.26
Total cost of administering program	\$17,118.43

A copy of the statement may be obtained by writing to Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 586-0205, or FAX (360) 586-7840.

RCW 34.05.328 does not apply to this rule adoption. This rule does not subject a person to a penalty sanction; does not establish, alter or revoke a qualification or standard for licensure (speech-language pathology and audiology certification is voluntary); and does not make significant amendment to a policy or regulatory program. This rule adopts the definition of an institution of higher learning and supervised clinical practicum that has been established by the professions national association.

Hearing Location: WSU-Spokane, 601 West First Avenue, Spokane, WA 99204, on May 5, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Betty Bird by April 28, 1998, TDD (800) 525-0127, or (360) 586-8577.

Submit Written Comments to: Department of Health, Diane Young, P.O. Box 47869, Olympia, WA 98504-7869, FAX (360) 586-7840, by May 1, 1998.

Date of Intended Adoption: May 21, 1998.

February 24, 1998
Delores E. Spice
Executive Director

NEW SECTION

WAC 246-828-025 Definitions. (1) "Board-approved institution of higher education" means an institution offering a Washington higher education coordinating board-accredited program in audiology or speech-language pathology leading to a master's degree, or an equivalent program as determined by the board.

(2) "Postgraduate professional work experience" means a full-time professional experience, or the part-time equivalent, involving direct patient/client contact, consultations, recordkeeping, and administrative duties relevant to a bona fide program of clinical work.

(a) "Full-time professional experience" means a minimum of 30 hours per week over 36 weeks. Postgraduate pro-

fessional work experience cannot be obtained in fewer than 36 weeks.

(b) "Part-time equivalent" means any of the following:

- (i) 15-19 hours per week over 72 weeks;
- (ii) 20-24 hours per week over 60 weeks;
- (iii) 25-29 hours per week over 48 weeks.

(c) Professional experience of fewer than 15 hours per week cannot be counted toward postgraduate professional work experience.

WSR 98-07-084
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed March 17, 1998, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-08-023.

Title of Rule: WAC 246-828-020 Examinations, definition of examination requirements for voluntary certification and licensure.

Purpose: Rules are needed to define the examination process required for certification of audiologists and speech-language pathologists and licensure of hearing instrument fitter/dispensers. Rules will provide those individuals desiring certification or licensure with the needed information regarding eligibility.

Statutory Authority for Adoption: RCW 18.35.040 and 18.35.161.

Statute Being Implemented: RCW 18.35.050.

Summary: The proposed amendments adopt the National Examination in Speech-language pathology and audiology as the required examination for certification of speech-language pathologists and audiologists and the state hearing instrument fitter/dispenser examination for audiology certification. The amendments also eliminate the practical exam required for hearing instrument fitter/dispenser licensure.

Reasons Supporting Proposal: There are currently no examination requirements defined for speech-language pathology or audiology certification and the 1996 requirement of apprenticeship training for hearing instrument fitter/dispenser licensure, the practical examination is no longer necessary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Diane Young, 1300 Quince Street S.E., Olympia, (360) 586-0205.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This clearly defines the examination requirements that must be met to obtain voluntary certification or licensure. The rule is anticipated to prevent incompetent and inadequately trained individuals from harming the consumers of hearing and speech health care services.

Proposal Changes the Following Existing Rules: The amendments define the examination requirements [of] the newly regulated audiologists and speech-language pathologists and eliminates the practical portion of the existing examination requirements for hearing instrument fitter/dispenser licensure.

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

Small Business Economic Impact Statement and Economic Impact Analysis

This report contains, the economic impact analysis used by health professions quality assurance in determining program costs associated with examination requirements for speech-language pathologists and audiologists.

Background: The state of Washington recognizes speech-language pathology as a profession that provides services related to the development and disorders that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of communication. These services are provided in a number of professional health care and educational settings to infants, children, adults and elderly.

The state of Washington recognizes audiology as a profession that provides services related to hearing and the disorders of hearing and to related language and speech disorders, that impede the normal process of communication. It is also acknowledged that this profession fits and dispenses hearing instruments and provides cerumen management. These services are provided in a number of professional health care and education settings to infants, children, adults and elderly.

The regulation of speech-language pathologists and audiologists is intended to protect the public from being misled by incompetent, unethical and unauthorized persons; and to assure the availability of hearing and speech services of high quality to citizens of Washington state.

The potential for physical, economical and mental harm compelled the industry to seek regulation. Some examples of harm that could and have resulted from incompetent practice include: Defrauding individuals of thousands of dollars; fail-

ure to recognize early signs of chronic disease and misuse of hearing instrumentation causing infections or lacerations of the ear or perforation of the ear drum.

Pursuant to RCW 18.35.040(2), applicants for certification as a speech-language pathologist or audiologist must satisfactorily complete the speech-language pathology or audiology examinations required by chapter 18.35 RCW.

Pursuant to RCW 18.35.050, nationally recognized examinations in the fields of speech-language pathology and audiology may be used to determine if applicants are qualified for certification.

ESHB 2309 expanded the professionals regulated under chapter 18.35 RCW to include not only hearing instrument fitter/dispensers as it did previously but also audiologists and speech-language pathologists. The new regulation creates a voluntary certification for speech-language pathologists and audiologists. The proposed rules will clarify the examination requirements necessary for certification.

Economic Impact Analysis

Costs to a Business: Due to the voluntary nature of certification of speech-language pathologists and audiologists there is no imposed impact on business. Those individuals who were practicing in the profession on June 6, 1996, will experience no impact by the rules defining examination requirements as all individuals with current certification from the national organization or from the state of Washington Superintendent of Public Instruction or the equivalent will be granted a certificate without obtaining further education, training or testing. Research demonstrates that the majority of professionals currently practicing meet these examination requirements. As the proposed examination requirements are a reflection of the requirements of the American Speech-Language and Hearing Association.

There would be no disproportionate affect on small and large entities. The regulated entities are all small businesses. These businesses have been involved in work groups to develop the rules defining the examination requirements for the profession and suggestions submitted by individuals in writing have been incorporated into the proposed rule.

Department of Health Costs to Administer the Regulation: Audiology and speech-language pathology are newly regulated health professions; therefore, there is no program history on cost. Estimated expenditures are based on the Department of Health standard cost factors for budgeting. These include phase-in costs support staffing, purchase of workstation furniture and other equipment and agency indirect costs.

This revenue must be collected from fees assessed on the regulated entities.

The required program revenue includes funds to support both start-up costs as well as recurring expenses for program administration.

The following table illustrates overall administration cost and estimated revenue.

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Fees	Cert. App.	Initial Cert.		
Annual volume revenue	\$ 125.00 76.5	\$ 100.00 76.5	Total revenue from certificates issued	\$17,212.50
DOH time review processing certification review	Program staff time for Clerk typist 3 at \$12.40hr and Program Manager at \$19.10hr 20 minutes x \$12.40hr = \$4.09 20 minutes x \$12.40hr = \$4.09 15 minutes x \$12.40hr = \$3.10 30 minutes x \$19.10hr = \$9.55 \$3.10 \$4.09 \$4.09 <hr/> \$11.28			
	cost of application review and processing time multiplied by expected annual volume \$11.28 \$9.55 76.5 15 <hr/> \$862.92 \$143.25			\$1,006.17
Equipment	Start-up of new program workstation/desk \$3,000.00 computer \$4,500.00 printer \$5,000.00 software \$475.00 calculators \$225.00 <hr/> \$13,200.00			\$13,200.00
	Subtotal			\$14,206.17
	Agency Indirect (20.5%)			\$2,912.26
	Total cost of administering program			\$17,118.43

A copy of the statement may be obtained by writing to Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 586-0205, FAX (360) 586-7840.

RCW 34.05.328 does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for certification or licensure; and does not make significant amendment to a policy or regulatory program. This rule defines the examinations required by chapter 18.35 RCW,

Hearing Location: WSU-Spokane, 601 West First Avenue, Spokane, WA 99204, on May 5, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Betty Bird by April 28, 1998, TDD (800) 525-0127, or (360) 586-8577.

Submit Written Comments to: Department of Health, Diane Young, P.O. Box 47869, Olympia, WA 98504-7869, FAX (360) 586-7840, by May 1, 1998.

Date of Intended Adoption: June 5, 1998.

March 5, 1998
Delores E. Spice
Executive Director

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-020 Examinations. (1) The examination required of hearing instrument fitter/dispenser license applicants shall be ~~((in three parts: One))~~ a written ~~((and two practical))~~ examination.

~~((2))~~ (a) The minimum passing grade shall be seventy ~~((percent for each part))~~ or greater to pass the required examination for licensure.

~~((3))~~ ~~In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.~~

~~((4))~~ (b) Applications for examinations shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

(c) A national examination or examination administered by another licensing jurisdiction approved by the board may be accepted in lieu of the board's written examination.

(2) The examination required of all audiology certificate applicants shall be the National Examination in Audiology (NESPA), including a passing examination score of six hundred or greater and written hearing instrument fitter/dispenser examination described in subsection (1) of this section, including a passing examination score of seventy or greater.

(3) The examination required of speech-language pathologist certificate applicants shall be the National Examination in Speech Language Pathology (NESPA), including a passing examination score of six hundred or greater.

WSR 98-07-085

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 17, 1998, 4:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-023.

Title of Rule: WAC 246-834-990 Midwifery fees, this rule describes fees for licensed midwives.

Purpose: The purpose of amending this rule is to eliminate the deficit in the midwifery budget by July 1, 2001. A new fee schedule takes into account that the department will be administering a national examination rather than their own licensure examination. Those fees will be adjusted accordingly. In addition, some of the current fees will be raised or lowered according to an updated fee study, which takes into account current workload, the existing deficit and anticipated workload and expenses for the upcoming biennium in setting fees. Language will also be changed to be consistent with other professions in order to implement chapter 191, Laws of 1996.

Statutory Authority for Adoption: Chapter 18.50 RCW and RCW 43.70.250.

Statute Being Implemented: Chapter 18.50 RCW and RCW 43.70.250.

Summary: This fee adjustment allows a reasonable fee for national and state examination administrations. In addition, the new fees will eliminate a budget deficit by the end of the second biennium. Language will be changed to be consistent with other professions.

Reasons Supporting Proposal: The midwifery program is required by law to support their programs with revenues obtained through licensure fees. This proposed amendment would allow the midwifery program to eliminate a current deficit and continue to support the program through their fees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kendra N. Pitzler, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 664-4216.

Name of Proponent: Midwifery Advisory Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule determines the fees for midwifery licensure, examination, renewal of licensure and other program related fees. The fees collected are used to pay for salaries of staff, goods and services, investigations, disciplinary actions and other program related expenses. The purpose of this amendment is to raise or lower fees in order to eliminate the current deficit by July 1, 2001, and allow the program to pay for all related costs as required by law. Language changes will also allow uniformity across health care professions.

Proposal Changes the Following Existing Rules: Some fees will be changed because the department will be using a national examination rather than their own licensure examination. Other fees will be reduced or increased according to the current fee study.

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

Small Business Economic Impact Statement and

Economic Impact Analysis

Introduction: The midwifery program last amended the fees in 1991. In 1997 the legislature authorized the midwifery program to exceed I-601 to raise fees sufficiently to cover expenses.

This rule amendment would allow the fees to be increased or decreased according to an updated fee study of the current workload, the current deficit and the anticipated expenses. Fees being charged currently have not been updated since 1991 and no longer cover the increased cost of doing business since all health care professions must be self sufficient.

Necessity of the Proposed Fee Increases: The proposed fee increases are necessary to meet the increased costs of operating the midwifery program. Fees are based upon the cost of regulatory activity which includes salaries and benefits; goods and services such as rent, telephone and mail, printing, training, attorney general support; travel and equipment; and indirect costs.

Increased costs can also be attributed to increased program activities. Some of these activities include:

- A new computer information system.
- A new adjudicative clerk office for handling and tracking adjudicative proceedings.
- New legislation which requires resources for implementation. This includes the regulatory reform legislation passed in 1995, whistleblower protection legislation and evaluation of all current rules for simplification.
- Establishing standardization of disciplinary and licensing processes within the Department of Health.
- 3% cost of living increase in salaries, effective July 1, 1997.

Magnitude of the Proposed Fee Increase: The fees for some fee categories will be reduced and the fees for other categories will increase. Following is a table indicating the amount proposed to increase or decrease for each fee category.

FEE CATEGORY	CURRENT FEE	PROPOSED FEE	PERCENTAGE OF CHANGE
Initial Application	\$375	\$375	0
National examination administration (New fee)	\$0	\$50	↑ 100%
National examination reexamination (New fee)	\$0	\$50	↑ 100%
State examination (New fee)	\$0	\$50	↑ 100%
Renewal	\$325	\$495	↑ 52%
Late Renewal	\$325	\$280	↓ 14%
Duplicate License	\$15	\$15	0
Certification	\$25	\$25	0
Application fee for Midwife in training program	\$75	\$375	↑ 400%

Attachment A indicates the current \$40,000 deficit, the anticipated expenses for the 1997-1999 biennium, the indirect costs, the current fees and proposed fees, anticipated revenue and cost recovery.

Two fee categories, renewal fee and application for midwife in training program, have the highest proposed increase. The proposed fees do not increase the initial application fee. In the past, this initial application fee covered some of the costs of applicants applying through the midwife in training program. These new proposed fees clearly capture the exact costs of the midwife in training program and are not supplemented by fees raised through initial applications. The renewal fee is increasing to cover the increased costs of licensing and disciplinary, the current deficit and anticipated expenses. In the initial fee study analysis the proposed renewal fee was to have been higher because the deficit was to be recovered within the current biennium. A decision was made to spread the increased fees over one and a half bienniums which would result in a lower proposed renewal fee than first anticipated.

There are three new proposed fee categories which did not previously exist. These three categories are proposed because the midwifery program is going towards a national examination. The fees will cover the state's cost to administer the national examination and the state jurisprudence examination.

Impact to Licensees: The fees contained in WAC 246-834-990 cover a wide variety of fee categories for the midwifery program. Therefore, the rule's economic impact to a given licensee varies depending on the type of license and whether one is a licensee or an applicant.

New Reporting Requirements: None.

Imposes New Compliance Requirement: Licensees and applicants must comply with new fees. This rule amendment proposes no other compliance requirements.

Loss of Sales or Revenue to Business: There is no loss of sales to licensees because of the proposed rule amendments. There is loss or gain of revenue to licensees due to the increase or decrease of fees and whether or not one is a licensee or applicant. However, licensees will not be losing any business and this will not affect sales.

Disproportionate Impact: Of the one hundred fifteen licensed midwives, approximately 3-5% of them work in a birthing center. The remaining licensed midwives work inde-

pendently. Therefore, the majority of licensed midwives are not disproportionately impacted. Those who work in a birthing center may choose to pay the new renewal fee for each licensed midwife employed. However, the business is not required to pay the renewal fee, the individual licensed midwife is responsible for his or her own renewal fee.

Reduce Costs: A comprehensive fee study analysis was prepared which demonstrates the \$40,000 deficit, the anticipated spending for the next biennium and the revenue that would be charged at the proposed fees. Each profession must be self sufficient. A smaller profession such as the midwifery program would have larger fees because they have fewer licensees to spread the fees amongst. The fees which are being proposed to be raised, are being raised only to the degree necessary to cover the deficit and anticipated expenses.

Notices to the Public: A CR-101 was mailed to each and every licensee notifying them of the anticipated change to fees. A copy of the notice was also mailed to the association and other interested persons. The interested persons list includes licensees, schools, attorneys, associations and students. Discussions on proposed fee changes were made at public Midwifery Advisory Committee meetings on July 15, 1996, June 20, 1997, and October 3, 1997.

List of Industries Required to Comply: The only known business is birthing centers. Birthing centers employ approximately 3-5% of licensed midwives. There are no other large businesses or industries that are required to comply with these proposed midwifery fees. However, individual licensees or applicants are required to comply with these fees if they wish to become licensed or maintain their license. There are one hundred fifteen licensed midwives.

Summary: All health care professions must be self sufficient, no general fund money is available to operate the program. The fees charged for services are designed to create sufficient revenue to cover anticipated expenses. These proposed fees will eliminate the deficit and provide sufficient funds to cover the anticipated expenses.

Small Business Economic Impact Statement

Reporting, Recordkeeping and Other Compliance Requirements: There are no new reporting, recordkeeping or other compliance requirements necessary as a result of the proposed fee changes. Applicants and licensees have in the past been required to pay fees, the only difference is the dollar amount charged. There are no new professional services necessary for a small business to comply with the proposed new fees.

Analysis of Costs of Compliance: There are no new costs to small businesses to comply with the proposed fee changes. Licensees and businesses will not need any additional supplies or labor. Administrative costs may increase if a business were to hire an applicant who needs to apply by application by the midwifery in training program.

Will Compliance Cause Loss of Sales or Revenue? The proposed fee changes will not affect sales. The new fees may affect revenue for some small businesses.

Disproportionate Impact on Small Businesses: The Department of Health is aware of only one small business,

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birthing centers which employ licensed midwives. Midwives are generally self employed and only 3-5% of the one hundred fifteen licensed midwives are employed in birthing centers. In the event that a midwife were employed by a business, the degree of impact would vary by how many midwives are employed. If a business were to employ two midwives, the increase in renewal fees would be \$340 per year or \$170 per licensee. The fees are the same for an individual licensee or a small business. The business is not required to pay the renewal fee, but the licensed individual midwife is.

Steps Taken by Agency to Reduce Costs: The midwifery program currently is operating under a \$40,000 deficit. The initial plan in raising the fees was to recapture the deficit in the current biennium. Upon reevaluation it was determined that the deficit could be recovered over one and a half bienniums and not affect business detrimentally. This resulted in a lower than anticipated renewal fee change.

How Will the Agency Involve Small Businesses in the Development of the Rule? All licensed midwives have received a copy of the proposal to change fees. Public comment thus far has not been opposed to raising fees. Rather, the public comment received thus far is questioning the legality of the midwifery program paying for unlicensed practice investigations instead of the Department of Health. These concerns were responded to by letter.

Three public meetings were held to discuss the possibility of changing the fee categories. When the rule notice is developed a copy will be mailed to all licensees for their review and comment. A copy of the rule notice will also be mailed to all interested persons which includes applicants, schools, attorneys and licensees.

Industries Required to Comply with the Rule: All licensed midwives and applicants must comply with the proposed fee changes. Any birthing centers must ensure that the licensed midwives they employ have renewed their annual license.

A copy of the statement may be obtained by writing to Kris McLaughlin, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 664-1355, or FAX (360) 586-5935.

RCW 34.05.328 does not apply to this rule adoption. This rule adjusts fees according to an I-601 exemption.

Hearing Location: Department of Health, First Floor Conference Room, 1101 Eastside Street, Olympia, WA 98504, on April 21, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Kendra Pitzler by April 7, 1998, TDD (800) 833-6388 or (360) 664-4216.

Submit Written Comments to: Kendra Pitzler, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, FAX (360) 586-2165 by April 16, 1998.

Date of Intended Adoption: April 22, 1998.

March 17, 1998
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-834-990 Midwifery fees and renewal cycle. ~~((The following fees shall be charged by the professional licensing division of the department of health:))~~ **(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.**

(2) The following fees are nonrefundable:

Title of Fee	Fee
Initial application (nonrefundable)	\$375.00
((Examination))	((375.00))
((Reexamination (second subsequent or more))	((375.00))
<u>National examination administration (initial/retake)</u>	<u>50.00</u>
<u>State examination (initial/retake)</u>	<u>50.00</u>
Renewal	((325.00)) <u>495.00</u>
Late renewal penalty	((325.00)) <u>247.50</u>
Duplicate license	15.00
Certification of license	25.00
Application fee—Midwife-in-training program	((75.00)) <u>375.00</u>
<u>Expired license reissuance</u>	<u>247.50</u>

WSR 98-07-086
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-163.

Title of Rule: WAC 246-907-030 Pharmaceutical licensing periods and fees.

Purpose: Set appropriate fees for licenses issued by the Washington State Board of Pharmacy.

Statutory Authority for Adoption: RCW 43.70.110.

Statute Being Implemented: RCW 43.70.110.

Summary: The secretary of the Department of Health is responsible for establishing fees for obtaining a license. Fees shall be set at a sufficient level to defray the costs of administering the program.

Reasons Supporting Proposal: Revenue generated from current license fees no longer meets operating expenses.

Name of Agency Personnel Responsible for Drafting: Ross Bunda, 1300 Quince Street S.E., Olympia, WA 98504, (360) 753-6834; **Implementation and Enforcement:** Donald Williams, 1300 Quince Street S.E., Olympia, WA 98504, (360) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes fees for licenses issued by the Washington State Board of Pharmacy. Income generated from current license fees does not meet operating expenses. For the board to continue to operate at the current level, the board must increase license fees. The board's budget allotment for the 1997-98 fiscal year is 1.9 million dollars. Income generated from current license fees will produce 1.6 million dollars for this same time period. The board must increase license fees to the extent necessary to meet the expected 1.9 million dollar budget. Licensees will pay approximately 18% more for their license. The proposed rule amendment will allow the board to operate at the current level. If fees are not raised, the Board of Pharmacy will be required to drastically reduce services which could result in a threat to public health and safety.

Proposal Changes the Following Existing Rules: The proposed amendment increases fees for licenses issued by the Washington State Board of Pharmacy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In preparing this small business economic impact statement, the department used, for individual practitioners, Standard Industrial Classification (SIC) code 809, Miscellaneous Health & Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. For businesses, the department used SIC code 512, Drugs, Drug Proprietor & Druggists' Sundries which has a minor impact threshold of \$300.00. In no case did the proposed increased cost to individual health care practitioners or businesses for each fee category exceed the minor costs threshold.

Therefore, there is not disproportionate cost for small businesses, and a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule amendment is a fee increase above I-601. The legislature granted specific authority for the increase.

Hearing Location: Department of Health, Board of Pharmacy, Conference Room, 1300 S.E. Quince, Olympia, WA 98504, on April 21, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by April 15, 1998, TDD (800) 525-0127, or (360) 664-0064.

Submit Written Comments to: Lisa Salmi, FAX (360) 586-4359, by April 15, 1998.

Date of Intended Adoption: April 21, 1998.

March 17, 1998
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-907-030 Fees and renewal cycle. (1) Pharmacist, pharmacy ((~~assistant~~)) technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy ((~~assistant~~)) technician utilization,

and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

Title of fee	Fee
Original pharmacy fee	((\$275.00)) <u>\$330.00</u>
Original pharmacy ((assis- tant)) <u>technician</u> utilization fee	((50.00)) <u>60.00</u>
Renewal pharmacy fee	((200.00)) <u>240.00</u>
Renewal pharmacy ((assis- tant)) <u>technician</u> utilization fee	((60.00)) <u>70.00</u>
Penalty pharmacy fee	((275.00)) <u>120.00</u>

(5) The following nonrefundable fees will be charged for vendor:

Original fee	((60.00)) <u>70.00</u>
Renewal fee	((60.00)) <u>70.00</u>
Penalty fee	((60.00)) <u>50.00</u>

(6) The following nonrefundable fees will be charged for pharmacist:

((Exam fee (full exam)))	((200.00))
Reexamination fee (jurisprudence portion)	((40.00)) <u>45.00</u>
Original license fee	((100.00)) <u>120.00</u>
Renewal fee, active and inactive license	((105.00)) <u>125.00</u>
Renewal fee, retired license	20.00
Penalty fee	((105.00)) <u>62.50</u>
Expired license reissuance (active and inactive)	((52.50)) <u>62.50</u>
Reciprocity fee	((250.00)) <u>300.00</u>
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	((50.00)) <u>60.00</u>

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	((25.00)) <u>30.00</u>
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PROPOSED

Renewal fee	((25.00))
	<u>30.00</u>
Penalty fee	((12.50))
	<u>30.00</u>
Shopkeeper - with differential hours:	
Original fee	((25.00))
	<u>30.00</u>
Renewal fee	((25.00))
	<u>30.00</u>
Penalty fee	((12.50))
	<u>30.00</u>
(8) The following nonrefundable fees will be charged for drug manufacturer:	
Original fee	((450.00))
	<u>540.00</u>
Renewal fee	((450.00))
	<u>540.00</u>
Penalty fee	((450.00))
	<u>270.00</u>
(9) The following nonrefundable fees will be charged for drug wholesaler - full line:	
Original fee	((450.00))
	<u>540.00</u>
Renewal fee	((450.00))
	<u>540.00</u>
Penalty fee	((450.00))
	<u>270.00</u>
(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:	
Original fee	((250.00))
	<u>300.00</u>
Renewal fee	((250.00))
	<u>300.00</u>
Penalty fee	((250.00))
	<u>150.00</u>
(11) The following nonrefundable fees will be charged for drug wholesaler - export:	
Original fee	((450.00))
	<u>540.00</u>
Renewal fee	((450.00))
	<u>540.00</u>
Penalty	((450.00))
	<u>270.00</u>
(12) The following nonrefundable fees will be charged for pharmacy (assistant - Level "A") technician:	
Original fee	((40.00))
	<u>45.00</u>
Renewal fee	((30.00))
	<u>35.00</u>
Penalty fee	((40.00))
	<u>35.00</u>
Expired license reissuance	((30.00))
	<u>35.00</u>

(13) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

(14) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	((65.00))
	<u>75.00</u>
Dispensing renewal fee (i.e. pharmacies and health care entities)	((50.00))
	<u>60.00</u>
Distributors registration fee (i.e. wholesalers)	((90.00))
	<u>105.00</u>
Distributors renewal fee (i.e. wholesalers)	((90.00))
	<u>105.00</u>
Manufacturers registration fee	((90.00))
	<u>105.00</u>
Manufacturers renewal fee	((90.00))
	<u>105.00</u>
Sodium pentobarbital for animal euthanization registration fee	((30.00))
	<u>35.00</u>
Sodium pentobarbital for animal euthanization renewal fee	((30.00))
	<u>35.00</u>
Other CSA registrations	((30.00))
	<u>35.00</u>

(15) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	((275.00))
	<u>330.00</u>
Renewal fee	((200.00))
	<u>240.00</u>
Penalty fee	((200.00))
	<u>120.00</u>

(16) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	((30.00))
	<u>35.00</u>
Renewal fee	((30.00))
	<u>35.00</u>

(17) The following nonrefundable fees will be charged for facility inspection fee:

	((150.00))
	<u>180.00</u>

(18) The following nonrefundable fees will be charged for precursor control permit:

Original fee	((50.00))
	<u>60.00</u>

Renewal fee	((50.00))
	<u>60.00</u>

(19) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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(20) The following nonrefundable fees will be charged for health care entity:

Original fee	((275.00))
	<u>330.00</u>

Renewal	((200.00))
	<u>240.00</u>

Penalty	((275.00))
	<u>120.00</u>

WSR 98-07-094
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 18, 1998, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-144.

Title of Rule: Chapter 296-86 WAC, Regulations and fees for freight and passenger elevators, manlifts, material lifts, dumbwaiters, escalators, moving walks, automobile parking elevators, personnel elevators, and other lifting devices and chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators, and lifting devices—Moving walks.

Purpose: Chapter 296-86 WAC, Regulations and fees for freight and passenger elevators, manlifts, material lifts, dumbwaiters, escalators, moving walks, automobile parking elevators, personnel elevators, and other lifting devices, state-initiated proposed amendments to chapter 296-86 WAC, Regulations and fees for freight and passenger elevators, manlifts, material lifts, dumbwaiters, escalators, moving walks, automobile parking elevators, personnel elevators, and other lifting devices, are made to comply with RCW 34.05.220(5). Consequently, clear rule writing techniques have been used to rewrite the entire chapter. Following the recommendation of the Office of Code Reviser, chapter 296-86 WAC has been repealed in its entirety and replaced with chapter 296-86A WAC, Regulations and fees for all elevators, dumbwaiters, escalators and other lifting devices. The following sections of chapter 296-86 WAC have been repealed: WAC 296-86-010 Permits for construction, alteration, relocation of installations, 296-86-020 Construction and alteration fees, 296-86-030 Installation fee for personnel elevators and material hoists, 296-86-040 Submission of plans for new installations, 296-86-050 Fee for checking plans for new installations, 296-86-060 Annual operating permit fee, 296-86-070 Supplemental inspections, 296-86-075 Reinspection fees, 296-86-080 Fee for inspection of regular elevators being used as temporary personnel elevators,

and 296-86-090 Material lift installation, alteration and relocation fees.

Chapter 296-86A WAC, Regulations and fees for all elevators, dumbwaiters, escalators and other lifting devices, state-initiated proposed clear rule writing amendments to chapter 296-86A WAC are made to:

- Move existing chapter 296-86 WAC requirements into new sections of chapter 296-86A WAC.
- Write all sections of chapter 296-86A WAC in a clear rule writing style.
- Remove outdated and redundant language to make the sections easier to read.
- Use questions for section titles to better describe the information contained in each rule section and to better engage the reader.
- Use a less formal voice in the rule sections and eliminate the passive voice when possible.
- Reorganize some rule sections to make them easier to use.

All sections of chapter 296-86A WAC have been written in a clear rule writing style.

In addition to clear rule writing chapter 296-86A WAC, all fees in the chapter have been increased by 4.05% rounded down to the nearest quarter of a dollar. The 4.05% figure was obtained from the Office of Financial Management and is the maximum allowable fiscal growth rate factor for fiscal year 1998. These state-initiated proposed fee increases are necessary to help off-set the projected inflationary growth in the elevator program's operating costs for fiscal year 1998. Also, several new fees are being proposed. These new fees either cover the cost of program services previously provided without charge or they establish annual operating permit fees for new types of conveyances now being used by department customers.

Other state-initiated amendments, including the proposed 4.05% general fee increase and proposed new fees, are:

WAC 296-86A-010 Do I need a permit to construct, alter or relocate a conveyance? State-initiated proposed amendments are made to clarify that your construction, alteration or relocation permit can only be renewed if:

- Your application for renewal is made before your current permit expires; and
- Your renewal application is approved by the department; and
- You pay a one dollar fee for each permit you renew.

WAC 296-86A-020 When I apply for my construction, alteration or relocation permit, what permit fees will I have to pay? State-initiated proposed amendments are made to increase permit fees by 4.05% rounded down to the nearest quarter of a dollar.

WAC 296-86A-025 When I apply for my material lift installation, alteration or relocation permit, what permit fees will I have to pay? State-initiated proposed amendments are made to increase permit fees by 4.05% rounded down to the nearest quarter of a dollar.

WAC 296-86A-028 Are the construction and alteration permit fees that I pay refundable? State-initiated proposed amendments are made to:

- Clarify the conditions under which construction and alteration permit fees are refundable.

PROPOSED

- Establish a twenty-five dollar processing fee for each refund requested.

WAC 296-86A-030 What installation permit fees will I have to pay for personnel and material hoists? State-initiated proposed amendments are made to increase permit fees by 4.05% rounded down to the nearest quarter of a dollar.

WAC 296-86A-040 Do I need to submit my plans for new installations and alterations to the department for approval? State-initiated proposed amendments are made to:

- Emphasize that you must submit all plans for new installations and major alteration to the department for approval.
- Emphasize that your plans must be in compliance with the latest edition of the American Society of Mechanical Engineers (ASME) A17.1, National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC) adopted by the department.
- Delete reference to the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1.
- Emphasize that all plans you submit "must include all information pertinent to determining whether each installation/alteration complies with all applicable codes."
- Require that a copy of all approved plans must be kept on your job site until all acceptance tests have been witnessed by the department.
- Emphasize that any alterations to approved plans must be approved by the department before a final inspection can take place.
- Clarify that plan review fees are nonrefundable.
- Establish a review fee for any plans you submit beyond the two sets required by the department.
- Increase plan review fees by 4.05% rounded down to the nearest quarter of a dollar.

WAC 296-86A-060 What annual operating permit fees will I have to pay? State-initiated proposed amendments are made to:

- Increase annual operating permit fees by 4.05% rounded down to the nearest quarter of a dollar.
- Establish a fee for roped-hydraulic elevators.
- Establish a fee for limited use/limited-application elevators.
- Establish a fee for special purpose elevators.
- Change "personnel elevator" to "personnel hoist."
- Delete the words "with variance" from "Each private residence elevator installed with variance in other than a private residence."

WAC 296-86A-065 Can I replace annual operating permits that have been damaged, lost or stolen? State-initiated proposed amendments are made to:

- Clarify the conditions under which a replacement permit can be obtained.
- Establish a five dollar replacement permit fee for each permit replaced.

WAC 296-86A-070 Can I obtain a supplemental inspection from the department? State-initiated proposed amendments are made to increase supplemental inspection fees by 4.05% rounded down to the nearest quarter of a dollar.

WAC 296-86A-073 Can I obtain technical services from the department's elevator section? State-initiated proposed amendments are made to:

- Provide technical services to the industry.
- Establish a fee for these technical services.
- Emphasize that technical services **do not** include inspections.

WAC 296-86A-074 Can I request an inspection outside of the department's normal work hours? State-initiated proposed amendments are made to:

- Provide inspection services to the industry outside of normal work hours.
- Define "normal work hours."
- Establish a fee for inspections conducted outside of normal work hours.
- Emphasize that these "outside of normal work hour" inspection fees are in addition to any other fees required for a project.

WAC 296-86A-075 Do I pay a fee when my conveyance is inspected? State-initiated proposed amendments are made to:

- Clarify the meaning of "reinspection fee" and when such a fee is paid.
- Increase reinspection fees by 4.05% rounded down to the nearest quarter of a dollar.
- Clarify when the department may waive a reinspection fee.

WAC 296-86A-080 Is there a fee for inspecting regular elevators used as temporary personnel elevators? State-initiated proposed amendments are made to increase this inspection fee by 4.05% rounded down to the nearest quarter of a dollar and clarify the use of this temporary permit.

Chapter 296-81 WAC, Safety rules governing elevators, dumbwaiters, escalators, and lifting devices—Moving walks.

WAC 296-81-007 National Elevator Code adopted. State-initiated proposed amendments are made to create this new section adopting the 1996 edition of the American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ASME A17.1 as the standard for elevators, dumbwaiters, escalators and other conveyances installed on or after June 30, 1998.

Statutory Authority for Adoption: Chapter 70.87 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Jan Gould, Tumwater, Washington, (360) 902-6128; Implementation and Enforcement: Ernie LaPalm, Tumwater, Washington, (360) 902-5329.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department does not consider the economic impact of the proposed rule

PROPOSED

amendments to be a more than minor economic impact on business. Therefore, the preparation of a comprehensive Small Business Economic Impact Statement is not required.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 does apply to this rule adoption because the proposed rule amendments to chapter 296-86 WAC amend a significant regulatory program and will have a financial impact on the public that they regulate. The amendment to chapter 296-81 WAC is merely a code update.

Hearing Location: Spokane Public Works Building, County Commissioners Assembly Room (lower level), 1026 West Broadway, Spokane, WA, on April 23, 1998, at 1:30 p.m.; and at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on April 24, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman, by April 13, 1998, TDD (360) 902-5797, or (360) 902-6411.

Submit Written Comments to: Jan Gould, Chief Elevator Inspector, Department of Labor and Industries, Specialty Compliance Services Division, Elevator Section, P.O. Box 44480, Olympia, WA 98504-4480, by 5:00 p.m. on May 1, 1998.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-6132 by 5:00 p.m. on May 1, 1998. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: May 29, 1998.

March 18, 1998

Gary Moore
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-86-010 Permits for construction, alteration, relocation of installations.
- WAC 296-86-020 Construction and alteration fee.
- WAC 296-86-030 Installation fee for personnel elevators and material hoists.
- WAC 296-86-040 Submission of plans for new installations.
- WAC 296-86-050 Fee for checking plans for new installations.
- WAC 296-86-060 Annual operating permit fees.
- WAC 296-86-070 Supplemental inspections.
- WAC 296-86-075 Reinspection fees.
- WAC 296-86-080 Fee for inspection of regular elevators being used as temporary personnel elevators.
- WAC 296-86-090 Material lift installation, alteration and relocation fees.

Chapter 296-86A WAC

REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER LIFTING DEVICES

NEW SECTION

WAC 296-86A-010 Do I need a permit to construct, alter or relocate a conveyance? (1) You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance. To obtain your permit, you need to complete the department's permit application and pay a fee. (Consult the appropriate fee schedules in this chapter.) Once your application is approved and your fee is paid, your permit will be issued and work on your project can begin.

(2) Your construction and alteration permits are valid for one year from the date of issue. However, construction and alteration permits can be renewed if you:

- (a) Apply for a renewal permit before your current permit expires; and
- (b) The department approves your request for a renewal permit; and
- (c) You pay a one-dollar renewal fee to the department for each permit you renew.

(3) You are not required to obtain permits and pay fees for the following:

- (a) Repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength and design.
- (b) Any conveyance exempted by RCW 70.87.200.

NEW SECTION

WAC 296-86A-020 When I apply for my construction, alteration or relocation permit, what permit fees will I have to pay? The following permit fees apply to all conveyances except for material lifts:

TOTAL COST	FEE
\$250.00 TO AND INCLUDING \$1,000	\$ 29.50
\$1,001 TO AND INCLUDING \$15,000	
For the first \$1,001	41.50
For each additional \$1,000 or fraction thereof	8.25
\$15,001 TO AND INCLUDING \$100,000	
For first \$15,001	158.75
For each additional \$1,000 or fraction thereof	5.50
OVER \$100,001	
For first \$100,001	666.75
For each additional \$1,000 or fraction thereof	4.50

NEW SECTION

WAC 296-86A-025 When I apply for my material lift installation, alteration or relocation permit, what permit fees will I have to pay? The following permit fees apply to the installation, alteration and relocation of material lifts:

TOTAL COST	FEE
\$250.00 TO AND INCLUDING \$1,000	\$ 27.00
\$1,001 TO AND INCLUDING \$15,000	
For the first \$1,001	37.75

PROPOSED

TOTAL COST	FEE
For each additional \$1,000 or fraction thereof	7.50
\$15,001 TO AND INCLUDING \$100,000	
For first \$15,001	144.25
For each additional \$1,000 or fraction thereof	5.00
OVER \$100,001	
For first \$100,001	606.25
For each additional \$1,000 or fraction thereof	4.00

NEW SECTION

WAC 296-86A-028 Are the construction and alteration permit fees that I pay refundable? Your construction and alteration permit fees are refundable **unless your permits have expired. If your permits have expired, no refunds for these permits will be issued to you.** All requests for refunds must be addressed to the elevator section in writing and must identify the specific permits for which refunds are being requested. In those cases where you are entitled to a refund, the department will charge you a twenty-five-dollar processing fee for each refund you request.

NEW SECTION

WAC 296-86A-030 What installation permit fees will I have to pay for personnel and material hoists? For each personnel hoist or material hoist you install, you will have to pay an installation fee of ninety-seven dollars and seventy-five cents.

NEW SECTION

WAC 296-86A-040 Do I need to submit my plans for new installations and alterations to the department for approval? You must submit all new installation plans and plans for major alterations to the department for approval. Your plans must be submitted, in duplicate, to the elevator section **prior to the start of construction.** To be approved, they must comply with the latest edition of the American Society of Mechanical Engineers (ASME) A17.1, National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC) adopted by the department. In addition, your plans must include all information pertinent to determining whether each installation/alteration complies with all applicable codes. Once approved, a copy of your plan must be kept on your job site until all acceptance tests have been witnessed by the department. **Any alterations to your approved plan must be submitted to the department for approval before a final inspection will be conducted.** The nonrefundable fees for reviewing your plans are:

For each installation/major alteration	\$21.50
If more than two sets of plans are submitted, the fee for reviewing each additional set	21.50

NEW SECTION

WAC 296-86A-060 What annual operating permit fees will I have to pay? No annual operating permit will be issued to you until you have paid an appropriate fee to the department. The following is a schedule of those fees.

TYPE OF CONVEY- ANCE	ANNUAL OPERATING PERMIT FEE
Each hydraulic elevator	\$ 75.75
Each roped-hydraulic elevator	97.75
plus \$7.50 for each hoistway opening in excess of two	7.50
Each cable elevator	97.75
plus \$7.50 for each hoistway opening in excess of two	7.50
Each cable elevator traveling more than 25 feet without an opening-\$10.50 for each 25 foot traveled without openings	10.50
Each limited-use/limited-application elevator	75.75
Each sidewalk freight elevator	75.75
Each hand-powered freight elevator	48.75
Each hand-powered manlift	48.75
Each incline elevator in other than a private residence	97.75
Each belt manlift	75.75
Each boat launching elevator	75.75
Each auto parking elevator	75.75
Each escalator	75.75
Each moving walk	75.75
Each dumbwaiter in other than a private residence	48.75
Each people mover	65.00
Each stair lift in other than a private residence	48.75
Each wheel chair lift in other than a private residence	48.75
Each special purpose elevator	75.75
Each personnel hoist	75.75
Each material hoist	75.75
Each casket lift	75.75
Each material lift	65.00
Each inclined stairway chair lift in private residence	16.00
Each inclined wheel chair lift in a private residence	21.50
Each vertical wheel chair lift in a private residence	27.00
Each inclined elevator at a private residence	75.75
Each dumbwaiter in a private residence	21.50
Each private residence elevator	48.75
Each private residence elevator installed in other than a private residence	75.75

NEW SECTION

WAC 296-86A-065 Can I replace annual operating permits that have been damaged, lost or stolen? If you have already paid for a current operating permit under WAC 296-86-060, you may purchase a replacement permit by paying the department's five-dollar replacement permit fee for each permit being replaced. No replacement permit will be issued until this replacement fee has been received by the department.

NEW SECTION

WAC 296-86A-070 Can I obtain a supplemental inspection from the department? Any person, firm, corporation or governmental agency can obtain a supplemental inspection from the department by paying a fee of two hundred eighty dollars per day plus the standard per diem and mileage allowance granted to department inspectors.

NEW SECTION

WAC 296-86A-073 Can I obtain technical services from the department's elevator section? You can obtain elevator field technical services from the department by paying a fee of fifty-four dollars per hour plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

NEW SECTION

WAC 296-86A-074 Can I request an inspection outside of the department's normal work hours? You may request an inspection outside of normal work hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. However, the fee for such an inspection is sixty-eight dollars per hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

NEW SECTION

WAC 296-86A-075 Do I pay a fee when my conveyance is inspected? Not necessarily, some inspections do not require a fee. For example, the initial annual inspection of a conveyance does not require one. Neither does the initial inspection of any conveyance constructed, altered or relocated. The following table explains which inspections do require a fee:

INSPECTION	FEE
If a conveyance does not pass an initial inspection and a second inspection (reinspection) is required, the fee for each conveyance inspected*	\$75.75

INSPECTION

FEE

If a **third inspection** (reinspection) is required, the fee for each conveyance inspected* 97.75

***These "reinspection" fees are in addition to the fees charged under WAC 296-86-020, 296-86-025 and 296-86-030 and must be paid before an annual operating permit will be issued.** The department may waive reinspection fees when it is not possible to conduct the inspection and the inability to inspect is not the fault of the party requesting and/or paying for the inspection. The department may also waive reinspection fees for reasons of justice and equity which prevent their payment.

NEW SECTION

WAC 296-86A-080 Is there a fee for inspecting regular elevators used as temporary personnel elevators? Yes, the fee for inspecting and testing regular elevators used as temporary personnel elevators is sixty-five dollars. This fee is in addition to any other fees required in this chapter.

This sixty-five dollar fee purchases a thirty-day temporary use permit which may be renewed at the discretion of the department. When this temporary use permit is purchased, a notice declaring that the equipment has not been finally approved must be conspicuously posted on the elevator.

AMENDATORY SECTION (Amending WSR 95-04-005, filed 1/18/95, effective 3/1/95)

WAC 296-81-007 National Elevator Code adopted.

(1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986.

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986, with the exception of ANSI A17.1, part XIX. For all elevators, dumbwaiters, escalators, and moving walks installed on or after November 1, 1988, the requirements of ANSI A17.1, 1984 edition apply, with the exception of ANSI A17.1, part XIX and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

(4) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1987 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed

PROPOSED

on or after January 1, 1989, with the exception of ANSI A17.1, part XIX, and ANSI A17.1, part II, Rule 211.3b, which is replaced by WAC 296-81-275.

(5) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1990 Edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 1, 1993, with the exceptions of ANSI A17.1, Part XIX, and ANSI A17.1, Part V, Section 513, which is replaced by chapter 296-94 WAC.

(6) The American National Standard Safety Code For Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1993 Edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after March 1, 1995, with the exceptions of ANSI A17.1, Part XIX, and ANSI A17.1, Part V, Section 513, which is replaced by chapter 296-94 WAC.

(7) The 1996 edition of the American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, AMSE A17.1 (formally known as American National Standard, ANSI A17.1), is adopted as the standard for elevators, dumbwaiters, escalators and other conveyances installed on or after June 30, 1998.

WSR 98-07-095
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 18, 1998, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-141.

Title of Rule: Chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing; and chapter 296-150M WAC, Manufactured homes.

Purpose: State-initiated amendments are being proposed to three major factory assembled structures rule chapters: Chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; and chapter 296-150M WAC, Manufactured homes. The amendments are a direct result of the rule review process mandated by Executive Order 97-02. They also further the department's regulatory improvement goal of enacting and enforcing rules that are "necessary, fair, understandable and consistent." Many of the proposed amendments, in response to customer requests for clarification, clarify rule requirements. Several proposed amendments are needed to bring the department into compliance with either chapter 43.22 RCW, the state electrical code, the state building code or reciprocal agreements with other states. Some proposed amendments incorporate existing department policies into Washington Administrative Code. Other amendments are proposed to eliminate duplication. Finally, a number of amendments are proposed to incorporate rule sections inadvertently omitted when these chapters were last revised in 1996. At that time, the two existing FAS chapters (chapter

296-150A and 296-150B WAC) were rewritten into four chapters (chapters 296-150C, 296-150F, 296-150M and 296-150R WAC). It was during that rewriting process that certain rule sections, which were a part of chapters 296-150A and 296-150B WAC, were inadvertently dropped from chapters 296-150C, 296-150F and 296-150M WAC.

Chapter 296-150C WAC, Commercial coaches.

WAC 296-150C-0020 What definitions apply to this chapter? State-initiated proposed amendments are made to add a note to clarify the compliance responsibilities of non-vendor and vendor units.

WAC 296-150C-0310 Who can approve design plans? State-initiated proposed amendments are made to correct electrical code references and clarify who can approve design plans submitted under a reciprocal agreement.

WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department? State-initiated proposed amendments are made to add subsection (7) to bring chapter 296-150C WAC into compliance with state electrical law, specifically WAC 296-46-140 Plan review for educational, institutional or health care facilities and other buildings.

WAC 296-150C-0410 When does my design plan expire? State-initiated proposed amendments are made to delete subsection (5) because the time frame has elapsed.

WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design-plan approval? State-initiated proposed amendments are made to add:

- Subsection (7) to bring chapter 296-150C WAC into compliance with state electrical law.
- Subsection (8) to comply with the department's reciprocal agreements.

WAC 296-150C-0500 When is an inspection required? State-initiated proposed amendments are made to subsection (5) to incorporate department policy #97-11, "Factory Inspections Without Approved Plans." This brings chapter 296-150C WAC into compliance with state building codes.

WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach? State-initiated proposed amendments are made to add the words "or use" to prohibit the use of altered commercial coaches which are out of compliance and possibly unsafe.

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? State-initiated proposed amendments are made to update code references in this section.

WAC 296-150C-0820 Structural analysis. State-initiated proposed amendments are made to:

- Incorporate in subsection (2) an unwritten department policy. Originally, this verbal policy was used to correct an error in WAC 296-150C-0820.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-0960 Roof trusses. State-initiated proposed amendments are made to:

- Clarify the intent of the section by deleting the word "stress" in subsection (1)(a).
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-0980 Wall coverings. State-initiated proposed amendments are made to repeal this section because it is a duplication of requirements contained in WAC 296-150C-1100.

WAC 296-150C-1080 Chassis. State-initiated proposed amendments are made to:

- Incorporate into subsection (1) department policy #97-12, "Chassis Live Loads for Commercial Coaches." This policy had been issued to correct an error in WAC 296-150C-1080.
- Add subsection (3) to clarify floor load requirements for a commercial coach in a set up mode.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1170 Light and ventilation. State-initiated proposed amendments are made to:

- Incorporate wording changes which were inadvertently omitted when the chapter was last revised. These amendments allow the installation of mechanical ventilation systems.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1303 How must storage batteries be installed in a commercial coach? State-initiated proposed amendments are made to add this section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1580 What manufacturing codes apply when converting structures to vendor units? State-initiated proposed amendments are made to add subsection (1)(d) to clarify which manufacturing codes apply when structures are converted to vendor units.

WAC 296-150C-1590 Structural analysis for acceptability. State-initiated proposed amendments are made to:

- Add language in subsection (1) which was inadvertently omitted when the chapter was rewritten in 1996. This amendment clarifies that the section applies to both Type A and Type B vendor units.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1600 Live loads. State-initiated proposed amendments are made to:

- Correct an error in subsection (2).
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1720 Vendor unit exits. State-initiated proposed amendments are made to:

- Add subsection (5) to clarify requirements regarding exit doors.
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1730 Electrical for vendor units. State-initiated proposed amendments are made to:

- Add subsection (3) electrical requirements for vendor units.
- Add subsection (4) that was inadvertently omitted when the chapter was rewritten in 1996.

- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1740 Mechanical for vendor units.

State-initiated proposed amendments are made to:

- Add subsection (2) to clarify the definition of "mechanical."
- Rewrite the section heading in a question format to be consistent with the rest of the chapter.

WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1756 How are gas supply connections in a vendor unit identified? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1757 What requirements apply to gas piping system openings? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected? State-initiated proposed amendments are

made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

Chapter 296-150F WAC, Factory-built housing and commercial structures.

WAC 296-150F-0020 What definitions apply to this chapter? State-initiated proposed amendments are made to delete the definition for "Temporary insignia." This amendment is proposed in response to customer requests. The use of temporary insignia proved unworkable for both the department and its customers.

WAC 296-150F-0130 How do I register a complaint? State-initiated proposed amendments are made to add this new section which was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia? State-initiated proposed amendments are made to add language that was inadvertently omitted when the chapter was rewritten in 1996.

WAC 296-150F-0210 What are the insignia requirements? State-initiated proposed amendments are made to clarify when a Washington state manufacturer does not have to purchase an insignia.

WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval? State-initiated proposed amendments are made to add:

- Subsection (7) to bring chapter 296-150F WAC into compliance with state electrical law.
- Subsection (8) to comply with the department's reciprocal agreements.

WAC 296-150F-0500 When is an inspection required? State-initiated proposed amendments are made to:

- Correct a code reference in subsection (3).
- Amend language in subsection (4) so that chapter 296-150F WAC complies with adopted state building codes.

Chapter 296-150M WAC, Manufactured homes.

WAC 296-150M-0020 What definitions apply to this chapter? State-initiated proposed amendments are made to add language to the definition of "Alteration" which incorporates department policy ("Water Treatment Equipment in Mobile Homes") into chapter 296-150M WAC.

WAC 296-150M-0306 What codes are used when altering a manufactured (mobile) home? State-initiated proposed amendments are made to add this new section:

- To clarify the intent of RCW 43.22.432.
- To incorporate department Procedural Bulletin 7/88, "Coding to be Applied to Insignias," into subsections (1) and (2).

WAC 296-150M-0307 How may I obtain a copy of the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280? State-initiated proposed amendments are made to add this new section to make it easier for department customers to obtain copies of the federal standards affecting manufactured homes.

WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home? State-initiated proposed amendments are made to bring chap-

ter 296-150M WAC into compliance with chapter 43.22 RCW.

WAC 296-150M-0331 Does my alteration permit expire? State-initiated proposed amendments are made to add this new section to clarify the expiration date of an alteration permit.

WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia? State-initiated proposed amendments are made to clarify when "first hour" inspection fees must be paid to the department.

WAC 296-150M-0600 Who establishes standards for installation of manufactured homes? State-initiated proposed amendments are made in response to customer requests for clarification of local jurisdiction versus department installation requirements.

WAC 296-150M-0610 What instructions are used for a manufactured home installation? State-initiated proposed amendments are made in response to customer requests for clarification of whose instructions are followed when installing manufactured homes.

WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? State-initiated proposed amendments are made in response to customer requests for clarification regarding structural requirements in earthquake zones.

WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit? State-initiated proposed amendments are made in response to customer requests to clarify the scope of subsection (3) by adding the words "owner or agent."

WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them? State-initiated proposed amendments are made to clarify the scope of local versus department jurisdiction.

WAC 296-150M-0700 Acceptable types of ground cover. State-initiated proposed amendments are made to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(k).

WAC 296-150M-0710 Clearance under manufactured homes. State-initiated proposed amendments are made to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(l).

WAC 296-150M-0730 Heat pump. State-initiated proposed amendments are made to repeal this section because the requirements have been incorporated into WAC 296-150M-0610 (1)(m).

Statutory Authority for Adoption: Chapter 43.22 RCW.
Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting:
Dan Wolfenbarger, Tumwater, Washington, (360) 902-5225;
Implementation and Enforcement: Ernie LaPalm, Tumwater, Washington, (360) 902-5329.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department does not consider the economic impact of the proposed rule amendments to be more than minor economic impact on business. Therefore, the preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 does apply to this rule adoption because the proposed rule amendments to chapters 296-150C, 296-150F and 296-150M WAC amend a significant regulatory program.

Hearing Location: Spokane Public Works Building, County Commissioners Assembly Room (lower level), 1026 West Broadway, Spokane, WA, on April 23, 1998, at 1:30 p.m.; and at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on April 24, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman by April 13, 1998, at (360) 902-6411, or TDD (360) 902-5797.

Submit Written Comments to: Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, Specialty Compliance Services Division, FAS Section, P.O. Box 44440, Olympia, WA 98507-4440, by 5:00 p.m. on May 1, 1998.

The department will accept comments submitted to FAX (360) 902-5292, by 5:00 p.m. on May 1, 1998. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: May 29, 1998.

March 18, 1998

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, fire and life safety, or the plumbing, mechanical, and electrical systems of a commercial coach.

The following are not considered alterations:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a commercial coach will be installed.

"Consumer" is a person or organization, excluding a manufacturer or dealer of commercial coaches, who buys or leases a commercial coach.

"Commercial coach" is a structure (referred to as a unit) that:

- Can be transported in one or more sections;
- Is used for temporary commercial purposes;

- Is built on a permanent chassis;
- Conforms to the construction standards of this chapter;
- May include plumbing, mechanical, electrical and other systems; and
- Includes Type A and Type B vendor units.

Type A vendor unit is a commercial coach vehicle such as, but not limited to, a truck, van, or step van. The maximum dimensions of a Type A vendor unit are 8 feet wide by 24 feet long in the set-up mode.

Type B vendor unit is a commercial coach structure such as, but not limited to, a recreational vehicle as defined by the American National Standards Institute, Inc. that is being converted to a vendor unit. The maximum dimensions of a Type B vendor unit are 8 feet wide by 24 feet long in the set-up mode.

Note: A commercial coach may not be used as a single-family dwelling. A commercial coach does not have to be placed on a permanent foundation.

Note: (1) Nonvendor units must comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 and WAC 296-150C-3000.

(2) Vendor units may comply with chapter 296-150C WAC, WAC 296-150C-0010 through 296-150C-1570 or WAC 296-150C-0010 through 296-150C-0710 and WAC 296-150C-1580 through 296-150C-3000.

"Damaged in transit" means damage that affects the integrity of a structural design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading commercial coaches.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a commercial coach or conversion of a vehicle to a commercial coach including floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"Design option" is a design that a manufacturer may use as an option to its commercial coach design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a commercial coach.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to commercial coaches. (See RCW 43.22.420.)

"Insignia" is a label that we attach to a commercial coach to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a commercial coach in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

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"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a commercial coach.

"Master design plan" is a design plan that expires when a new state building code has been adopted.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a commercial coach designed to serve a particular function. Examples include structural, plumbing, electrical, or mechanical systems.

"Vendor unit" is a type of commercial coach (referred to as a unit) that:

- Is transported in only one section;
- Is designed for highway use;
- Is temporarily occupied for distribution of items (e.g., food);
- Is built on a permanent chassis;
- Includes at least one of the following systems: Plumbing, mechanical, or electrical;
- Is a converted structure, not a newly manufactured structure; and
- Is a Type A vendor unit or a Type B vendor unit.

Note: Newly manufactured units must comply with the commercial coach construction requirements of this chapter. Unoccupied vendor units are exempt from the requirements of this chapter. For example, those vehicles where food is sold and distributed by standing alongside it.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0420 and 296-150C-0430.)

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings ((see chapters 296-46, 296-130, 296-140, and 296-150 WAC Table 1 or 2)) required by chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, must be reviewed and approved by us.

(3) A professional cannot approve plans submitted under a reciprocal agreement.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0320 What must I provide with my request for commercial coach design-plan approval by the department? All requests for design-plan approval must include:

- (1) A completed design-plan approval request form;
- (2) Two sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design; (See WAC 296-150C-0340 and 296-150C-0350.)
- (3) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed

in Washington state. We will retain the set with the original wet stamp;

(4) Receipt of a one-time initial design plan filing fee and the initial design plan fee (see WAC 296-150C-3000);

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules;

(6) The occupancy class of the commercial coach according to the occupancy classifications in The Uniform Building Code;

(7) All plans required by WAC 296-46-140 (Plan review for educational, institutional or health care facilities and other buildings) must be reviewed by the department. The department's fee for this plan review is listed in the fee table in WAC 296-150C-3000, Commercial coach fees.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0410 When does my design plan expire? Commercial Coach - Master Design Plan:

(1) Your commercial coach master design plan expires when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your approved master design plans to order insignia as long as they comply with the applicable codes.

Commercial Coach - One-Year Design Plan:

(2) Your commercial coach one-year design plan expires either one year after approval or when there is a code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your design plans to order insignia as long as they comply with the applicable codes.

(3) All National Electrical Code amendments may be incorporated by an addendum to your design plan.

Note: The State Building Code is on a three-year code cycle which coincides with the State Building Code Council amendment cycle. The National Electrical Code (NEC) cycle, however, does not coincide with the other code cycles.

Commercial Coach Vendor Unit:

(4) Your vendor unit design plan expires after the unit is converted or altered. You can only use this design plan once.

~~((5) The effective date of this rule is November 25, 1996. Manufacturers who have approved design plans can continue production under the old rules for one hundred twenty days after the effective date of these rules. Manufacturers who are submitting new design plans after the effective date of these rules can submit and produce under the old rules for one hundred twenty days after the effective date of these rules.))~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0460 What information must a manufacturer provide when a professional or firm does the design-plan approval? You must provide the following information with your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) Two or more sets of design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150C-0340 and 296-150C-0350);

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; ~~((and))~~

(5) The design plan fee for design plans approved by professionals or firms~~((:))~~; (see WAC 296-150C-3000.)

(6) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process;

(7) A professional cannot approve those electrical designs listed in WAC 296-150C-0310(2); and

(8) A professional cannot approve plans submitted under a reciprocal agreement.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0500 When is an inspection required? (1) Before we issue an insignia, each unit manufactured or converted must be inspected as many times as required to show compliance with this chapter.

Note: Each commercial coach must have a serial number so we can track inspections.

(2) Before we issue an insignia, each commercial coach must be inspected at the manufacturing location as many times as required. Inspections may include but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the commercial coach is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a commercial coach is damaged in transit to the building site or during on-site installation, it must be inspected. This is considered an alteration inspection. (See WAC 296-150C-0240.)

(5) Approved design plans~~((: specifications, engineering analysis and test results must be available during the inspection))~~ must be available in compliance with the applicable sections of the adopted state codes.

(6) Once your unit is inspected and approved we will attach the insignia.

Commercial Coach Vendor Unit

(7) Before we issue an insignia, each commercial coach vendor unit is inspected as follows:

(a) Inspection(s) during conversion or alteration of a commercial coach vendor unit; and

(b) A final inspection after the commercial coach vendor unit is complete.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my commercial coach? (1) If your commercial coach alteration does not pass our inspection, you will receive a notice of noncompliance. The notice of noncompliance explains what items must be corrected.

(2) You have twenty days after receiving the notice of noncompliance to send us a written response to explain how you will correct the violations.

(3) You are not allowed to sell, lease, ~~((or))~~ offer for sale or use the altered commercial coach until you correct the violations. We must inspect and approve the corrections, and you must pay the inspection and insignia fees, if required (see WAC 296-150C-3000).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0800 What manufacturing codes apply to commercial coaches? (1) All design, construction, and installations of commercial coaches must conform with the following codes and the requirements of this chapter:

(a) The latest adopted version of the Washington State Ventilation and Indoor Air Quality Code, ~~((1991 third edition))~~ as adopted by chapter 51-13 WAC;

(b) The structural and other requirements of this chapter;

(c) Occupancy classification only from chapter 3 of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC, except commercial coaches must not be group H or R-3 occupancy;

(d) Accessibility requirements of chapter 11 of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC;

(e) Table 16-A Uniform and concentrated floor loads and footnotes of The Uniform Building Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-30))~~ 51-40 WAC;

(f) The Uniform Mechanical Code, ~~((1994))~~ 1997 edition as adopted and amended by chapter ~~((51-32))~~ 51-42 WAC except when conflicting with the provisions of this chapter, this chapter controls;

(g) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC;

(h) The latest adopted version of the Washington State Energy Code, ~~((1994 second edition))~~ as adopted by chapter 51-11 WAC;

(i) The Uniform Plumbing Code, ~~((1994))~~ 1997 edition as adopted and amended by chapters ~~((51-26 and 51-27 WAC:))~~ 51-46 and 51-47 WAC;

(j) Where there is a conflict between codes, an earlier named code takes precedent over a later named code. Where, in any specific case, different sections of this code specify

different materials, methods of construction or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a special requirement, the specific requirement must be applicable.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Note: The codes, RCW's and WAC's referenced in this rule are available to view at the Washington State Library, the Washington State Law Library, and may also be available at your local library.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0820 (~~(Structural analysis.)~~) **What are the basic structural requirements of a commercial coach?** Each commercial coach must be designed and constructed as a completely integrated structure capable of sustaining the design-load requirements of this chapter. It shall be capable of:

(1) Transmitting these loads to stabilizing devices without causing unsafe deformation or abnormal structural movement; and

(2) Withstanding the adverse effects of transportation shock and vibration (~~(, both)~~) as an integrated structure (~~(and as to its parts)~~).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0960 (~~(Roof trusses.)~~) **What requirements apply to commercial coach roof trusses?** (1) The construction of roof trusses must be approved by a professional engineer. Roof trusses may be produced by one of the following methods:

(a) Use of (~~(stress)~~) graded materials when an approved testing agency certifies truss construction and load requirements are met; the testing agency must prepare an approved quality control program which allows them to test the trusses with appropriate testing procedures.

(b) Use of nongraded materials, if each truss is tested in an approved testing jig at the manufacturer's site with a load equivalent to full design load (1.75 times the full design load sustained for twelve hours).

(2)(a) Representative trusses must be tested from the production line, when we request. The approved testing agency or engineer must submit the testing report to us.

(b) All test reports are to be stamped, signed, and dated by the approved testing agency or engineer who performs the test.

(c) These tests must not occur more than two times a year per design unless there are problems with the roof trusses.

(d) The manufacturer is required to maintain an acceptable quality level not exceeding 1% using acceptable sampling procedures.

Note: The acceptable quality level is defined as the maximum allowable percentage of defective units.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1080 (~~(Chassis.)~~) **What design and construction requirements apply to a commercial coach chassis?** Each commercial coach chassis must be designed and constructed to be capable of:

(1) Effectively sustaining the design loads consisting of the dead load plus (~~(the live)~~) five PSF load (~~(of)~~) on the floor and the superimposed dynamic load resulting from highway movement, in no case shall the dynamic load be required to exceed twice the dead load; and

(2) Accepting the shock and vibration from the roadway and towing vehicle through the use of adequate running gear assemblies. Running gear assemblies consist of axles, springs, spring hangers, hubs, bearings, tires, rims and their related hardware. Running gear assemblies must be capable of sustaining the loads in subsection (1) of this section.

(3) In the set up mode, the commercial coach must be designed to accommodate a fifty PSF floor load.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1170 (~~(Light and ventilation.)~~) **What are the lighting and ventilation requirements of a commercial coach?** (1) Habitable rooms must be provided with exterior windows or doors having a total glazed area of at least ten percent of the floor area, or they must have artificial light.

(2) An area equal to a minimum of five percent of the floor area must be available for unobstructed ventilation. Glazed areas do not need to be opened if a mechanical ventilation system is provided. The mechanical ventilation system must be capable of producing a change of air in the room every thirty minutes with at least one-fifth of the air supply taken from outside the commercial coach.

(3) Each bathroom must be provided with artificial light and with external windows or a mechanical exhaust must be provided. The external window must have at least 1/2 square feet of glazed area fully able to open (~~(, except where)~~). A mechanical ventilation system must be capable of producing a change of air every twelve minutes (~~(, is provided)~~). Any mechanical ventilation system must exhaust directly to the outside of the commercial coach.

NEW SECTION

WAC 296-150C-1303 **How must storage batteries be installed in a commercial coach?** Storage batteries subject to the provisions of this standard must be securely attached to the commercial coach. They must be installed in an area

which is vapor-tight to the interior and ventilated directly to the exterior of the coach. When batteries are installed in a compartment, the compartment must be ventilated with openings of not less than two square inches at the top and two square inches at the bottom. Batteries must not be installed in a compartment containing spark or flame producing equipment, except in an engine generator compartment if the only charging source is the generator itself.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1580 ~~What manufacturing codes apply when converting structures to vendor units?~~ (1) The conversion of a structure to a vendor unit must comply with the following codes:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-32 WAC;

(b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC, Installing Electric Wires and Equipment; ~~(and)~~

(c) The Uniform Plumbing Code 1991 edition with the amendments under chapter 19.27 RCW; ~~and~~

(d) The Washington State Building Code Council, chapter 51-30 WAC, Uniform Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7.

(2) All construction methods and installations must use accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The person converting a structure to a vendor unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1590 ~~((Structural analysis for acceptability.))~~ Is a structural analysis required when converting a vehicle or structure to a vendor unit? (1) A "Type A vendor unit" is a commercial coach such as, but not limited to, a truck, van, or step van that meet the requirements of this chapter. Conversion of a truck, van or step van to a "Type A vendor unit" requires an engineering analysis or structural test to determine if the vehicle is structurally acceptable for use as a Type A vendor unit.

(2) A "Type B vendor unit" is a commercial coach such as, but not limited to, a recreational vehicle as defined by the American National Standard Institute, Inc. Conversion of a structure to a Type B vendor unit requires an engineering analysis or structural tests to determine whether it is structurally acceptable for use.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1600 ~~((Live loads.))~~ What are the live load requirements of a vendor unit? (1) The design live loads for vendor units are:

(a) Roof 25 psf

(b) Floor 40 psf

(2) ~~((The roof live load must not be considered as acting simultaneously with the wind load. The roof and the floor live loads must not be considered as resisting the overturning moment due to wind.))~~ No wind load design is required.

(3) The roof live load and the floor live load must be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1720 ~~((Vendor unit exits.))~~ What requirements apply to vending unit exits? At least one vending unit exit must comply with the following:

(1) Exterior doors must be constructed for exterior use.

(2) The exterior door must be at least thirty-inches wide by seventy-two inches high.

(3) Each swinging exterior door must have a key-operated lock that has a deadlock latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism must be engaged or disengaged by the use of a lever, knob, button, handle, or other device from the interior of the vending unit.

(4) Locks must not require the use of a key for operation from the inside.

(5) Exit doors may either be hinged or sliding. Roll-up doors may not be used to meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1730 ~~((Electrical for vendor units.))~~ What code and installation requirements apply to vendor unit electrical systems? The electrical system in any vendor unit must comply with the National Electrical Code as referenced in chapter 19.28 RCW, Article 550 and the applicable portions of other Articles as required by this section.

(1) Appliances must be installed per Articles 422 - Appliances.

(2) Generators must be installed per Article 445 - Generators.

(3) The unit must be served by a four-wire system. The neutral bar termination of the grounded circuit conductor must be isolated.

(4) Storage batteries subject to the provisions of this standard must be securely attached to the commercial coach. They must be installed in an area which is vapor-tight to the interior and ventilated directly to the exterior of the coach. When batteries are installed in a compartment, the compartment must be ventilated with openings of not less than two

square inches at the top and two square inches at the bottom. Batteries must not be installed in a compartment containing spark or flame producing equipment, except in an engine generator compartment if the only charging source is the generator itself.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-1740 (~~(Mechanical for vendor units.)~~) What are the mechanical requirements for a vendor unit? (1) This chapter applies to the installation of mechanical, ventilation, and indoor air quality equipment in any vendor unit bearing or required to bear a department insignia. When mechanical, ventilation, and indoor air quality equipment is installed in or on a vendor unit, it must be installed according to the requirements of the Uniform Mechanical Code, the Washington State Ventilation and Indoor Air Quality Code, the rules of this chapter, and the conditions of the equipment approval or listing agency.

(2) For definitions of mechanical, see WAC 296-150C-1340.

NEW SECTION

WAC 296-150C-1750 What are the LPG system enclosure and mounting requirements for a vendor unit? (1) LPG containers must not be installed, nor stored temporarily, inside any vendor unit.

Exception: This prohibition does not apply to completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of two and one-half pounds (approximately one pound LPG capacity).

(2)(a) Containers, control valves and regulating equipment, when installed, must be mounted on the "A" frame of the vendor unit or installed in a compartment that is vapor-tight to the inside of the vendor unit and accessible only from the outside.

(b) The compartment must be ventilated at top and bottom to diffuse vapors. The compartment must be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and must open without restriction to the outside. The required vents must be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent must be flush with the floor level of the compartment. The top vent must be located in the access door or wall with the bottom of the vent not more than twelve inches below the ceiling level of the compartment. All vents must have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments must not be equipped with locks or require special tools or knowledge to open.

(3) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for container replacement must incorporate means for clamping them firmly in place and preventing them from working loose during transit. Provisions must be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(4) LPG containers must be mounted on a substantial support or a base secured firmly to the vendor unit chassis. Neither the container nor its support can extend below the vendor unit frame.

NEW SECTION

WAC 296-150C-1751 What are the fuel gas piping design requirements for a vendor unit? Vendor units requiring fuel gas for any purpose must be equipped with a gas piping system that is designed for LPG only or combination LPG and natural gas.

NEW SECTION

WAC 296-150C-1752 Can gas tubing be concealed in a vendor unit? (1) Tubing must not be run inside walls, floors, partitions, or roofs.

(2) If tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing must be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

NEW SECTION

WAC 296-150C-1753 What are the pipe-joint compound requirements for gas piping in a vendor unit? (1) Screw joints must be made tight with pipe-joint compound that is insoluble in liquefied petroleum gas.

(2) Pipe-joint compound must be approved for the type of gas used. The pipe-joint compound must be applied to the male threads only.

NEW SECTION

WAC 296-150C-1754 What are the gas piping hanger and support requirements for a vendor unit? (1) All gas piping must be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than four feet, except where adequate support and protection is provided by structural members.

(2) Gas pipe supply connections must be rigidly anchored to a structural member within six inches of the supply connections.

NEW SECTION

WAC 296-150C-1755 What are the electrical bonding requirements for gas piping in a vendor unit? (1) Gas piping must not be used for an electrical ground.

(2) The gas line must be bonded.

NEW SECTION

WAC 296-150C-1756 How are gas supply connections in a vendor unit identified? A label must be permanently attached on the outside of the exterior wall of the vendor unit adjacent to the gas supply connection which provides the following information:

(1) The type of system (i.e., liquid petroleum system or natural gas system or combination liquid petroleum and natural gas system);

(2) The appropriate Btuh input rating; and

(3) If excess ("or more") Btuh input is allowed.

For example: Natural Gas System

250,000 Btuh

Or More

NEW SECTION

WAC 296-150C-1757 What requirements apply to gas piping system openings? All openings in the gas piping system must be closed gas-tight with threaded pipe plugs or pipe caps.

NEW SECTION

WAC 296-150C-1758 Are gas piping shut-off valves required in a vendor unit? (1) In addition to any valve on the appliance, a shut-off valve must be installed in the fuel piping outside of each gas appliance but inside the vendor unit structure and upstream of the union or connector. The shut-off valve must be located within six feet of a cooking appliance and within three feet of any other appliance. A shut-off valve may serve more than one appliance if located as required above.

(2) Shut-off valves used in connection with gas piping must be of a type designed for use with liquefied petroleum gas. Shut-off valves must be tested and approved to ANSI Z21.15 standard or equal.

NEW SECTION

WAC 296-150C-1759 What requirements apply to testing for gas piping leaks before vendor unit appliances are connected? (1) The piping system must stand a pressure of at least ten psi gauge for a period of not less than fifteen minutes without showing any drop in pressure.

(2) Pressure must be measured with a gauge calibrated to be read in increments of not greater than one-tenth pound.

(3) The source of pressure must be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping must be approximately the same, and constant air temperature must be maintained throughout the test.

NEW SECTION

WAC 296-150C-1760 What requirements apply to testing for gas piping leaks after vendor unit appliances are connected? (1) After gas appliances have been connected, the gas-piping system must be subjected to a pressure test with the burner valves closed. The test consists of air at not less than ten inches nor more than fourteen inches pressure of water column (six to eight ounces). The system must hold this pressure for a period of not less than ten minutes with no leakage. Before beginning the test, the temperature of the gas-piping system and the test air must be equalized, and this shall be maintained throughout the test.

(2) Appliance shut-off valves ahead of gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed, these valves must be opened and, while the system is under pressure, the appliance connectors must be tested with an approved leak detector or approved bubble solution.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150C-0980 Wall coverings.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0020 What definitions apply to this chapter? "Approved" is approved by the department of labor and industries.

"Building site" is a tract, parcel, or subdivision of land on which a factory-built house or commercial structure will be installed.

"Closed construction" is a factory-built house, commercial structure, or component that is not open for visible inspection at the building site. It may enclose factory-installed structural, mechanical, electrical, plumbing, or other systems and equipment.

"Commercial structure" is a structure designed or used for human habitation (such as a dormitory) or human occupancy for industrial, educational, assembly, professional, or commercial purposes. It may also include a component.

"Component" is a discrete element that cannot be inspected at the time of installation either in the factory or in a site-built unit, but is:

- Designed to be installed in a structure;
- Manufactured as a unit; and
- Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, or heating assembly.

It may also be a service core. A service core is a factory assembled, three-dimensional section of a building. It may include mechanical, electrical, plumbing, and related systems. It may be a complete kitchen, bathroom, or utility room. Service cores are referred to as "wet boxes," "mechanical cores," or "utility cores."

Note: A roof truss is not considered a component.

"Damaged in transit" is damage that effects the integrity of the structural design or damage to any other system referenced in the codes required by the State Building Code, or other applicable codes.

"Department" is the department of labor and industries. The department may also be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor

and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"**Design plan**" is a plan for the construction of factory-built housing, commercial structures, or components that includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design.

"**Design option**" is a design that a manufacturer may use as an option to its design plan.

"**Equipment**" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built housing, commercial structures, and components.

"**Factory assembled structure (FAS) advisory board**" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to factory-built housing, commercial structures and components. (See RCW 43.22.420.)

"**Factory-built housing**" is housing designed for human occupancy such as a single-family dwelling. The structure of any room is entirely or substantially prefabricated or assembled at a place other than a building site. It may also include a component. A factory-built house is also referred to as a "modular" structure. Factory-built housing does not include manufactured (mobile) housing. (See RCW 43.22.450(3).)

"**Insignia**" is a label that we attach to a structure to verify that a factory-built house or commercial structure meets the requirements of this chapter. It could also be a stamp or label attached to a component to verify that it meets the requirements of this chapter. ((See also the definition for temporary insignia.))

"**Install**" is to erect or set in place a structure at a building site. It may also be the construction or assembly of a component as part of a factory-built house or commercial structure.

"**Listed**" is a piece of equipment, a component, or an installation that appears in a list published by a testing or listing agency and is suitable for use in a specified manner.

"**Listing agency**" is an organization whose business is approving equipment, components, or installations for publication.

"**Local enforcement agency**" is an agency of city or county government with power to enforce local regulations governing the installation of factory-built housing and commercial structures.

"**Master design plan**" is a design plan that expires when a new State Building Code has been adopted.

"**Manufacturing**" is making, fabricating, forming, or assembling a factory-built house, commercial structure, or component.

"**One-year design plan**" is a design plan that expires one year after approval or when a new State Building Code has been adopted.

"**Repair**" is the replacement, addition, modification, or removal of any construction, equipment, system, or installation to correct damage in transit or during on-site installation before occupancy.

~~("Temporary insignia" is a label that we attach to a structure to verify that the factory-built house or commercial structure meets the requirements of this chapter. A temporary insignia is used when the final destination of a structure has not been determined. This temporary insignia must be replaced with a permanent insignia prior to delivery of the structure to a building site. Fees for temporary insignia or their replacement with permanent insignia are shown in WAC 296-150F-3000.)~~

"**Unit**" is a factory-built house, commercial structure, or component.

NEW SECTION

WAC 296-150F-0130 How do I register a complaint?

A person who believes that a structure or component does not meet the requirements of this chapter may register a complaint with the department. The complaint must be in writing and must specifically describe the alleged violations of this chapter. Upon receipt of the complaint, the department will forward a copy to the appropriate manufacturer and/or dealer and they shall have thirty days to respond to it. If the department determines that an inspection is necessary, the manufacturer/dealer shall pay the department for the cost of the inspection. The cost of the inspection is based upon the fee schedule in WAC 296-150F-3000 and includes the hourly inspection fee, travel costs and other expenses incurred as a result of the inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0200 Who must purchase factory-built housing and commercial structure insignia? (1) You must obtain insignia from us for each factory-built house ((and)), commercial structure and component sited in Washington state.

(2) ~~((You do not need to purchase our insignia if you manufacture factory-built housing and commercial structure in Washington for sale outside the state.))~~ If you are a Washington state manufacturer, you do not need to purchase our insignia for your factory-built housing, commercial structures and components sold outside of Washington state.

(3) You must have an approved design plan and have passed inspection before an insignia can be attached to your factory-built home or commercial structure by us or our authorized agent.

(4) If a unit is damaged in transit after leaving the manufacturing location or during an on-site installation, and a repair is necessary, you must purchase an insignia from us. The insignia indicates that the unit was repaired.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0210 What are the insignia requirements? (1) If you are applying for insignia for factory-built housing ((and)), commercial structures and components you must have your design plan approved and your units and components inspected and approved by us.

(2) We will attach the insignia after:

- (a) We receive the required forms and fees from you (see WAC 296-150F-3000); and
- (b) Your unit or component has passed final inspection. (See WAC 296-150F-0500.)

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0460 What information must a manufacturer provide when a professional or firm does the design plan approval? You must provide the following information with your approved design plan:

- (1) A completed departmental design plan approval request form;
- (2) Two or more sets of the design plans plus elevation drawings, specifications, engineering analysis, and test results and procedures necessary for a complete evaluation of the design. These design plans must have an original wet stamp, be signed, and dated by the approving professional(s) (see WAC 296-150F-0340 and 296-150F-0350);
- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us;
- (5) The design plan fee for design plans approved by professionals or firms (see WAC 296-150F-3000); ~~((and))~~
- (6) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;
- (7) A professional cannot approve those electrical designs listed in WAC 296-150F-0310(2); and
- (8) A professional cannot approve plans submitted under a reciprocal agreement.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0500 When is an inspection required? (1) Before we issue an insignia, each factory-built house, commercial structure, and component must be inspected at the manufacturing location as many times as are required by the codes. (See WAC 296-150F-0600.) Inspections may include:

- (a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems are covered;
- (b) Insulation and vapor barrier inspection, if required;
- (c) Other required code inspections;
- (d) A final inspection after the factory-built house, commercial structure, or component is complete;

Note: Each factory-built house, commercial structure, and component must have a serial number to enable us to track inspections.

(2) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(3) After a unit is manufactured but before occupancy, we must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection. (See WAC ~~((296-150F-0240))~~ 296-150F-0540.)

(4) ~~Approved design plans (, specifications, engineering analysis or test results must be available during the inspections))~~ must be available in compliance with the applicable sections of adopted state codes.

(5) Once your unit is inspected and approved we will attach the insignia.

Note: We only inspect factory-built housing and commercial structures before occupancy. After occupancy, the local enforcement agency is the inspection agency.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of water treatment equipment is considered an alteration and requires a permit, an inspection and an alteration insignia.

The following are not considered alterations:

- Repairs to equipment with approved parts; or
- Modification of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"**DAPIA**" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"**Department**" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"**Design plan**" is a design submitted to the department for approval of a manufactured home structural alteration.

"**Equipment**" is all material, appliances, devices, fixtures, fittings, or accessories used in the alteration or installation of a manufactured home.

"**Footing**" is the portion of a support system that transmits loads from the manufactured home to the ground.

"**Foundation skirting**" or "**skirting**" is the material that surrounds and encloses the space under the manufactured home.

"**Homeowner**" is an individual who owns a manufactured home for the purposes of this chapter.

"**HUD**" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"**Installation**" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"**IPIA**" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"**Local enforcement agency**" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"**Manufactured home**" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"**Mobile home**" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state.

Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"**Park site**" is the installation location of a manufactured home within a residential area for manufactured homes.

"**Structural alteration-custom design**" is a design that can only be used once.

"**Structural alteration-master design**" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"**System**" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

NEW SECTION

WAC 296-150M-0306 What codes are used when altering a manufactured (mobile) home? Alterations to a manufactured (mobile) home must be in compliance with the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280, as adopted by the Secretary for the Department of Housing and Urban Development (HUD) and the amendments to that federal standard adopted in this WAC chapter.

(1) The Department will accept mix and match air conditioning/heat pump components that have been tested and listed for use with a particular furnace by a nationally recognized testing laboratory.

(2) The Department will accept pellet stoves for installation that have been listed by a Department approved testing laboratory. For a current list of approved laboratories, contact any Department Field Office or the Department at the address shown in WAC 296-150M-0020 What definitions apply to this chapter?

NEW SECTION

WAC 296-150M-0307 How may I obtain a copy of the Manufactured Home Construction and Safety Standards, Part 24, CFR 3280? Copies of the federal standard may be obtained by writing to:

Director
Manufactured Housing Standards Division
Department of Housing and Urban Development
451 Seventh Street Southwest
Washington, D.C. 20410

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0310 What happens if I fail to get your approval prior to altering a manufactured home?

(1) If you alter a manufactured home without getting our approval and an alteration insignia, (~~we may remove your Washington state insignia or HUD label and~~) your manufactured (**mobile**) home cannot be sold or leased.

(2) We may remove any Washington state insignia(s) attached to your manufactured (mobile) home.

NEW SECTION

WAC 296-150M-0331 Does my alteration permit expire? Yes, your alteration permit will expire one year after the date of purchase. Alteration permits purchased prior to January 1, 1998, will expire on December 31, 1998. Alteration permits purchased after January 1, 1998, will expire one year after the date of purchase.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0400 How do I apply for alteration approval and obtain an alteration insignia? (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms upon request.

(b) Submit the completed forms to us, with the first hour of inspection fee and alteration insignia fee. Alterations requiring more than one inspection shall have the first hour inspection fee paid to the department prior to any inspection. (See WAC 296-150M-3000.)

(2) Request inspection of your alteration at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0600 Who establishes standards for installation of manufactured homes? (1) The director of labor and industries is responsible for establishing uniform installation standards where possible and practical for persons or entities engaged in performing the installation of manufactured homes within the state.

(2) Local jurisdictions may adopt additional installation requirements only for those ~~((special situations in hazardous areas as defined in WAC 296-150M-0620))~~ installation situations not covered by federal standards. For example, local jurisdictions may impose noise control construction ordinances, prescribe the frost depth and soil bearing capacity at the installation site, and adopt requirements to protect manufactured homes in hazardous areas, i.e., in flood and earthquake areas (see WAC 296-150M-0620).

Also, local jurisdictions may impose their requirements for snow and wind loads as long as all structures within their jurisdiction are required to comply with the same standard and provided those installing the manufactured home are given options in satisfying that standard. Such an option might include, but not be limited to, allowing an installer to erect an additional structure, which meets local standards, and protects the manufactured home. For example, an installer could erect a free standing ramada over a manufactured home to protect it from local snow loads.

Local jurisdictions may not:

(a) Dictate foundation construction which is built according to either the manufacturer's installation instructions or a design created by an engineer or architect licensed in Washington state.

(b) Impose regulations on smoke detectors because they are regulated by federal standards.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0610 What instructions are used for a manufactured home installation? The following instructions must be used for an initial or relocated manufactured home installation (note: The specific instructions in this chapter take precedence over manufacturer's instructions and ANSI standards):

(1) Installation of a new manufactured home.

(a) The initial manufactured home installation must be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions do not address an aspect of the installation, you may request:

(i) Specific instructions from the manufacturer; or

(ii) Specific instructions from a professional engineer or architect licensed in Washington state.

For example: (A) A manufactured home is installed over a basement and the manufacturer's instructions do not address this application;

(B) A manufactured home is installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

~~(c) ((A manufactured home must be anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington-))~~ All manufactured homes installed in Washington state must be permanently anchored except for those installed on dealer lots. On dealer lots, temporary sets are permitted without anchoring being installed. A manufactured home must be anchored according to the manufacturer's installation instructions or according to the design of a professional engineer or architect licensed in Washington state. Local jurisdictions may not prescribe anchoring methods.

(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in this section. It must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards ~~((in subsection (3) of this section))~~ below if the manufacturer's instructions are not available.

If the manufacturer's skirting and access instructions are not specific, skirting, ventilation and access shall be installed as follows:

(i) Skirting:

- Skirting must be made of materials suitable for ground contact.
- Metal fasteners must be made of galvanized, stainless steel or other corrosion resistant material.
- Ferrous metal members in contact with the earth, except those made of galvanized or stainless steel, must be coated with an asphaltic emulsion.

- Properly attached skirting must not trap water between the skirting and siding or trim.
- All skirting must be recessed behind the siding or trim.

(ii) Ventilation:

For homes sited in a flood plain, contact the local jurisdiction regarding proper skirting ventilation. Except for those manufactured homes sited in a flood plain, all skirting must be vented as follows:

- Vent openings must be covered with corrosion-resistant wire mesh to prevent the entrance of rodents. The size of the mesh opening cannot exceed 1/4 inch.
- Vent openings must have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.
- Vent openings must be located as close to corners and high as practical and they must provide cross ventilation on at least two opposite sides.

(iii) Access:

- Access to the under floor area of a manufactured home must have an opening at least eighteen inches by twenty-four inches in size.
- The access opening must be located so that all areas under a manufactured home are available for inspection.
- The access opening must be covered and that cover must be made of metal, pressure treated wood or vinyl.

(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.

(f) Heat duct crossovers must be installed per the manufacturer's installation instruction manual or per ~~((the standards in subsection (6) of this section))~~ ANSI A119.1 or the following instructions if the manufacturer's instructions are not available:

Heat duct crossovers must be supported at least one inch above the ground by strapping or blocking. They must be installed to avoid standing water. Also, they must be installed to prevent compression, sharp bends and to minimize stress at the connections.

(g) Dryer vents must exhaust to the exterior side of the wall or skirting. Dryer ducts outside the manufactured home shall comply with the dryer manufacturer's specifications or shall be made of metal with smooth interior surfaces.

(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward. The end of the pipe must be at least six inches but not more than two feet above the ground.

(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or by use of a heat tape listed for use with manufactured homes and installed per the heat tape manufacturer's installation instructions.

(j) The testing of water lines, waste lines, gas lines and electrical systems must be as per the manufacturer's installation instructions ~~((or per HUD standard CFR 3280))~~. If the manufacturer's installation instructions require testing of any of these systems, the local jurisdiction is responsible for ver-

ifying that the tests have been performed and passed. Electrical connections and testing are the responsibility of the electrical section of labor and industries except where a city has assumed the electrical inspection responsibilities for their jurisdiction. In that case, the city's electrical inspectors are responsible for the electrical connections and testing.

(k) During the installation process, a ground cover must be installed under all manufactured homes. The ground cover must be a minimum of six-mil black polyethylene sheeting or its equivalent (exception to ANSI A225.1 (3.5.2)). The ground cover may be omitted if the under floor area of the home has a concrete slab floor with a minimum thickness of three and one-half inches.

(l) Clearances underneath manufactured homes must be maintained at a minimum of eighteen inches beneath at least seventy-five percent of the lowest member of the main frame (I-beam or channel beam) and the ground or footing. No more than twenty-five percent of the lowest member of the main frame of the home shall be less than eighteen inches above the ground or footing. In no case shall clearance be less than twelve inches anywhere under the home (exception to ANSI A225.1 (4.1.3.3)).

(m) Heat pump condensation lines must be extended to the exterior of the manufactured home.

~~(2) ((Relocation installation of a manufactured home.))~~
Installation of a relocated manufactured (mobile) home.

(a) A relocated manufactured home installation should be conducted according to the manufacturer's installation instructions.

(b) If the manufacturer's instructions are unavailable, you may use either:

(i) The American National Standard Institute (ANSI) standard ANSI A225.1-Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

~~(c) ((A manufactured home must be anchored per the manufacturer's installation instructions. If the manufacturer's installation instructions are not available, you may use:~~

~~(i) The American National Standards Institute (ANSI) standard ANSI A225.1 - Manufactured Homes Installation, 1994 edition instructions; or~~

~~(ii) The instructions of a professional engineer or architect licensed in Washington state.~~

~~(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in subsection (3) of this section.~~

~~(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.~~

~~(f) Heat duct crossovers must be installed per the manufacturer's installation manual, ANSI A225.1, 1994 edition, or per subsection (6) of this section.~~

~~(g) Dryer vents must exhaust to the exterior side of the wall or skirting.~~

~~(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward.~~

~~(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or per ANSI A225.1, section 8.~~

~~(j) The testing of water lines, waste lines, gas lines and electrical systems must be per the manufacturer's installation instructions or per HUD standard CFR 3280.~~

~~(3) Skirting must be of materials suitable for ground contact. Metal fasteners must be galvanized, stainless steel or other corrosion resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, must be coated with an asphaltic emulsion. Skirting must not be attached in such a manner that can cause water to be trapped between the skirting and siding or trim. The skirting must be recessed behind the siding or trim.~~

~~(4) The skirting must be vented as follows except for manufactured homes sited in a flood plain. For homes sited in a flood plain, contact the local jurisdiction for proper ventilation. Skirting must be vented by openings protected from the entrance of rodents by being covered with corrosion resistant wire mesh with mesh openings of 1/4 inch in dimension. Such openings must have a net area of not less than one square foot for each one hundred fifty square feet of under floor area. Ventilation openings must be located as close to corners and as high as practical. Openings must be located to provide cross ventilation on at least two opposite sides.~~

~~(5) Access to the under floor area of the manufactured home must have an opening not less than 18" x 24" and must be located so that all areas under the manufactured home are available for inspection. The cover must be of metal, pressure treated wood or vinyl.~~

~~(6) Heat duct crossovers installed to the standards in this section must be supported above the ground by strapping or blocking and be installed to avoid standing water. Heat ducts must also be installed to prevent compression and sharp bends and to minimize stress at the connections.) If either (b)(i) or (ii) is used, all of the requirements of WAC 296-105M-0610 (b) through (m) must also be followed.~~

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0620 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? (1) Local enforcement agencies may have special installation requirements for manufactured homes installed in hazardous areas.

(2) A hazardous area is:

(a) An area recognized as a flood plain by the local jurisdiction; or

(b) An area considered hazardous due to the probability of earthquake. ~~((We recommend that in an earthquake area you use additional measures designed by an engineer to minimize the potential effects caused by an earthquake.))~~ In such areas, local jurisdictions may require an earthquake resistant bracing system designed for the earthquake zone in which the home is located and by a registered professional engineer or architect.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0640 Does a person who installs a manufactured home need an installation permit? (1) Any person who installs a manufactured home must obtain an installation permit from the local enforcement agency prior to installation.

(2) Any permit fees set by the local enforcement agency must be paid in full and included with the permit application.

(3) A dealer ~~((shall)), owner or agent must~~ not deliver a manufactured home to its site without verifying that an installation permit has been obtained.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0660 What are the requirements for on-site structures and who regulates them? On-site structures, sometimes referred to as auxiliary structures, such as, but not limited to, carports, decks and steps should be self-supporting.

(1) Local enforcement agency jurisdiction.

(a) On-site self-supporting structures that do not use any of the systems in the manufactured home are inspected by the local enforcement agency and they should be contacted for specific on-site structure requirements.

(b) Aluminum or wood awnings and carports that are self-supported by a beam next to a manufactured (mobile) home are inspected by the local enforcement agency. Note: The awning or carport may be flashed to the manufactured (mobile) home.

(2) Department of Labor and Industries jurisdiction.

(a) On-site structures that are not self-supporting or use one or more of the systems of the manufactured home require an inspection by us and by the local enforcement agency.

(b) Aluminum or wood awnings and carports that are attached to the manufactured (mobile) home without the benefit of a self-supported beam require approval and inspection by the Department. Note: This attachment must be designed and approved by an engineer or an architect licensed in Washington state. Furthermore, these stamped plans must be submitted to the Department and approved before an inspection can be conducted.

(c) Attached garages:

(i) If the manufactured (mobile) home is built "garage ready" (one hour fire wall, dormer, etc.) at the factory and is installed by the manufacturer, an alteration inspection may not be required.

(ii) If the manufactured (mobile) home is not built "garage ready" at the factory, an alteration inspection is required for all changes made to it.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-150M-0700 Acceptable types of ground cover.

WAC 296-150M-0710 Clearance under manufactured homes.

WAC 296-150M-0730 Heat pump.

WSR 98-07-096
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 18, 1998, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-143.

Title of Rule: See Purpose below.

Purpose: The department is proposing a 4.05% general increase in factory assembled structures (FAS) fees, contractor registration fees and plumber certification fees. The 4.05% figure is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 1998. The general fee increases are necessary to maintain the stability of the plumber's fund and the financial health and operational effectiveness of the contractor registration and FAS programs. Also, several new FAS fees are proposed. Most of these new fees are to cover the cost of services previously provided to FAS customers without charge. Finally, new medical gas piping endorsement fees are proposed for inclusion into the plumbing rules. These fees are needed to implement SSB 5749 and will be effective when the new medical gas rules become effective.

Chapter 296-150C WAC, Commercial coaches.

WAC 296-150C-3000 Commercial coach fees. State-initiated proposed amendments are made to:

- Increase all commercial coach fees by 4.05% rounded down to the nearest quarter of a dollar.
- Add electrical plan review fees to cover the cost of FAS electrical plan reviews required by WAC 296-46-140 Plan review for educational, institutional or health care facilities and other buildings.
- Add reciprocal plan review fees to cover the cost of this service.
- Add a fee to cover the cost of reviewing and approving sets of design plans submitted beyond the two sets required by the department.
- Add a fee to cover the cost of printing and distributing factory assembled structures RCWs and WACs beyond the one free annual copy required by statute.

Chapter 296-150F WAC, Factory-built housing and commercial structures.

WAC 296-150F-3000 Factory-built housing and commercial structure fees. State-initiated proposed amendments are made to:

- Increase all factory-built housing and commercial structure fees by 4.05% rounded down to the nearest quarter of a dollar.
- Add electrical plan review fees to cover the cost of FAS electrical plan reviews required by WAC 296-46-140

Plan review for educational, institutional or health care facilities and other buildings.

- Add reciprocal plan review fees to cover the cost of this service.
- Add a fee to cover the cost of reviewing and approving sets of design plans submitted beyond the two sets required by the department.
- Add a fee to cover the cost of printing and distributing factory assembled structures RCWs and WACs beyond the one free annual copy required by statute.
- Delete the "Temporary insignia fees" because a temporary insignia will no longer be issued by the department.

Chapter 296-150M WAC, Manufactured homes.

WAC 296-150M-3000 Manufactured home fees.

State-initiated proposed amendments are made to:

- Increase all manufactured home fees by 4.05% rounded down to the nearest quarter of a dollar.
- Add a fee to cover costs which are incurred after an HBT audit and which are necessary to satisfy federal program requirements.
- Add a fee to cover the cost of auditing units at a factory where the units were previously inspected and the inspection fee had been paid.
- Add travel fees to cover the cost of performing IPIA processes at times other than a normally scheduled IPIA audit.
- Add a fee to cover the cost of printing and distributing factory assembled structures RCWs and WACs beyond the one free annual copy required by statute.

Chapter 296-150P WAC, Recreational park trailers.

WAC 296-150P-3000 Recreational park trailer fees.

State-initiated proposed amendments are made to:

- Increase all recreational park trailer fees by 4.05% rounded down to the nearest quarter of a dollar.
- Add a fee to cover additional costs associated with a plan review that requires a structural review. (The structural requirements were added by the ANSI code.)
- Add a fee to cover the cost of printing and distributing factory assembled structures RCWs and WACs beyond the one free annual copy required by statute.

Chapter 296-150R WAC, Recreational vehicles.

WAC 296-150R-3000 Recreational vehicle fees.

State-initiated proposed amendments are made to:

- Increase all recreational vehicle fees by 4.05% rounded down to the nearest quarter of a dollar.
- Add a fee to cover the cost of printing and distributing factory assembled structures RCWs and WACs beyond the one free annual copy required by statute.

Chapter 296-200A WAC, Contractor certificate of registration renewals—Security—Insurance.

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? State-initiated proposed amendments are made to increase all fees in this section by 4.05% rounded down to the nearest quarter of a dollar.

Chapter 296-400A WAC, Certification of competency for journeyman plumbers.

WAC 296-400A-045 What fees will I have to pay? State-initiated proposed amendments are made to:

- Increase all fees in this section by 4.05% rounded down to the nearest quarter of a dollar.
- Implement SSB 5749 by adding new fees applicable to new medical gas rules proposed by the department. These new fees will be effective when the new medical gas rules become effective.

Statutory Authority for Adoption: Chapters 18.106, 18.27 and 43.22 RCW.

Statute Being Implemented: SSB 5749.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Kevin Morris and Dan Wolfenbarger, Tumwater, Washington, (360) 902-5578 and (360) 902-5225, respectively; Implementation and Enforcement: Ernie LaPalm, Tumwater, Washington, (360) 902-5329.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the proposed rules will not place a more than minor impact on any business, construction contractor or plumber.

RCW 34.05.328 applies to this rule adoption. The proposed rule amendments are considered "significant legislative rules" because the proposed new fees and the 4.05% fee increases will have a financial impact upon the public that they regulate.

Hearing Location: Spokane Public Works Building, County Commissioners Assembly Room (lower level), 1026 West Broadway, Spokane, WA, on April 23, 1998, at 1:30 p.m.; and at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on April 24, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman by April 13, 1998, at (360) 902-6411 or TDD users, please call (360) 902-5797.

Submit Written Comments to: Department of Labor and Industries, Attention: Dan Wolfenbarger, Chief Factory Assembled Structures Inspector, P.O. Box 44440, Olympia, WA 98504-4440; or Kevin Morris, Chief Contractor Compliance/Plumbing Certification Inspector, P.O. Box 44470, Olympia, WA 98504-4470, by no later than 5:00 p.m., May 1, 1998.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5292, by no later than 5:00 p.m., May 1, 1998. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: May 29, 1998.

March 18, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 97-11-053, filed 5/20/97, effective 6/30/97)

WAC 296-150C-3000 Commercial coach fees.

PROPOSED

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$26.00
DESIGN PLAN FEES	
INITIAL FEE-MASTER DESIGN	\$177.50
INITIAL FEE-ONE YEAR DESIGN	\$73.00
RENEWAL FEE	\$31.25
RESUBMIT FEE	\$52.00
ADDENDUM	\$52.00
PLANS APPROVED BY PROFESSIONALS	\$36.50
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES	
FIRST SECTION	\$15.50
EACH ADDITIONAL SECTION	\$10.25
ALTERATION	\$26.00
REISSUED-LOST/DAMAGED	\$10.25
FIELD TECHNICAL SERVICE FEE (PER HOUR)	\$52.00
* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$27.00
DESIGN PLAN FEES:	
INITIAL FEE-MASTER DESIGN	\$184.50
INITIAL FEE-ONE YEAR DESIGN	\$75.75
RENEWAL FEE	\$32.50
RESUBMIT FEE	\$54.00
ADDENDUM	\$54.00
ELECTRICAL PLAN REVIEW (When required by WAC 296-46-140, Plan review for educational, institutional or health care facilities and other buildings.)	
Electrical plan submission fee	\$54.00
Service/feeder Ampacity:	
0 - 100	\$24.00
101 - 200	\$30.00
201 - 400	\$56.00
401 - 600	\$66.00
601 - 800	\$85.00
801 - 1000	\$104.00
Over 1000	\$113.00
Over 600 volts surcharge	\$18.00
Thermostats:	
First	\$11.00
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$10.00
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendum's, renewals, code updates, etc.) shall be charged per hour or fraction of an hour.*	
	\$64.00
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$82.50
INITIAL FEE - ONE YEAR DESIGN	\$50.00
RENEWAL FEE	\$50.00
ADDENDUM	\$50.00
PLANS APPROVED BY PROFESSIONALS	\$37.75
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$10.50
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR****	
PARKING***	
AIRFARE****	

PROPOSED

WAC 296-150C-3000 COMMERCIAL COACH FEES	
DEPARTMENT AUDIT FEES:	
AUDIT (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$18.00
EACH ADDITIONAL SECTION	\$10.50
ALTERATION	\$27.00
REISSUED-LOST/DAMAGED	\$10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$54.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.50
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 97-11-053, filed 5/20/97, effective 6/30/97)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES	
INITIAL FILING FEE	\$36.60
DESIGN PLAN FEES	
INITIAL FEE-MASTER DESIGN (CODECYCLE)	\$177.50
INITIAL FEE-ONE YEAR DESIGN	\$104.25
RENEWAL FEE	\$36.50
RESUBMIT FEE	\$52.00
ADDENDUM	\$52.00
PLANS APPROVED BY PROFESSIONALS	\$36.50
DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
NLEA CHARGE	\$21.75
DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES	
FIRST SECTION	\$146.00
EACH ADDITIONAL SECTION	\$14.50
REISSUED-LOST/DAMAGED	\$36.50
TEMPORARY INSIGNIA FEES	
FIRST SECTION	\$146.00
EACH ADDITIONAL SECTION	\$14.50
REPLACEMENT FOR TEMPORARY INSIGNIA	\$36.50
FIELD TECHNICAL SERVICE FEE (PER HOUR)	\$52.00
* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES	
INITIAL FILING FEE	\$37.75
DESIGN PLAN FEES:	
INITIAL FEE-MASTER DESIGN (CODE CYCLE)	\$184.50
INITIAL FEE-ONE YEAR DESIGN	\$108.25
RENEWAL FEE	\$37.75
RESUBMIT FEE	\$54.00
ADDENDUM	\$54.00
ELECTRICAL PLAN REVIEW (When required by WAC 296-46-140, Plan review for educational, institutional or health care facilities and other buildings.)	
Electrical plan submission fee	\$54.00
Service/feeder Ampacity:	
0 - 100	\$24.00
101 - 200	\$30.00
201 - 400	\$56.00
401 - 600	\$66.00
601 - 800	\$85.00
801 - 1000	\$104.00
Over 1000	\$113.00
Over 600 volts surcharge	\$18.00
Thermostats:	
First	\$11.00
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$10.00
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendum's, renewals, code updates, etc.) shall be charged per hour or fraction of an hour.*	
	\$64.00
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$82.50
INITIAL FEE - ONE YEAR DESIGN	\$50.00
RENEWAL FEE	\$50.00
ADDENDUM	\$50.00
PLANS APPROVED BY PROFESSIONALS	\$37.75
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$10.50
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

PROPOSED

PROPOSED

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES	
DEPARTMENT AUDIT FEES:	
AUDIT (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$151.75
EACH ADDITIONAL SECTION	\$15.00
REISSUED-LOST/DAMAGED	\$37.75
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$54.00
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$22.50
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.50
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 97-11-053, filed 5/20/97, effective 6/30/97)

WAC 296-150M-3000 Manufactured home fees.

WAC 296-150M-3000 MANUFACTURED HOME FEES	
INITIAL FILING FEE	\$26.00
DESIGN PLAN	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$104.25
STRUCTURAL ALTERATION-ONE YEAR DESIGN	\$73.00
RENEWAL FEE	\$31.25
RESUBMITAL	\$52.00
ADDENDUM	\$52.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (PER HOUR)*	\$52.00
INSIGNIA FEES	
ALTERATION	\$26.00
REISSUED-LOST/DAMAGED	\$15.50
FIELD TECHNICAL SERVICE FEES (PER HOUR)*	
	\$52.00
DEPARTMENT AUDIT FEES	
PER SECTION (ONE TIME ONLY)	\$24.00
INCREASED FREQUENCY VISITS (PER HOUR)*	\$52.00
REINSPECTION (PER HOUR)*	\$52.00
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments.	

PROPOSED

WAC 296-150M-3000 MANUFACTURED HOME FEES	
INITIAL FILING FEE	\$27.00
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$108.25
STRUCTURAL ALTERATION-ONE YEAR DESIGN	\$75.75
RENEWAL FEE	\$32.50
RESUBMITAL	\$54.00
ADDENDUM	\$54.00
DEPARTMENT INSPECTION FEES:	
INSPECTION (Per hour*)	\$54.00
OTHER REQUIRED INSPECTIONS (Per hour*)	\$54.00
ALL REINSPECTIONS (Per hour*)	\$54.00
INSIGNIA FEES:	
ALTERATION	\$27.00
REISSUED-LOST/DAMAGED	\$16.00
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$24.75
Second and succeeding inspections of unlabelled sections (Per hour* plus travel time* and mileage**)	\$54.00
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$54.00
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$54.00
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$54.00
Attendance at manufacturers training classes (Per hour* plus travel time* and mileage**)	\$54.00
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$54.00
Alterations to a labelled unit (Per hour* plus travel time* and mileage**)	\$54.00
IPIA Issues/Responses (Per hour* plus travel time* and mileage**)	\$54.00
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$54.00
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$54.00
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	\$54.00
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$54.00
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$54.00
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$54.00
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$54.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$54.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.50
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 97-16-043, filed 7/31/97, effective 12/1/97)

WAC 296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
STATE PLAN	
INITIAL FILING FEE	\$26.00
DESIGN PLAN	
NEW PLAN REVIEW FEE	\$73.00
RESUBMIT FEE	\$52.00
ADDENDUM	\$52.00
STATE PLAN/MANUAL FEES	
INITIAL APPROVAL	\$10.25
RESUBMITTAL	\$52.00
ADDENDUM	\$52.00
DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES	
STATE CERTIFIED	\$10.00
ALTERATION	\$26.00
REISSUED/LOST/DAMAGED	\$10.00
FIELD TECHNICAL SERVICE FEE (PER HR.)	\$52.00
*Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

PROPOSED

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
INITIAL FILING FEE	\$27.00
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$75.75
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$100.00
RESUBMIT FEE	\$54.00
ADDENDUM	\$54.00
STATE PLAN/MANUAL FEES:	
INITIAL APPROVAL	\$10.50
RESUBMITTAL	\$54.00
ADDENDUM	\$54.00
DEPARTMENT AUDIT FEES:	
AUDIT (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$10.25
ALTERATION	\$27.00
REISSUED-LOST/DAMAGED	\$10.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**.)	\$54.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year.)	\$10.50
*Minimum charge of 1 hour ; time spent greater than 1 hour is charged in 1/2 hour increments.	
**Per state guidelines.	
***Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 97-16-043, filed 7/31/97, effective 12/1/97)

WAC 296-150R-3000 Recreational vehicle fees.

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES			
STATE PLAN		SELF CERTIFICATION	
INITIAL FILING FEE	\$26.00	INITIAL FILING FEE	\$26.00
DESIGN PLAN		DESIGN PLAN	
NEW PLAN REVIEW FEE	\$73.00	NEW PLAN REVIEW FEE (ONE TIME FEE)	\$73.00
RESUBMIT FEE	\$52.00	RESUBMIT FEE	\$52.00
ADDENDUM	\$52.00	ADDENDUM	\$52.00
STATE PLAN/MANUAL FEES		SELF CERTIFICATION/MANUAL FEES	
INITIAL APPROVAL	\$10.25	INITIAL APPROVAL	\$10.25
RESUBMITTAL	\$52.00	RESUBMITTAL	\$52.00
ADDENDUM	\$52.00	ADDENDUM	\$52.00
DEPARTMENT AUDIT FEES		DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$52.00	AUDIT (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00	TRAVEL (PER HOUR)*	\$52.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	
DEPARTMENT INSPECTION FEES		DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$52.00	INSPECTION (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00	TRAVEL (PER HOUR)*	\$52.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	
INSIGNIA FEES		INSIGNIA FEES	
STATE CERTIFIED	\$10.00	SELF CERTIFIED	\$10.00
ALTERATION	\$26.00	ALTERATION	\$26.00
REISSUED-LOST/DAMAGED	\$10.00	REISSUED-LOST/DAMAGED	\$10.00
FIELD TECHNICAL SERVICE FEE (PER HR.)	\$52.00		

* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments
 ** Per state guidelines.
 *** Actual charges incurred.

PROPOSED

PROPOSED

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
STATE PLAN	
INITIAL FILING FEE	\$27.00
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$75.75
RESUBMIT FEE	\$54.00
ADDENDUM	\$54.00
STATE PLAN/MANUAL FEES:	
INITIAL APPROVAL	\$10.50
RESUBMITTAL	\$54.00
ADDENDUM	\$54.00
DEPARTMENT AUDIT FEES:	
AUDIT (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$10.00
ALTERATION	\$27.00
REISSUED-LOST/DAMAGED	\$10.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**.)	\$54.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year.)	\$10.50
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
SELF CERTIFICATION	
INITIAL FILING FEE	\$27.00
DESIGN PLAN	
NEW PLAN REVIEW FEE (ONE TIME FEE)	\$75.75
RESUBMIT FEE	\$54.00
ADDENDUM	\$54.00
SELF CERTIFICATION/MANUAL FEES	
INITIAL APPROVAL	\$10.50
RESUBMITTAL	\$54.00
ADDENDUM	\$54.00
DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$54.00
TRAVEL (PER HOUR)*	\$54.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES	
SELF CERTIFIED	\$10.00
ALTERATION	\$27.00
REISSUED-LOST/DAMAGED	\$10.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**.)	\$54.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year.)	\$10.50
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines.	
*** Actual charges incurred.	

NEW SECTION [AMENDATORY SECTION (Amending WSR 97-24-071, filed 12/2/97, effective 1/5/98)]

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? (1) For the purposes of this chapter:

(a) A contractor **renews** its registration before it expires.

(b) A contractor **reinstates** its registration after the registration:

- (i) Has expired; or
- (ii) Has been suspended because the contractor's insurance has expired; or
- (iii) Has been suspended because the contractor's bond has been canceled or impaired.

PROPOSED

- (c) A contractor **reregisters** when it changes its business structure.
- (2) The department charges the following fees:
 - (a) \$43.25 for each issuance, renewal or reregistration of a certificate of registration.
 - (b) \$50.00 for the reinstatement of a certificate of registration.
 - (c) \$10.50 for providing a duplicate certificate of registration.
 - (d) \$20.75 for each requested certified letter prepared by the department.
 - (e) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be \$25.00.

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 above section, filed by the agency as new section WAC 296-200A-900, is an amendment of WAC 296-200A-900 which was permanently adopted December 2, 1997. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-045 What fees will I have to pay?
The following are the department's plumbers fees:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$(104.25) <u>108.25</u>
Reciprocity application	Per application	\$(104.25) <u>108.25</u>
Trainee certificate*	One year	\$(31.25) <u>32.50</u>
Trainee certificate	Less than one year	\$3.00 per month with a minimum fee of \$(20.75) <u>21.50</u>
Temporary permit	90 days	\$(52.00) <u>54.25</u>
Journeyman or specialty certificate**	Two years	\$(83.50) <u>87.00</u>
Journeyman or specialty certificate	Less than two years	\$3.50 per month with a minimum fee of \$(31.25) <u>32.75</u>
<u>Medical gas endorsement examination application***</u>	<u>Per application</u>	<u>\$40.00</u>
<u>Medical gas endorsement**</u>	<u>One year</u>	<u>\$30.00</u>
<u>Medical gas endorsement</u>	<u>Less than one year</u>	<u>\$2.50 per month with a minimum fee of \$17.50</u>
Reinstatement of a journeyman certificate		\$(167.00) <u>174.25</u>
Replacement of all certificates		\$(31.25) <u>32.50</u>

* The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.

** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birthdate.

*** An additional fee, paid directly to a nationally recognized testing agency under contract with the department will be required for the written and practical examination of competency for medical gas piping system installers.
(The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit that verifies work in discipline of brazing has occurred within the past year.)

If your birth year is:

- (1) In an even-numbered year, your certificate will expire on your birthdate in the next even-numbered year.
- (2) In an odd-numbered year, your certificate will expire on your birthdate in the next odd-numbered year.

Note: The medical gas fees in this section will not be effective until the medical gas rules proposed by the department become effective.

Preproposal statement of inquiry was filed as WSR 97-21-142.

Title of Rule: Safety standards—Installing electric wires and equipment—Administrative rules; certification of competency for journeyman electricians.

Purpose: Chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules.

State-initiated amendments to chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, are proposed so that the department can comply with chapter 19.28 RCW. The statute requires that the department, in conjunction with the Electrical Board, adopt "reasonable rules to ensure safety to life and property." Chapter 19.28 RCW also allows the department, in conjunction with the Electrical Board, to establish fees and civil penalties so that the goals and objectives of the statute can be achieved. The proposed amendments to chapter 296-46 WAC result from stakeholder suggestions, the departments rule review mandated by Executive Order 97-02 and the electrical program's assessment of program needs. Basically, these proposed amendments:

- Increase existing fees by 4.05% rounded down to the nearest quarter of a dollar. The 4.05% figure is the maximum fiscal growth rate factor allowed by the Office of Financial Management for fiscal year 1998.
- Establish new fees for new services rendered.
- Establish fees for services previously performed without charge.

WSR 98-07-097
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed March 18, 1998, 10:10 a.m.]

Original Notice.

- Increase certain existing civil penalties and establish a new one in order to strengthen the department's compliance efforts.
- Add new technical content in response to customer requests or changing conditions in the industry.
- Clarify existing rule sections.

WAC 296-46-100 Approval for conductors and equipment. State-initiated proposed amendments are made to incorporate Electrical Policies 85-03R, "Inspection of Electrical Equipment Which is Not Listed or Labeled By an Approved Electrical Testing Laboratory," 88-03R3, "Field Assembled Control Panels" and 89-02R, "Listing of Electrical Equipment," into this section.

WAC 296-46-140 Plan review for educational, institutional or health care facilities and other buildings. State-initiated proposed amendments are made to:

- Clarify the primary purpose of the plan review process, which is to ensure that conductors and equipment are of adequate size and rating.
- Add language clarifying that cities with local electrical inspection jurisdiction will do the plan reviews in their jurisdictions required by WAC 296-46-140.
- Incorporate Electrical Policy 96-02, "Plan Review," into this section.
- List the limited energy systems that are exempt from plan reviews.
- Exempt from plan reviews any system alteration that consists of five or fewer branch circuits and changes the existing load by 5% or less.

WAC 296-46-155 Wiring methods for designated building occupancies. State-initiated proposed amendments are made to add tables and notes that clarify when a formal plan review is required and help define the correct wiring method for classified occupancies.

WAC 296-46-21052 Receptacles in dwelling units. State-initiated proposed amendments are made to:

- Change the section title to more accurately reflect its content.
- Remove special requirements for floor boxes because listed floor boxes for residential and light commercial applications are now readily available.
- Add a reference to NEC 370-27(b).

WAC 296-46-225 Outside branch circuits and feeders. State-initiated proposed amendments are made, in response to stakeholder requests, allowing single feeders to extend more than fifteen feet inside a building as long as the feeder is located in the building crawl space and outside the buildings structural elements.

WAC 296-46-23028 Service or other masts. State-initiated proposed amendments are made to correct a spelling error in Revised drawing E-101. The word "sung" in "Min. 2' x 6" Between Rafters With Hole Bored For Sung Fit" has been changed to "snug."

WAC 296-46-30001 Support of raceways and cables in suspended ceilings. State-initiated proposed amendments are made to allow the use of #12 ceiling support wires when the requirements listed in the section are met. Given the requirements listed in the section, #12 wire provides sufficient support.

WAC 296-46-348 Electrical metallic tubing. State-initiated proposed amendments are made to incorporate Electrical Policy 86-05R, "Electrical Metallic Tubing in Existing Installations," into this section. The section now explains when existing electrical metallic tubing can be reused during an electrical service upgrade.

WAC 296-46-495 Electrical work permits and fees. State-initiated proposed amendments are made to:

- Clarify that electrical work permits must be paid in full before an electrical inspection can be performed.
- Clarify that the department will not refund an electrical permit fee once the electrical permit has expired.
- Add replacing lighting fixture ballast with an exact same ballast ("like for like") to the list of items that do not require an electrical work permit.

WAC 296-46-50002 On-site sewage disposal systems. State-initiated proposed amendments are made to add this new section to chapter 296-46 WAC. This new section incorporates portions of Electrical Policy 85-07R2, "Residential Sewage Wet Well Pump/Ejectors," into chapter 296-46 WAC. Also, this new section describes when nonclassified wiring methods may be used for septic pump wiring.

WAC 296-46-770 Optical fiber cables. State-initiated proposed amendments are made to change the National Electrical Code reference to reflect the current NEC section number regarding securing optical fiber cables.

WAC 296-46-910 Inspection fees. State-initiated proposed amendments are made to:

- Add clarifying explanatory notes to the fee tables.
- Increase all existing fees in the section by 4.05% rounded down to the nearest quarter so the fees will more accurately reflect the cost of performing inspections.
- Add new fees for inspecting swimming pools, hot tubs, spas and septic systems to cover the cost of performing those inspections. In the past, the department has charged these inspection fees as either extra trip fees based upon a residential permit or as an inspection based upon a feeder permit. This new language clearly identifies the fee with the service.
- Add a new shipping fee to cover the cost of returning reviewed plans to those that submitted them.
- Add a new "variance request" processing fee to help offset the cost of reviewing the requested variance.
- Add a new refund processing fee to cover the cost of processing requests for permit refunds.

WAC 296-46-915 Electrical contractor license, administrator certificate and examination, and copy fees. State-initiated proposed amendments are made to:

- Increase all existing fees in the section by 4.05% rounded down to the nearest quarter.
- Add a new fee to cover the cost of processing refund requests.
- Clarify the fee schedule by adding administrator examination fees. In the past, the department has charged these fees but had overlooked adding them to the fee schedule.

WAC 296-46-920 Civil penalty. State-initiated proposed amendments are made to:

- Increase certain civil penalties to further encourage compliance with chapter 19.28 RCW, chapters 296-46 and 296-401A WAC.

- Add a new civil penalty that applies to an electrical administrator who fails to fulfill the duties of an administrator. This new penalty serves notice to electrical administrators that there are duties, prescribed by law, that must be fulfilled.

WAC 296-46-930 Electrical contractor license and administrator certificate designation. State-initiated proposed amendments are made to create a new specialty electrical contractor license and new electrical administrator certificate for nonresidential lighting maintenance and lighting retrofit. This new specialty license was created as a result of stakeholder requests.

WAC 296-46-940 Electrical contractor license. State-initiated proposed amendments are made to incorporate Electrical Policy 96-04, "Policy for Manufacturers Performing Work on their Manufactured Field Products" and Electrical Policy 90-02R, "Definition of 'Maintenance' as used in chapter 19.28 RCW, chapters 296-46 and 296-401 WAC," into this section.

Chapter 296-401 WAC, Certification of competency for journeyman electricians. State-initiated proposed amendments to chapter 296-401 WAC, Certification of competency for journeyman electricians, are made to comply with the Administrative Procedure Act. (See RCW 34.05.220(5).) Consequently, clear rule writing techniques have been used to rewrite the entire chapter. Following the recommendation of the Office of Code Reviser, chapter 296-401 WAC has been repealed in its entirety and replaced with chapter 296-401A WAC. The following sections of chapter 296-401 WAC have been repealed: WAC 296-401-020 Electricians with licenses or practicing the electrical trade at effective date of the act, 296-401-030 Issuing of temporary permits, 296-401-060 Specialty certificates, 296-401-075 Electrical linemens exemption, 296-401-080 Eligibility for journeyman examination, 296-401-085 Eligibility for specialty examination, 296-401-087 Partial credit for experience, 296-401-090 Status of person who has failed an examination for an electrician certificate of competency, 296-401-100 Computation of years of employment—Renewal of training certificates, 296-401-110 Previous experience credit, 296-401-120 Electrical training certificates, 296-401-150 Penalties for false statements or material misrepresentation, 296-401-160 Enforcement, 296-401-163 Continuing education classes, 296-401-165 Issuing and renewing an electrician certificate of competency, 296-401-168 Reciprocal electrician certificates, 296-401-170 Hearing or appeal procedures, 296-401-175 Journeyman, specialty and trainee certificate, and examination fees, and 296-401-180 Examination subjects for specialty and journeyman certificates of competency.

Chapter 296-401A WAC, Certification of competency for journeyman electricians. State-initiated proposed clear rule writing amendments to chapter 296-401A WAC, Certification of competency for journeyman electricians, are made to:

- Move current chapter 296-401 WAC requirements into new chapter 296-401A WAC sections.
- Rewrite all sections in a clear rule writing style.
- Remove outdated and redundant language to make the chapter easier to read.

- Remove gender specific language.
- Include questions in section headings to better describe the information contained in each section and to more effectively engage the reader's interest.
- Use a less formal voice in the chapter and eliminate the passive voice when possible.
- Reorganize some sections to make them easier to understand and use.

The following sections of chapter 296-401A WAC, Certification of competency for journeyman electricians, have been rewritten in a clear rule writing style **without any substantive change to their content:**

WAC 296-401A-100 Certificate of competency required.

WAC 296-401A-105 Original journeyman and specialty electrician certificates of competency.

WAC 296-401A-110 Renewal of journeyman or specialty electrician certificates of competency.

WAC 296-401A-120 Late renewal of journeyman and specialty electrician certificates of competency.

WAC 296-401A-130 Inactive status.

WAC 296-401A-150 Lineman.

WAC 296-401A-160 Revocation of certificate of competency.

WAC 296-401A-210 Qualifying for the specialty electrician's competency examination.

WAC 296-401A-230 Experience in another country.

WAC 296-401A-300 Subjects included in the journeyman electricians competency examinations.

WAC 296-401A-310 Subjects included in the specialty electrician competency examination.

WAC 296-401A-320 Failure of a competency examination.

WAC 296-401A-400 Qualifying for a temporary permit to work as an electrician in Washington when certified in another state.

WAC 296-401A-410 Reciprocal agreements between Washington and other states.

WAC 296-401A-420 Qualifying for reciprocal electricians certificates.

WAC 296-401A-430 Ineligibility for reciprocal electricians certificates.

WAC 296-401A-510 Computation of training hours.

WAC 296-401A-520 Training certificate levels.

WAC 296-401A-530 Trainees working without supervision.

WAC 296-401A-540 Who will not be issued training certificates?

WAC 296-401A-545 Audit of trainee hours.

WAC 296-401A-550 Penalties for false statements or material misrepresentations.

WAC 296-401A-600 Training course approval.

WAC 296-401A-610 Offering continuing education courses.

WAC 296-401A-620 Application for continuing education course approval.

WAC 296-401A-630 Documentation of training course completion.

WAC 296-401A-800 Enforcement.

WAC 296-401A-810 Failure to comply with electrician certification law.

WAC 296-401A-900 Appeal rights.

WAC 296-401A-910 Types of appeal hearings.

WAC 296-401A-920 Requesting an informal hearing.

WAC 296-401A-930 Requesting a formal hearing.

WAC 296-401A-935 Hearing deposits.

The following sections of chapter 296-401A WAC, Certification of competency for journeyman electricians, have been rewritten in a clear rule writing style with **state-initiated substantive changes to their content**. The details of these state-initiated proposed amendments are discussed below.

WAC 296-401A-140 Electrical specialties. State-initiated proposed amendments are made, in response to industry requests, to create a new specialty certificate for nonresidential lighting maintenance and lighting retrofit technician.

WAC 296-401A-200 Qualifying for the journeyman electrician's competency examination. State-initiated proposed amendments are made to change section language in subsections (1) and (2) to be compatible with the language in RCW 19.28.530 (1)(c).

WAC 296-401A-220 U.S. military experience. State-initiated proposed amendments are made to change section language to mirror language in RCW 19.28.530 (1)(c).

WAC 296-401A-500 Renewal of training certificates. State-initiated proposed amendments are made to insure that trainees fulfill their obligation to furnish proof of journeyman supervision to the department. Journeyman supervision is a key element in qualifying to take the journeyman or specialty examination and it is imperative that a trainee provide the department with proof that verifies this experience.

WAC 296-401A-524 Credit for electrical work experience exempt from certification requirements. State-initiated proposed amendments are made to:

- Explain the type of verification needed by the department to credit trainee hours for exempt people.
- Explain that, even though the industry is exempt, the department will require trainee cards to enable it to track and credit trainee hours.

WAC 296-401A-700 Fees for certification of competency, examinations and reciprocity. State-initiated proposed amendments are made to:

- Increase all existing fees by 4.05% rounded down to the nearest quarter.
- Add a new fee to cover the cost of entering new information into the department's database. This information will be used to track trainee hours and continuing education credits and to issue renewal letters.

Statutory Authority for Adoption: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Janet Lewis, Tumwater, Washington, (360) 902-5249; Implementation and Enforcement: Ernie LaPalm, Tumwater, Washington, (360) 902-5329.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department does not consider the economic impact of the proposed rule amendments to be a more than minor economic impact on business. Therefore, the preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. (1) Amend a significant regulatory program; and (2) will have a financial impact upon the public that they regulate.

Hearing Location: Spokane Public Works Building, County Commissioners Assembly Room (lower level), 1026 West Broadway, Spokane, WA, on April 23, 1998, at 1:30 p.m.; and at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on April 24, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman, by April 13, 1998, TDD (360) 902-5797, or (360) 902-6411.

Submit Written Comments to: Department of Labor and Industries, Attention: Janet Lewis, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460, by 5:00 p.m., May 1, 1998.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529, by 5:00 p.m., May 1, 1998. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: May 29, 1998.

March 18, 1998

Gary Moore

Director

NEW SECTION

WAC 296-46-100 Approval for conductors and equipment. In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in RCW 19.28.010, shall conform to applicable standards recognized by the department or be listed by an electrical products testing laboratory accredited by the department. Listed materials and equipment must be used in electrical installations when a recognized published electrical product safety standard exists to test the materials and equipment, **and** when two or more manufacturers have products that are listed and labeled in that product category.

Custom built machinery and equipment will not be required to be listed by an accredited products testing laboratory. However, the department will require such unlisted equipment to be field evaluated and approved for safety by a firm recognized by the department to perform the evaluation using acceptable standards. Department electrical inspectors may also inspect and approve industrial control panels and

utilization equipment for compliance with codes, rules, and standards recognized by the department.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

PROPOSED

WAC 296-46-140 Plan review for educational, institutional or health care facilities and other buildings. (1) Plan review is a part of the electrical inspection process; its primary purpose is to determine that loads are calculated per the proper NEC or WAC article or section and that conductors and equipment are adequately sized and rated to the calculated load. All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in WAC 296-46-130 shall be reviewed and approved by the department before the electrical installation or alteration is begun. Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications ~~per RCW 19.28.070, ((policies and procedures, may))~~ shall be submitted to that city for review rather than to the department, unless the agency licensing or regulating the installation specifically requires review by the department. Approved plans shall be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Refer plans for department review to the Electrical Inspection Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460. Please refer to WAC 296-46-910 for required fees for plan review.

(2) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans shall clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, shall include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans shall include documentation that proves adequate capacity and ratings.

(3) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or other interested parties.

(4) For existing structures where additions or alterations to feeders and services are proposed, NEC Article 220 shall govern, except that, in addition to the provisions of Paragraph 220-35 (1) Exception, the following is required:

- (a) The date of the measurements.
- (b) A diagram of the electrical system identifying the point(s) of measurement.
- (c) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Peak demand shall be defined as the maximum average demand over a fifteen-minute interval.)

(5) The primary purpose of electrical system plan review is to determine that loads are calculated per the proper NEC or WAC article or section and that conductors and equipment are adequately sized and rated to the calculated load. Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, data, cable television, or telephone.

(6) When a service or feeder is affected five percent or less by the addition or alteration of five or less branch circuits, plan review may be requested from the local inspection office. Permission for such small project plan review shall be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.

NEW SECTION

WAC 296-46-155 Wiring methods for designated building occupancies. Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in WAC 296-46-130 and for places of assembly for one hundred or more persons shall comply with Tables 1 and 2 and the notes thereto. For determining the occupant load of places of assembly, the methods of the currently adopted edition of the Uniform Building Code shall be used.

Table 1
Health or Personal Care Facilities
Electrical System - Wiring Methods

Health or Personal Care Facility Type	Power and Lighting	Emergency Power and Lighting	Limited Energy Systems	Patient Care Areas	Plan Review
Hospital	1	4	1	3	YES
Nursing home unit or long-term care unit	1	1	1	3	YES
Boarding home or assisted living facility	1	1	1		YES
Private alcoholism hospital	1	1	1	3	YES
Alcoholism treatment facility	1	1	1		YES
Private psychiatric hospital	1	1	1	3	YES
Maternity home	1	1	1	3	YES
Birth center or childbirth center	1	1	1	3	YES
Ambulatory surgery facility	1	1	1	3	YES
Hospice care center	1		1		NO
Renal hemodialysis clinic	1	1	1	3	YES
Medical, dental, and chiropractic clinic	1	1	1	3	NO

Health or Personal Care Facility Type	Power and Lighting	Emergency Power and Lighting	Limited Energy Systems	Patient Care Areas	Plan Review
Residential treatment facility for psychiatrically impaired children and youth	1	1	1	3	YES
Adult residential rehabilitation center	1	1	1		YES
Group care facility	1	1	1		NO

tant receptacles shall, by construction, limit improper access to energized contacts.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-225 Outside branch circuits and feeders. For the purpose of Article 225-8(b) of the National Electrical Code, the branch circuit or feeder raceway or cable shall extend no more than 15 feet inside a building or structure. A building supplied by a single feeder, with proper over-current protection where the conductors receive their supply, shall be permitted to exclude from the 15 foot measurement that portion of the feeder run within a crawl space and outside of the building structural elements and insulation envelope.

PROPOSED

Table 2
Educational and Institutional Facilities,
Places of Assembly or other facilities
Electrical System - Wiring Methods

Educational, Institutional or Other Facility Type	Power and Lighting	Emergency Power and Lighting	Limited Energy Systems	Plan Review Required
Educational	2	2	1	YES
Institutional	2	2	1	YES
Places of Assembly for 100 or more persons	1	1	1	NO
Child day care center	1	1	1	NO
School-age child care center	1	1	1	NO
Family child day care home, family child care home, or child day care facility	1	1	1	NO

Notes to Tables 1 and 2

1. Wiring methods in accordance with the National Electrical Code.
2. Metallic or nonmetallic raceways, MI, MC, or AC cable.
3. Wiring methods in patient care areas shall comply with 1996 NEC article 517-13.
4. Emergency system wiring shall comply with 1996 NEC article 517-30 (c)(3).

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-21052 Receptacles (~~in dwelling units~~). ~~((For floor receptacle outlets located out of traffic areas, formed or welded metal boxes that are mounted in a substantial manner such as directly to a framing member shall be permitted. An approved metal cover plate that provides protection from debris entering the device shall be used.))~~ (1) Floor receptacle outlets shall be in compliance with NEC 370-27(b).

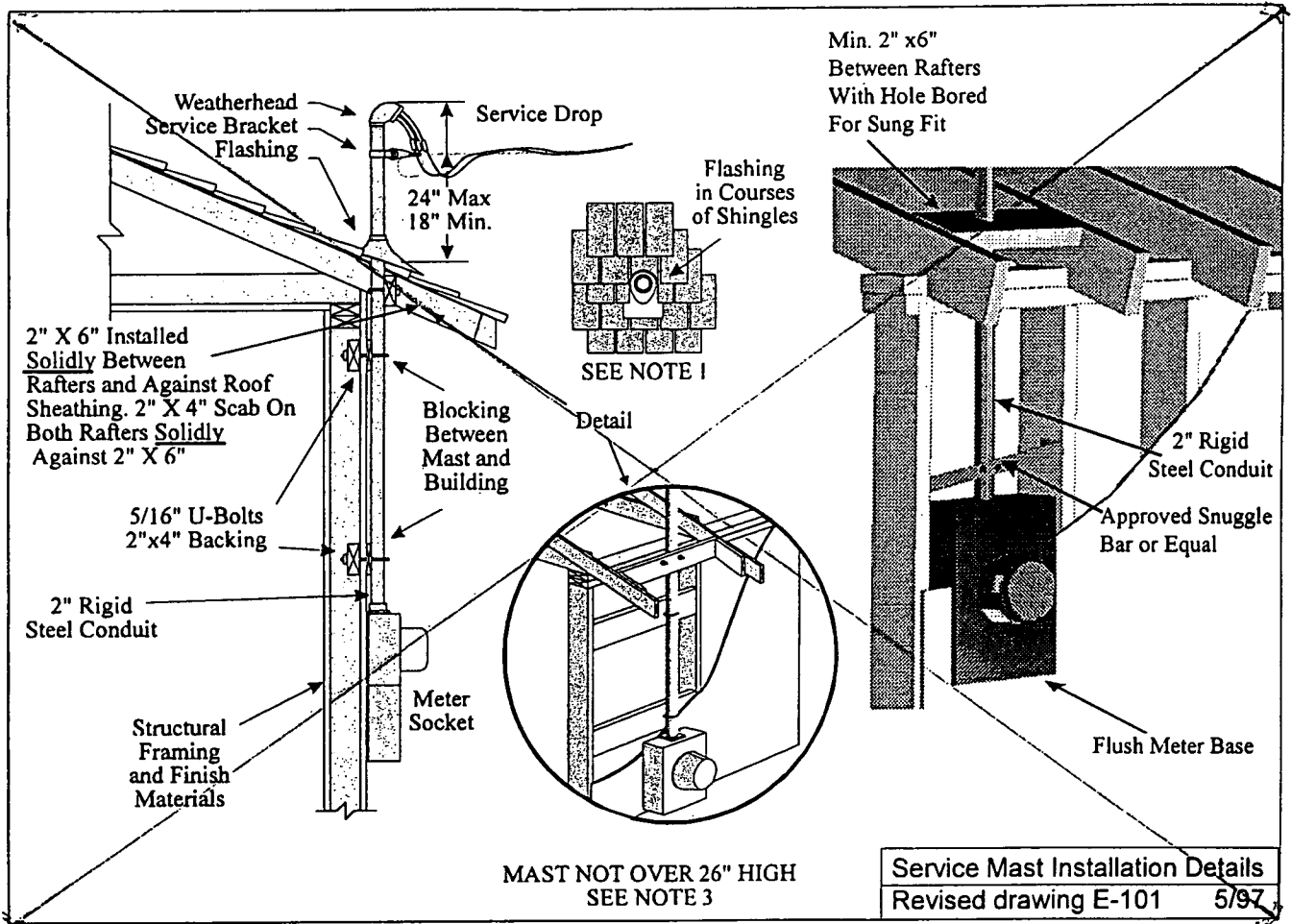
(2) Tamper resistant receptacles are required in licensed day care facilities and pediatric or psychiatric patient care areas for 15 or 20 ampere, 125 volt receptacles. Tamper resis-

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

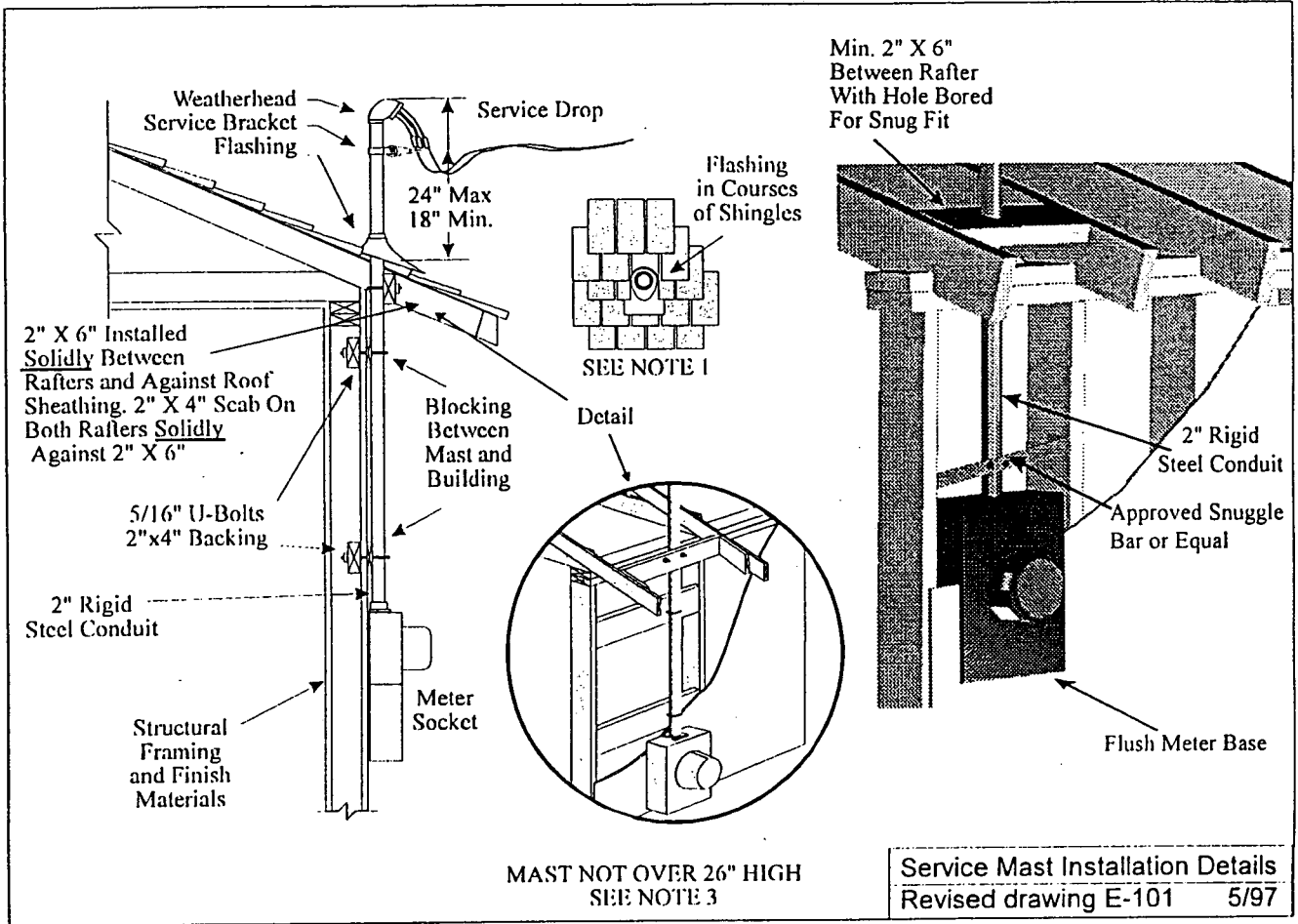
WAC 296-46-23028 Service or other masts. Conduit extended through the roof to provide means of attaching the service drop or other conductors shall be no smaller than 2-inch rigid steel galvanized conduit, shall provide a structur-

ally sound attachment for the conductors and shall be equipped with a properly installed flashing at the roof line. The installation shall comply with drawings E-101 and/or E-102, or shall provide equivalent strength by other approved means. Masts for altered or relocated installations shall be permitted to comply with drawing E-103.

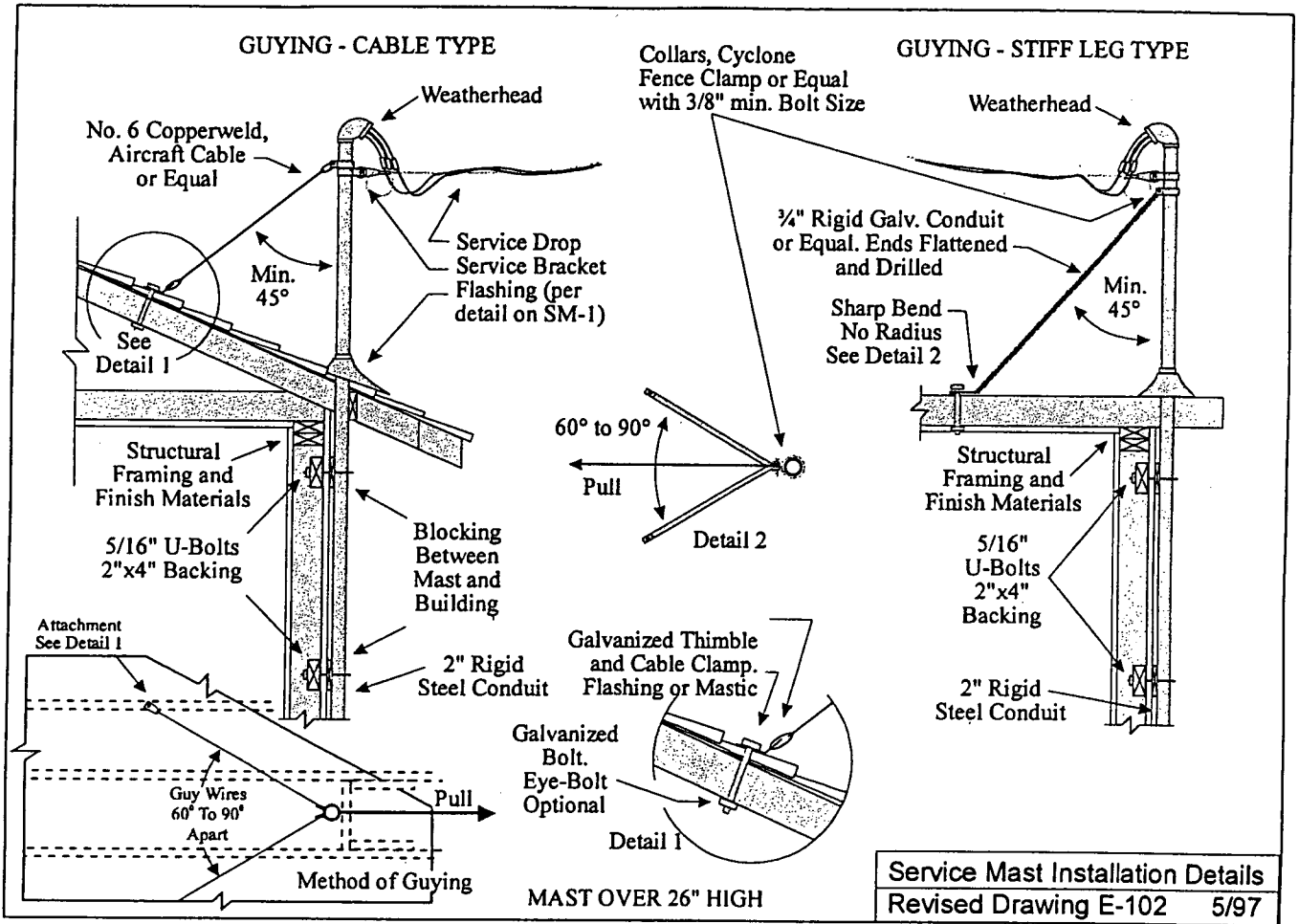
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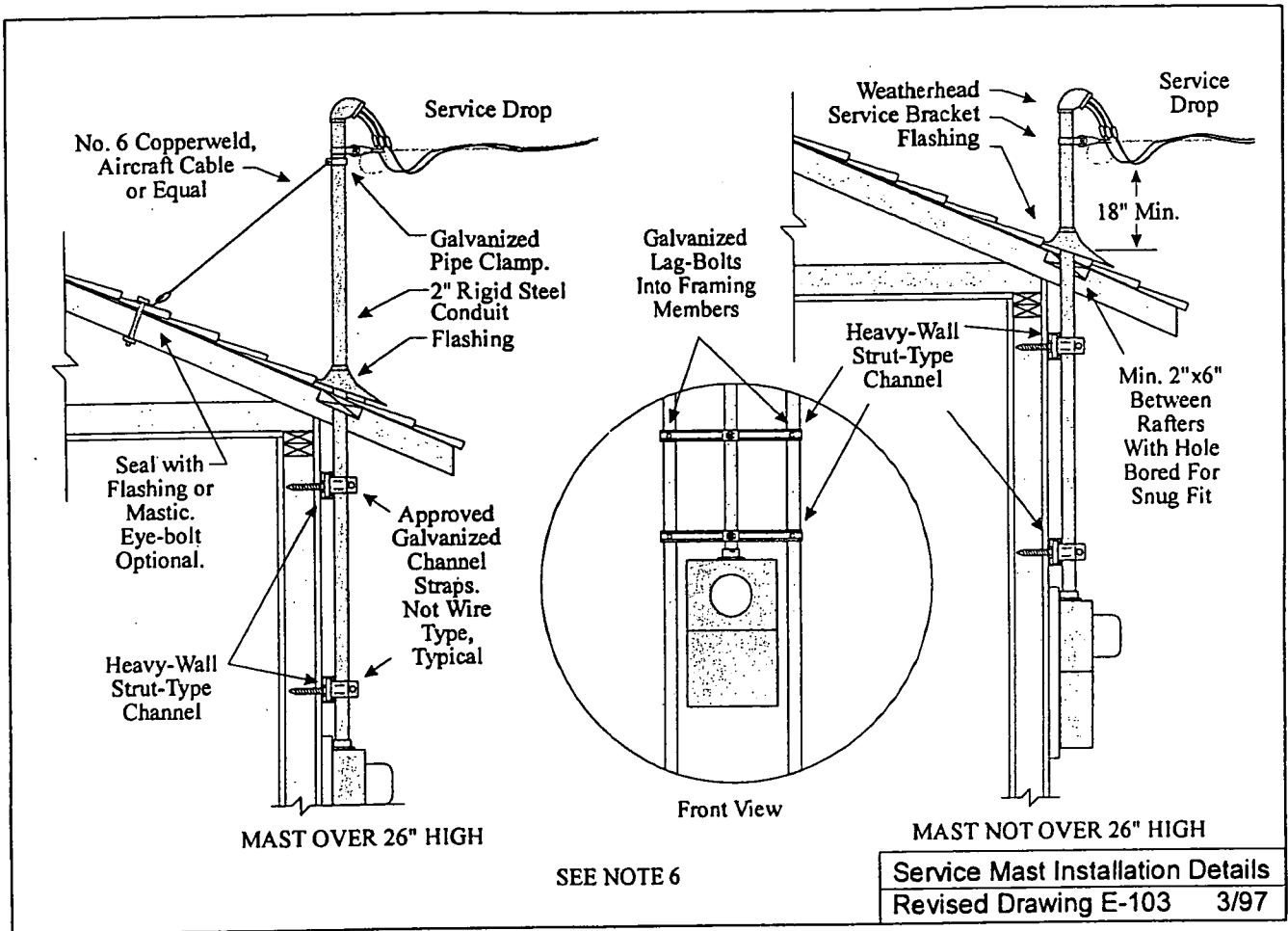


PROPOSED



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Notes to drawings E-101, E-102, and E-103.

1. An approved roof flashing shall be installed on each mast where it passes through a roof. Plastic, nonhardening mastic shall be placed between lead-type flashings and the conduit. Neoprene type flashings shall also be permitted to be used.
2. Masts shall be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.
3. Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.
4. Except as otherwise required by the serving utility, service mast support guys shall be installed if the service drop attaches to the mast more than 24 inches above the roof line or if the service drop is greater than 100 feet in length from the pole or support. Masts for support of other than service drops shall comply with this requirement as well.
5. Intermediate support masts shall be installed in an approved manner with methods identical or equal to those required for service masts.
6. For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it shall be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with 5/16 inch diameter or larger galvanized lag bolts.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-30001 Support of raceways and cables in suspended ceilings. Raceways, cables, and boxes shall be permitted to be supported from Number ((9)) 12 and larger wires under the following conditions:

- (1) Raceways and cables are not larger than 3/4 inch trade size.
- (2) No more than two raceways or cables are supported by a support wire.
- (3) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.
- (4) The support wires are securely fastened to the structural ceiling and to the ceiling grid system.
- (5) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system.
- (6) Where not prohibited by the building code official.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-348 Electrical metallic tubing. (1) In addition to complying with the provisions of Article 348 of the National Electrical Code, electrical metallic tubing shall not be installed in direct contact with the earth or in concrete on or below grade. See also section 300-6 of the National Electrical Code.

(2) Electrical metallic tubing shall not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and of the proper size for the installed conductors.

AMENDATORY SECTION (Amending WSR 93-06-072, filed 3/2/93, effective 4/2/93)

WAC 296-46-495 Electrical work permits and fees.

(1) Where an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections shall not be made, equipment energized, nor services connected unless an electrical work permit is completely and legibly filled out and readily available, and all applicable inspection fees have been paid. The classification or type of facility to be inspected and the scope of the electrical work to be performed shall be clearly shown on the electrical work permit. The address where the inspection is to be made shall be identifiable from the street, road or highway that serves the premises. Driving directions and/or a legible map must be provided for the inspectors' use.

(2) Except for emergency repairs to existing electrical systems, electrical work permits shall be obtained prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems shall be obtained no later than the next business day.

(3) The electrical work permit application shall be posted on the job site at a conspicuous location prior to beginning electrical work and at all times electrical work is performed.

(4) Electrical work permits shall expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Electrical work permits for temporary construction activity shall expire ninety days after suspended construction and no later than one year after purchase. Refunds are not available for expired electrical work permits.

(5) Fees shall be paid in accordance with the inspection fee schedule WAC 296-46-910.

(6) Each person, firm, partnership, corporation, or other entity shall furnish an electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application shall be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing or responsible for the electrical installation or alteration.

(7) An electrical work permit is required for installation, alteration, or maintenance of electrical systems except for replacement of circuit breakers or fuses, for replacement of lamps, snap switches, receptacle outlets or heating elements, replacement of a lighting fixture ballast with an exact same ballast, replacement of contactors, relays, timers, starters, or similar control components or for plug-in appliances or travel trailers.

NEW SECTION

WAC 296-46-50002 On-site sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in both on-site and septic tank effluent pump (S.T.E.P.) disposal systems shall be considered unclassified when not more than five residential units are connected to the system or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with.

(a) The pumping chamber shall be adequately vented. Venting may be accomplished through the building or structure plumbing vents where adequate or by a direct 2" minimum vent to the atmosphere.

(b) Equipment that in normal operation may cause an arc or spark shall not be installed in any pumping chamber.

(c) Float switches installed in an unclassified location shall be hermetically sealed to prevent the entrance of gases or vapors.

(d) Junction boxes, conduits and fittings installed in the septic atmosphere shall be of the noncorrosive type, installed to prevent the entrance of gases or vapors.

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing fitting shall be installed to prevent the migration of gases or vapors from the pumping chamber.

(f) Wire splices in junction boxes installed in pumping chambers, shall be suitable for wet locations.

(g) Submergence of the pumping motor shall be guaranteed by the design of the pump or by redundant off floats.

(2) Nonresidential loading characteristics shall be certified by a Washington state registered professional engineer, engaged in the business of wastewater management systems design. Documentation that is signed and stamped by the engineer shall be provided to the electrical inspector prior to the inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system shall be classified as Class I Division I.

(4) Pumping chamber access covers shall be permitted to be covered by gravel, light aggregate, or noncohesive granulated soil, and shall be accessible for excavation. Access covers that are buried, shall have their location identified at the electrical panel or other approved prominent location.

(5) Secondary treatment effluent pumping chambers such as sandfilters are unclassified, and require no special wiring methods.

Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical

wires and equipment shall be inspected and approved by the department prior to being loaded with sewage.

AMENDATORY SECTION (Amending WSR 90-19-015, filed 9/10/90, effective 10/11/90)

WAC 296-46-770 Optical fiber cables. Optical fiber cables shall be secured in compliance with Section ~~((336-15))~~ **336-18** of the National Electrical Code.

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-910 Inspection fees. To calculate the inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The inspection fees shall be calculated from sections (1) through (5) below. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

- (1) RESIDENTIAL
- (a) Single and two family residential (new construction)
- (i) First 1300 sq. ft. or less\$((62)) 64.50
- Each additional 500 sq. ft. or portion of \$((29)) 20.75

Note: Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

"Inspected with the service" or "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

- (ii) Each outbuilding or detached garage inspected with the service \$((26)) 27.00
- (iii) Each outbuilding or detached garage inspected separately \$((41)) 42.50
- (iv) Each swimming pool - inspected with the service \$42.50
- (v) Each swimming pool - inspected separately \$64.50
- (vi) Each hot tub, spa, or sauna - inspected with the service \$27.00
- (vii) Each hot tub, spa, or sauna - inspected separately \$42.50
- (viii) Each septic pumping system - inspected with the service \$27.00
- (ix) Each septic pumping system - inspected separately \$42.50
- (b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction)

Each service and/or feeder

Service Ampacity	Service	Feeder
0 to 200	((67)) \$69.50	(\$20)) \$20.75
201 to 400	((83)) 86.25	(41)) 42.50
401 to 600	((114)) 118.50	(57)) 59.25
601 to 800	((146)) 151.75	(78)) 81.00
801 and over	((208)) 216.25	(156)) 162.25

- (c) Single family or multifamily altered services including circuits
- (i) Each altered service and/or altered feeder

Service Ampacity	Service or Feeder
0 to 200	\$((57)) 59.25
201 to 600	((83)) 86.25
over 600	((125)) 130.00

- (ii) Maintenance or repair of meter or mast (no alterations to service or feeder)\$((31))32.25

- (d) Single or multi-family residential circuits only (no service inspection)

- (i) 1 to 4 circuits (see note).....\$((41)) 42.50

Except: Water heater load control devices installed in residences as part of an energy conservation program ((25)) 26.00

The \$((25)) 26.00 permit fee for water heater load control devices will expire on December 31, 2001.

- (ii) Each additional circuit (see Note) 5

Note: ((Total fee per panel not to exceed (c)(i) of this subsection-Service/Feeder)) Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c)(i) (table) above.

- (e) Mobile homes((:)), modular homes mobile home parks((:)), and RV parks

- (i) Mobile home or modular home service or feeder only\$((41)) 42.50
- (ii) Mobile home service and feeder((67)) 69.50
- (iii) Mobile home park sites and RV park sites
- (A) First site service or site feeder((41)) 42.50
- (B) Each additional site service; or ((a)) additional site feeder inspected at the same time as the first service or feeder((26)) 27.00

Note: For master service installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

- (a) New service((f)) or feeder((:)) and additional new feeders inspected at the same time ((as service)) (includes circuits ((included)))

Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	(((\$67)) \$69.50	(\$41)) \$42.50
101 to 200	((83)) 86.25	(52)) 54.00
201 to 400	((156)) 162.25	(62)) 64.50
401 to 600	((182)) 189.25	(73)) 75.75
601 to 800	((235)) 244.50	(99)) 103.00
801 to 1000	((287)) 298.50	(120)) 124.75
Over 1000	((343)) 325.50	(167)) 173.75

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Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects shall be calculated from (2) (a) (i) (table) above. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

- (ii) Over 600 volts surcharge \$((52)) 54.00
- (b) Altered services or feeders (no circuits)

(i)	Service Ampacity	Service/ Feeder
	0 to 200	\$((67)) 69.50
	201 to 600	((+56)) 162.25
	601 to 1000	((235)) 244.50
	Over 1000	((264)) 271.50

- (ii) Over 600 volts surcharge \$((52)) 54.00
- (iii) Maintenance or repair of meter or mast (no alteration ((of) to the service ((equipment)) or feeder) ((57)) 59.25
- (c) Circuits only
 - (i) First five circuits per branch circuit panel \$((52)) 54.00
 - (ii) Each additional circuit per branch circuit panel 5

Note: ((Total fee per panel not to exceed (a)(i) of this subsection service/feeder)) Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i) (table) above.

(3) TEMPORARY SERVICES

Note: Temporary electrical power and lighting installations are intended to be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

- (a) Residential \$((36)) 37.25
- (b) Commercial/industrial

((Service or Feeder))

Ampacity	Service or Feeder	Additional Feeder
0 to 100	\$((44)) 42.50	20.75
101 to 200	((52)) 54.00	27.00
201 to 400	((62)) 64.50	32.25
401 to 600	((83)) 86.25	42.50
Over 600	((94)) 97.75	48.75

((Each additional feeder inspected at the same time as service or first feeder add 50% of the fee above.))

(c) Outdoor stage or concert productions

Ampacity	Service or Feeder	Additional Feeder
0 to 100	\$42.50	\$20.75
101 to 200	54.00	27.00
201 to 400	64.50	32.25
401 to 600	86.25	42.50
Over 600	97.75	48.75

Note: Outdoor stage or concert inspections requested outside of normal business hours will be subject to the portal to portal hourly fees in subsection (5) MISCELLANEOUS (m). The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (c) (table) or the portal to portal fee.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

- Irrigation machines
- (a) Each tower when inspected at the same time as a service and feeder (per subsection (2) COMMERCIAL/INDUSTRIAL above) \$5
 - (b) Towers - when not inspected at the same time as a service and feeders - ((first-6)) one to six towers ((62)) 64.50

Each additional tower ((per (a) of this subsection)) 5

- (5) MISCELLANEOUS - commercial/industrial and residential
- (a) Thermostats
 - (i) First thermostat \$((34)) 32.25
 - (ii) Each additional thermostat inspected at the same time as the first ((thermostat)) ((+0)) 10.25

Note:

- (A) A device that interrupts electrical current while performing its function of controlling building, zonal, or room environmental air temperature; or
- (B) In the case of environmental air temperature control by the use of sensors which do not interrupt current but rather transmit data to a zonal or central processing unit, "Thermostat" shall be considered to be the circuit extending from the central processing unit to the local controller. At times this local unit could control several zones or rooms individually or in concert.

- (b) Low voltage fire alarm and burglar alarm. Includes nurse call, intercom, security systems, and similar low energy circuits and equipment
 - (i) First 2500 sq. ft. or less. ((includes nurse call intercom, security systems and similar low energy circuit and equipment)) \$((36)) 37.25
 - (ii) Each additional ((500)) 2500 sq. ft. or portion thereof ((+0)) 10.25

((Exception: Low voltage fire alarm and burglar alarm for commercial and industrial

Each control panel and up to four circuits or zones - \$29
Each additional circuit or zone - 7))

- (c) Signs and outline lighting
 - (i) First sign (no service included) \$((34)) 32.25
 - (ii) Each additional sign inspected at the same time on the same bldg. or structure ((+5)) 15.50
- (d) Berth at a marina or dock \$((44)) 42.50
Each additional berth inspected at the same time ((26)) 27.00

- (e) Yard pole, pedestal, or other meter loops only \$((44)) 42.50

Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations ((+0)) 10.25

- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$((78)) 81.00

- (g) Generators, refer to appropriate residential or commercial new service((f)) or feeder section
- (h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	(((\$1,493)) <u>\$1,553.25</u>	12
4 to 6 plant electricians	(((\$2,987)) <u>3,107.75</u>	24
7 to 12 plant electricians	(((\$4,480)) <u>4,661.25</u>	36
13 to 25 plant electricians	(((\$5,974)) <u>6,215.75</u>	52
more than 25 plant electricians	(((\$7,468)) <u>7,770.25</u>	52

- (i) Carnival inspections
- (i) First field inspection each year
- (A) Each ride and generator truck ~~\$((\$15))~~ 15.50
- (B) Each remote distribution equipment, concession or gaming show 5
- (C) ~~((Minimum fee)) If the calculated fee for first field inspection of (A) and (B) above is less, the minimum inspection fee shall be: ((78))~~ 81.00

- (ii) Subsequent inspections
- (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show ~~\$((\$78))~~ 81.00
- (B) Each additional ride, concession, generator, remote distribution equipment or gaming show 5
- (iii) Single concession, not part of a carnival \$42.50

- (j) Trip fees
- (i) Requests by property owners to inspect existing installations ~~\$((\$62))~~ 64.50
- (ii) Submitter notifies the department that work is ready for inspection when it is not ready ~~((3+))~~ 32.25
- (iii) Additional inspection required because submitter has provided the wrong address ~~((3+))~~ 32.25
- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work ~~((3+))~~ 32.25
- (v) Each trip necessary to remove a noncompliance notice ~~((3+))~~ 32.25
- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted ~~((3+))~~ 32.25
- (vii) Installations that are covered or concealed before inspection ~~((3+))~~ 32.25

- (k) Progress inspections
- On partial or progress inspections, each one-half hour ~~\$((\$3+))~~ 32.25

Note: The fees calculated in main sections (1) through (5) shall apply to all electrical work. This section is intended to be applied to a permit where the permit holder has requested additional inspections beyond the normal number for the type of installation. Additional progress inspections shall be charged at the rate in (k) above.

- (l) Plan review fee
- (i) Fee is thirty-~~((five))~~ nine percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan review submission fee of ~~\$((\$52))~~ 54.00
- (ii) Supplemental submissions of plans per hour or fraction of an hour ~~\$((\$62))~~ 64.50
- (iii) Plan review shipping and handling fee \$15.50

- (m) Other inspections
Inspections not covered by above inspection fees shall be charged
portal to portal per hour ~~\$((\$62))~~ 64.50

- (n) Refund processing fee
All requests for permit fee refunds will be assessed a processing fee \$10.50

- (o) Variance request processing fee
This fee is nonrefundable once the transaction has been made \$64.50

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-915 Electrical contractor license, administrator certificate and examination, and copy fees.

- (1) General or specialty contractor license (per twenty-four month period) ~~\$((\$208))~~ 216.25
- (2)(a) Administrator certificate examination application (nonrefundable) ~~\$((\$26))~~ 27.00
- (b) Administrator first-time examination fee \$62.25
- (c) Administrator re-test examination fee \$72.75
- (3) Administrator original certificate (submitted with application) ~~\$((\$62))~~ 64.50
- (4) Administrator certificate renewal (per twenty-four month period) ~~\$((\$78))~~ 81.00
- (5) Late renewal of administrator certificate (per twenty-four month period) ~~\$((\$156))~~ 162.25
- (6) Transfer of administrator designation ~~\$((\$3+))~~ 32.25
- (7) Certified copy of each document (maximum ~~\$((\$44))~~ 45.75 per file)
\$ ~~((20))~~ 20.75 first document
\$2 each additional document
- (8) Reinstatement of a general or specialty contractor's license after a suspension ~~\$((\$42))~~ 43.50
- (9) Reinstatement of an administrator's certificate after a suspension ~~\$((\$42))~~ 43.50
- (10) Refund processing fee
All requests for refunds will be assessed a processing fee \$10.50

Note: Failure to appear for an examination results in forfeiture of the examination fee.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-920 Civil penalty. A person, firm, partnership, corporation or other entity that violates a provision of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC is liable for a civil penalty based upon the following schedule.

PROPOSED

PROPOSED

<p>(1) Offering to perform, submitting a bid for, installing or maintaining conductors or equipment that convey or utilize electrical current without having an unexpired, unrevoked and unsuspended electrical contractor license.</p>	<p>First offense: \$ 500 Second offense: \$ 1,000 Third offense: \$ 3,000 Each offense thereafter: \$ 5,000</p>	<p>scope of the firm's specialty electrical contractors license.</p>	
<p>(2) Employing an individual for the purposes of RCW 19.28.510 through 19.28.620 who does not possess a valid certificate of competency or training certificate.</p>	<p>First offense: \$ ((50)) <u>100</u> Second offense: \$ ((100)) <u>350</u> Each offense thereafter: \$ ((250)) <u>500</u></p>	<p>(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which is not listed and labeled by an approved electrical testing laboratory.</p>	<p>First offense: \$ 500 Second offense: \$ 1,000 Each additional offense: \$ 2,000</p>
<p>(3) Working as an electrician or electrical trainee in the electrical construction trade without having a valid certificate of competency or electrical training certificate.</p>	<p>First offense: \$ ((50)) <u>100</u> Second offense: \$ ((100)) <u>250</u> Each offense thereafter: \$ ((250)) <u>500</u></p>	<p>Definition: The sale or exchange of electrical components associated with hot tubs, spas, swimming pools or hydromassage bathtubs means: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."</p>	
<p>(4) Employing electricians and trainees in an improper ratio.</p>	<p>First offense: \$ ((50)) <u>250</u> Second offense: \$ ((100)) <u>350</u> Each additional offense: \$ ((250)) <u>500</u></p>	<p>(9) Covering or concealing installations prior to inspection.</p>	<p>First offense: \$ 500 Second offense: \$ 1,000 Each additional offense: \$ 2,000</p>
<p>(5) Failing to provide supervision to an electrical trainee as required by RCW 19.28.510.</p>	<p>First offense: \$ ((50)) <u>250</u> Second offense: \$ ((100)) <u>350</u> Each additional offense: \$ ((250)) <u>500</u></p>	<p>(10) Failing to make corrections within fifteen days of notification by the department. Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.</p>	<p>First offense: \$ 250 Second offense: \$ 500 Each additional offense: \$ 1,000</p>
<p>(6) Working as an electrical trainee without proper supervision as required by RCW 19.28.510.</p>	<p>First offense: \$ 50 Second offense: \$ 100 Each additional offense: \$ 250</p>	<p>(11) Failing to obtain an electrical work permit prior to beginning the installation or alteration. Exception: In cases of emergency repairs to existing electrical systems, this penalty will not be charged if the permit is obtained no later than the business day following completion of the emergency repair.</p>	<p>First offense: \$ 250 Homeowner: \$ 50 Second offense: \$ 500 Each additional offense: \$ 1,000</p>
<p>(7) Performing electrical installations, alterations or maintenance outside the</p>	<p>First offense: \$ 250 Second offense: \$ 500 Each additional offense: \$ 1,000</p>		

(12) Violating RCW 19.28.125(2) duties of the electrical administrator RCW 19.28.125 (2)(a) through (f).

First offense:	\$	100
Second offense:	\$	500
Each offense thereafter:	\$	1,000

(13) Violating any of the provisions of chapter 19.28 RCW or chapters 296-46 or 296-401 WAC which are not identified in subsections (1) through (11) of this section.

First offense:	\$	((50)) 250
Second offense:	\$	((100)) 500
Each additional offense:	\$	((250)) 1,000

~~((13))~~ **(14)** Each day that a violation occurs will be a separate offense. A violation will be a "second" or "additional" offense only if it occurs within one year from the first violation.

~~((14))~~ **(15)** In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW, the department may double the penalty amounts shown in subsections (1) through ~~((12))~~ **(13)** of this section.

AMENDATORY SECTION (Amending WSR 97-24-033, filed 11/25/97, effective 12/29/97)

WAC 296-46-930 Electrical contractor license and administrator certificate designation. See RCW 19.28.120.

(1) General electrical license and/or administrator's certificate encompasses all phases and all types of electrical installations.

(2) Specialty (limited) electrical licenses and/or administrator's certificates are as follows:

(a) Residential (02): Limited to the wiring of one and two family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring to be in nonmetallic sheathed cable, except service and/or feeders. This specialty does not include wiring commercial occupancies such as motels, hotels, offices, or stores.

(b)(i) Pump and irrigation (03): Limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems and related pumps and pump houses. This specialty ~~((license))~~ includes circuits, feeders, controls, and services to supply said pumps.

(ii) Domestic well (03A): Limited to the extension of a branch circuit, which is supplied and installed by others, to pump controllers; pressure switches; alarm sensors; and water pumps which do not exceed 7 1/2 horsepower at 230 volts AC single phase.

(c) Signs (04): Limited to placement and connection of signs and outline lighting, the electrical supply, related controls and associated circuit extensions thereto; and the instal-

lation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only.

(d) Domestic appliances (05): Limited to the electrical connection of household appliances and the wiring thereto; such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. This specialty ~~((license))~~ includes circuits to the appliances; however, it does not include the installation of service and/or feeders or circuits to electric furnaces and heat pump equipment.

(e) Limited energy system (06): Limited to the installation of signaling and power limited circuits and related equipment. ~~((Such license))~~ **This specialty** includes the installation of fire protection signaling systems, intrusion alarms, non-utility owned communications systems, and such similar low energy circuits and equipment.

(f)(i) Nonresidential maintenance (07): Limited to maintenance, repair and replacement of electrical equipment and conductors on industrial or commercial premises. This specialty certificate of license does not include maintenance activities in hotel, motel, or dwelling units.

(ii) Nonresidential lighting maintenance and lighting retrofit (07A): Limited to working within the housing of existing nonresidential lighting fixtures for work related to repair, service, maintenance of lighting fixtures and installation of energy efficiency lighting upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the fixture body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new fixtures or branch circuits; moving or relocating existing fixtures; or altering existing branch circuits.

This specialty contractor must employ an administrator who holds a nonresidential lighting maintenance and lighting retrofit administrator certificate; or a nonresidential maintenance administrator; or a general administrator. The contractor must have a documented lighting maintenance training program for all employees working under this specialty contractor license. The nonresidential lighting maintenance and lighting retrofit contractor must employ at least one journeyman electrician (ELO1 status) on a lighting retrofit project to provide technical expertise and supervision to the lighting retrofit technicians. One journeyman electrician is required per crew of nine or less retrofit technicians and/or trainees, working within the specified ratio in RCW 19.28.510.

(3) Combination specialty electrical contractor license. The department may issue a combination specialty electrical contractor license to a firm which qualifies for more than one specialty electrical contractor license. The license shall plainly indicate the specialty licenses which are included in the combination electrical contractor license.

(4) Combination specialty electrical administrator certificate. The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate shall plainly indicate the specialty administrators' certificate the holder has qualified for.

PROPOSED

PROPOSED

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-940 Electrical contractor license. (1) The department shall issue an electrical contractor license to a person, firm, partnership, corporation or other entity that complies with RCW 19.28.120 which shall expire twenty-four months following the date of issue. The department may issue an electrical contractor license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor licenses which expire each month. The department shall prorate the electrical contractor license fee according to the number of months in the license period. All subsequent licenses shall be issued for a twenty-four month period.

(2) Cash or securities deposit release. A cash or security deposit which has been filed with the department in lieu of a surety bond, shall not be released until one year after the date the electrical contractor notifies the department in writing, that the person, firm, partnership, corporation, or other entity who (which) has been issued the electrical contractor license, has ceased to do business in the state of Washington.

(3) Manufacturers of electrical products shall be allowed to utilize their factory-trained personnel to perform initial calibration, testing, adjustment, modification incidental to the startup and check out of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided: The product has not been previously energized and/or is within the manufacturer's warranty. Modifications, as designated above, shall not include changes to the original intended configuration nor changes or contact with externally field-connected components. The manufacturers will be responsible for obtaining any required reapproval/recertification from the original listing agent.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-401-020 Electricians with licenses or practicing the electrical trade at effective date of the act.
- WAC 296-401-030 Issuing of temporary permits.
- WAC 296-401-060 Specialty certificates.
- WAC 296-401-075 Electrical linemens exemption.
- WAC 296-401-080 Eligibility for journeyman examination.
- WAC 296-401-085 Eligibility for specialty examination.
- WAC 296-401-087 Partial credit for experience.
- WAC 296-401-090 Status of person who has failed an examination for an electrician certificate of competency.
- WAC 296-401-100 Computation of years of employment—Renewal of training certificates.
- WAC 296-401-110 Previous experience credit.
- WAC 296-401-120 Electrical training certificates.

- WAC 296-401-150 Penalties for false statements or material misrepresentation.
- WAC 296-401-160 Enforcement.
- WAC 296-401-163 Continuing education classes.
- WAC 296-401-165 Issuing and renewing an electrician certificate of competency.
- WAC 296-401-168 Reciprocal electrician certificates.
- WAC 296-401-170 Hearing or appeal procedure.
- WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees.
- WAC 296-401-180 Examination subjects for specialty and journeyman certificates of competency.

Chapter 296-401A WAC

**CERTIFICATION OF COMPETENCY FOR JOURNEYMAN ELECTRICIANS
JOURNEYMAN AND SPECIALTY ELECTRICIANS
CERTIFICATES**

NEW SECTION

WAC 296-401A-100 Who can work in the electrical construction trade? Those who can work in the electrical construction trade are persons who:

- (1) Possess a current journeyman electrician certificate of competency issued by the department; or
- (2) Possess a current specialty electrician certificate of competency issued by the department; or
- (3) Possess a valid temporary permit; or
- (4) Possess a current electrical trainee certificate and are enrolled in an electrician's apprenticeship program approved under chapter 49.04 RCW; or
- (5) Possess a current electrical trainee certificate and are learning the trade under the supervision of a certified journeyman electrician or certified specialty electrician working in their specialty.

NEW SECTION

WAC 296-401A-105 How do I obtain an original journeyman or specialty electrician certificate of competency? (1) The department of labor and industries will issue an original electrician certificate of competency to journeyman or specialty electricians who:

- (a) Meet the eligibility requirements listed in RCW 19.28.530, Certificate of competency—Eligibility for examination—Rules; and
 - (b) Successfully pass a certification examination required by RCW 19.28.540, Examination—Contents—Times—Fees—Certification of results; and
 - (c) Pay the original certificate fee listed in WAC 296-401A-700.
- (2) Your initial electrician certificate of competency will expire on your birthdate at least one year, and not more than three years, from the date of original issue. All subsequent certificates shall be issued for a three-year period. The

department will prorate the certificate fee according to the number of months or major part of a month in a certificate period.

NEW SECTION

WAC 296-401A-110 How do I renew my journeyman or specialty electrician certificate of competency? (1) You must apply for renewal of your journeyman or specialty electrician certificate of competency **before** the expiration date on your certificate. Renewed certificates are valid for three years.

(2) Beginning April 30, 1997, you must pay the renewal fee listed in WAC 296-401A-700, and provide evidence to the department that you have completed at least eight hours of approved continuing education each year during the prior certification period. Any portion of a year is equal to one year for continuing education requirements.

(3) When renewing your certificate, you will not be given credit for the exact same continuing education course taken more than once in the three years prior to your renewal date.

(4) If you are applying to renew a certificate that covered a period of two years or more, you must complete an approved continuing education class, of at least eight hours duration, on the latest National Electric Code changes.

NEW SECTION

WAC 296-401A-120 May I renew my certificate of competency after the expiration date without reexamination? (1) You may renew your electrician certificate within ninety days after the expiration date without reexamination if you pay the late renewal fee listed in WAC 296-401A-700 and provide evidence to the department that you have completed at least eight hours of continuing education each year during the prior certification period.

(2) All applications for renewal received more than ninety days after the expiration date of the certificate require that you pass a competency examination before being recertified.

NEW SECTION

WAC 296-401A-130 Can I renew my certificate of competency if I have less than the required hours of continuing education per year of my prior certification period? If you have not completed the required hours of continuing education, you may apply for renewal before your certificate expires and pay the appropriate renewal fee listed in WAC 296-401A-700. Your renewal certificate will be placed in an inactive status. When your certificate of competency is placed in inactive status, you cannot work as a journeyman or specialty electrician in the electrical construction trade until you provide evidence that you have completed the required hours of continuing education.

NEW SECTION

WAC 296-401A-140 Can I obtain a certificate of competency for an electrical specialty? The department issues specialty electricians' certificates of competency in the following areas of electrical work:

(1) **Residential certificate (02):** This certificate limits you to wiring one-family and two-family dwellings, or multi-family dwellings that do not exceed three floors above grade. All residential wiring, except service and feeder wiring, must be nonmetallic sheathed cable. **This certificate does not allow you to wire commercial occupancies such as motels, hotels, offices or stores.**

(2) **Pump and irrigation certificate (03):** This certificate limits you to wiring the electrical connection of domestic water pumps, irrigation pumps, circular irrigating systems and related pumps and pump houses. With this certificate, you may also install the circuits, feeders, controls and services necessary to supply electricity to the pumps.

(3) **Domestic well specialty electrical technician certificate (03A):** This certificate limits you to the installation of materials, wires and equipment providing electrical power, control and operation of domestic water pumping systems. In addition, you are limited to the extension of a branch circuit (which has been supplied and installed by others) to pump controllers, pressure switches, alarm sensors, and water pumps which do not exceed 7 and 1/2 horsepower at 230 volts AC single phase.

Prior to December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination if you provide the department with notarized verification of at least four years prior experience installing domestic water systems, including pump installations, under the supervision of a firm engaged in the business of installing domestic water systems.

After December 1, 1998, you will be eligible to take the domestic well specialty electrician's competency examination **only** if you provide the department with notarized verification of two years experience installing domestic pump systems working under the direct supervision of a domestic well specialty technician, a pump and irrigation specialty electrician or a journeyman electrician.

Certification of domestic well specialty electrical technicians shall be according to the provisions of WAC 296-401A-105 (original certification) and WAC 296-401A-110 (renewal of certification).

(4) **Signs and outline lighting certificate (04):** This certificate limits you to placing signs and outline lighting and connecting them to their electrical supply, controls and related circuit extensions. You are further limited to the installation of a maximum 60 ampere, 120/240 volt, single phase service supplying power to a remote sign.

(5) **Domestic appliance certificate (05):** This certificate limits you to electrically connecting and wiring domestic appliances such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces and similar appliances. You may also install the circuits to those domestic appliances. However, **you may not** install service or feeder wires or circuits to electrical furnaces and heat pump equipment.

PROPOSED

(6) **Limited energy system certificate (06):** This certificate limits you to installing signaling circuits, power limited circuits and related equipment. Examples of such equipment would be fire protection signaling systems, intrusion alarms, nonutility owned communication systems and similar low energy circuits and equipment.

(7) **Nonresidential maintenance certificate (07):** This certificate limits you to maintaining, repairing and replacing electrical equipment and conductors on industrial or commercial premises. **You may not** conduct maintenance activities in hotels, motels or dwelling units.

(8) **Nonresidential lighting maintenance and lighting retrofit technician (07A):** This certificate limits you to working within the housing of existing nonresidential lighting fixtures **and** limits you to work related to repair, service, maintenance of lighting fixtures and the installation of energy efficiency upgrades. Your work may include the replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. Your work must be limited to the fixture body, however, you may replace or retrofit remote located ballasts with approved products. **You may not** install new fixtures or branch circuits, move or relocate existing fixtures, or alter existing branch circuits.

To qualify for this certificate **on or before June 30, 1999**, you must provide proof to the department that you were employed for a minimum of two years by a contractor engaged full-time in the business of nonresidential lighting maintenance and lighting retrofit work. **After June 30, 1999**, all applicants for this certificate must have a minimum of two years full-time experience under the direct supervision of a nonresidential lighting maintenance and retrofit technician; or a nonresidential maintenance specialty electrician; or a journeyman electrician.

NEW SECTION

WAC 296-401A-150 Do I need a certificate of competency if I'm a lineman? (1) Electrical linemen employed by a serving electrical utility or employed by a licensed electrical contractor while performing work found in WAC 296-46-935, do not need certificates of competency.

(2) You are eligible for the above lineman's exemption if you carry evidence on your person that you:

(a) Have graduated from a department of labor and industries approved lineman's apprenticeship course; or

(b) Are currently registered in a department of labor and industries approved lineman's apprenticeship course **and** are working under the direct supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department.

(3) The training you received in the lineman's apprenticeship courses must include training in applicable articles of the currently adopted edition of the National Electrical Code as determined by the department.

NEW SECTION

WAC 296-401A-160 Can my certificate of competency be revoked? (1) The department may revoke any certificate of competency if:

(a) The certificate was obtained through error or fraud; **or**

(b) The certificate holder is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician; or

(c) The holder has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under chapter 19.28 RCW.

(2) Before any certificate of competency is revoked, you will be given written notice of the department's intention to do so. Notification will be sent by registered mail to your last known address.

The notification will list the allegations against you, and give you the opportunity to request a hearing before the electrical board. The board will conduct the hearing in accordance with chapter 34.05 RCW, The Administrative Procedure Act. At the hearing you may produce witnesses and give testimony. The board will render its decision based upon the testimony and evidence presented in the hearing, and will notify you immediately upon reaching its decision.

QUALIFYING FOR JOURNEYMAN AND SPECIALTY ELECTRICIAN EXAMS

NEW SECTION

WAC 296-401A-200 How do I qualify to take the journeyman electrician's competency examination? You may take the journeyman electrician's competency examination if you held a current electrical training certificate while you have:

(1) Been employed, in the electrical construction trade, under the direct supervision of a journeyman electrician for four years (8,000 hours) of which two years must be in industrial or commercial electrical installation and not more than a total of two years in all specialties; or

(2) Completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training; or

(3) Have two years of schooling under the conditions listed in RCW 19.28.530, Certificate of competency—Eligibility for examination—Rules, and two years of work experience in industrial or commercial electrical installations under the direct supervision of a journeyman electrician.

NEW SECTION

WAC 296-401A-210 How do I qualify to take the specialty electrician competency examination? You may take the specialty electrician competency examination if you held a current electrical training certificate while you have:

(1) Been employed under the direct supervision of a journeyman electrician or an appropriate specialty electrician for a minimum of two years (4,000 hours); or

(2) Completed a two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training in the appropriate specialty.

NEW SECTION

WAC 296-401A-220 Can I use my U.S. military service experience to qualify for the journeyman or specialty electrician competency examination? (1) Anyone who has worked a minimum of four years in the electrical construction trade while serving in the Armed Forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman electrician.

(2) If you have two or more years training or experience in a specialized electrical field in the Armed Forces of the United States that is similar to, but not identical to, a specialty electrician category listed in WAC 296-401A-140 you will be eligible for one year credit toward a specialty certificate. You must also work one additional nonmilitary year in the appropriate specialty under the direct supervision of a journeyman or specialty electrician to qualify for the specialty electrician's competency examination.

NEW SECTION

WAC 296-401A-230 Can I use my journeyman experience in another country to qualify for the competency examination? (1) If you have a journeyman electrician certificate from a country outside of the United States that requires at least four years of training, you will be eligible for two years credit toward a journeyman certificate.

(2) You must also take two additional years training in the United States under the direct supervision of a journeyman electrician to qualify for the journeyman's competency examination.

JOURNEYMAN AND SPECIALTY ELECTRICIAN EXAM CONTENTS

NEW SECTION

WAC 296-401A-300 What will be included in the examination for journeyman electrician certificates of competency? The following subjects are among those that may be included in the examination for a certificate of competency. The list is not exclusive, and the examination may also contain subjects not on the list.

For journeyman electricians:

AC - Generator; three-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Air conditioning - Basic.

Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.

Building wire - Sizes.

Cable trays.

Calculations.

Capacitive reactance.

Capacitor - Types; in series and parallel.

Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.

Conductor - Voltage drop (line loss); grounded.

Conduit - Wiring methods.

DC - Generator; motors; construction of motors; meters.

Definitions.

Electrical units.

Electron theory.

Fastening devices.

Fire alarms - Introduction to; initiating circuits.

Fuses.

Generation - Principles of.

Grounding.

Incandescent lights.

Inductance - Introduction to; reactance.

Insulation - Of wire.

Mathematics - Square root; vectors; figuring percentages.

Motors - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.

Ohms Law.

Power.

Power factor - AC circuits; correction of; problems.

Rectifiers.

Resistance - Of wire.

Rigging.

Safety - Electrical shock.

Services.

Three-wire system.

Tools.

Transformers - Principles of; types; single phase; three-phase connections.

Voltage polarity across a load.

Wiring methods - Conduit; general.

Wiring systems - Less than 600 volts; 480/277 volts; three-phase delta or wye; distribution systems over 600 volts.

Note: Journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

NEW SECTION

WAC 296-401A-310 What will be included in the examination for specialty electrician certificates of competency? The following subjects are among those that may be included in the examination for a certificate of competency. The list is not exclusive, and the examination may also contain subjects not on the list.

For specialty electricians:

AC - Meters.

Appliance circuits or controls.

Blueprints - Floor plans; service and feeders.

Cables - Wiring methods.

Calculations.

Circuits - Series; parallel; combination; basic; outside branch.

Conductor - Voltage drop (line loss); grounded; aluminum or copper.

Conduit - Wiring methods.

Electrical signs, circuits, controls, or services.

Electrical units.
 First aid.
 Fuses.
 General lighting.
 Grounding of conductors.
 Insulation of wire.
 Ladder safety.
 Limited energy circuits or systems.
 Maintenance of electrical systems.
 Mathematics - Figuring percentage.
 Motor circuits, controls, feeders, or services.
 Ohm's Law.
 Overcurrent protection.
 Resistance of wire.
 Services.
 Sizes of building wire.
 Three-wire system.
 Tools.
 Transformer - Ratios; single-phase.

NEW SECTION

WAC 296-401A-320 What do I do if I fail a competency examination? (1) Anyone failing a competency examination may retake the examination by paying the retesting fee listed in WAC 296-401A-700.

(2) Trainees may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician.

TEMPORARY PERMITS

NEW SECTION

WAC 296-401A-400 Can I work as an electrician in Washington if I'm certified in another state? (1) If you are certified in another state, the department can issue you one temporary permit in lieu of a certificate of competency if you are coming into Washington state to work in the electrical construction trade. Your temporary permit allows you to work as an electrician during the period of time between filing an application to take the next certification examination and the date you receive your examination results.

(2) To qualify for a temporary permit you must:

(a) Meet the eligibility requirements of RCW 19.28.530 (Certificate of Competency—Eligibility for examination—Rules); **and**

(b) Be currently certified by a governing authority from another state, city, town or other certifying authority; **and**

(c) File an application to take the next certification examination.

(3) If you do not take the competency examination, your temporary permit will expire on the date listed on your permit.

(4) If you fail the examination, the department will issue you a second **final** temporary permit only if you enroll in an approved journeyman electrician refresher course and provide the department with evidence that you have not missed any classes. (The life of this second temporary permit cannot

exceed ninety days.) Upon completion of the refresher course, you are eligible to retake the competency examination at the next scheduled time.

(5) If you fail the examination after completing an approved journeyman electrician refresher course, your temporary permit is invalid. Therefore, to continue to work in the electrical trade, you must apply for and receive a training certificate and work under the direct supervision of either a certified journeyman or a specialty electrician working in their specialty.

(6) You will not be issued a temporary permit if you:

(a) Failed the examination on your first attempt and did not enroll in an approved journeyman electrician refresher course; or

(b) Did not furnish the department with the evidence required under RCW 19.28.520 when you applied to take the examination; or

(c) Are an apprentice electrician.

(7) You will be issued a certificate of competency only if you pass the competency examination.

RECIPROCAL AGREEMENTS

NEW SECTION

WAC 296-401A-410 What are reciprocal agreements and how are they used? The department of labor and industries negotiates agreements with states that have equivalent requirements for certification and licensing of journeyman or specialty electricians. The agreements allow electricians from those states to become certified in Washington state without examination and Washington-certified electricians to become certified in the other states without taking competency examinations. To find out if your state has a reciprocal agreement with the department, contact the electrical section of your local department of labor and industries office.

NEW SECTION

WAC 296-401A-420 How do I qualify for a reciprocal electrician's certificate? The department will issue a reciprocal electrician certificate of competency to you if you are coming into the state of Washington from another state and the following conditions are met:

(1) The department has a valid reciprocal agreement with the other state in the journeyman or specialty category requested; **and**

(2) You apply for the reciprocity certificate on the form provided by the department; **and**

(3) You provide evidence that you meet the eligibility requirements listed in RCW 19.28.530, Certificate of competency—Eligibility for examination—Rules; **and**

(4) You obtained a certificate of competency as a journeyman or specialty electrician in the other state **while you resided there; and**

(5) You pay the reciprocity fee listed in WAC 296-401A-700.

PROPOSED

NEW SECTION

WAC 296-401A-430 Who is not eligible for a reciprocal electrician's certificate? You are not eligible for a reciprocal electrician certificate if you:

- (1) Do not meet the eligibility requirements listed in WAC 296-401A-420; or
- (2) Have taken and failed a Washington state electrician competency examination; or
- (3) Have failed to renew a certificate of competency as required in RCW 19.28.550(1), Certificate of competency—Issuance—Renewal—Continuing education—Fees—Effect.

TRAINING CERTIFICATES

NEW SECTION

WAC 296-401A-500 How do I document my training hours to renew my training certificate? (1) When you renew your electrical training certificate, you must give the department an **accurate** list of the employers you worked for in the electrical trade during the previous year. The list must include the employer's name, the electrical category you worked in, the names of each journeyman or specialty electrician who supervised your work and the number of hours worked in each category for every employer.

(2) You should ask each employer or apprenticeship program director for an accurate list of the hours you worked in the previous year. The employers must provide the list to you within twenty days of your request.

NEW SECTION

WAC 296-401A-510 How are training employment hours computed? (1) Two thousand (2,000) hours is equal to one year of employment.

(2) If you have completed a four year electrical apprenticeship program that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training, you will be credited with 8,000 hours (four years) of employment.

NEW SECTION

WAC 296-401A-520 Am I qualified for a higher level of training certificate?

Training Certificate	Total Hours Worked
1st year	0 through 2,000
2nd year	2,001 through 4,000
3rd year	4,001 through 6,000
4th year	6,001 or more

You may apply for the next year's certificate whenever you have worked sufficient hours.

Note: The department will verify the hours submitted with your training certificate application.

NEW SECTION

WAC 296-401A-524 Can I receive credit for electrical work experience which is exempt from the certification requirements in RCW 19.28.610 Exemptions from RCW 19.28.510 through 19.28.620? (1) To receive credit for electrical work experience which is exempt from RCW 19.28.610, you must provide the department with verification from the employer or owner for whom the electrical work was performed.

(2) **Beginning January 1, 1998**, all exempt individuals learning the electrical trade must obtain from the department an electrical certificate and renew it annually in order to receive credit for hours worked in the trade according to WAC 296-401A-500.

NEW SECTION

WAC 296-401A-530 Can I work as a trainee without supervision? You will be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow you to work without supervision if you:

- (1) Apply for an unsupervised electrical training certificate; **and**
- (2) Have worked over 7,000 hours; **and**
- (3) Have successfully completed or are currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges; **and**
- (4) Pay the fee listed in WAC 296-401A-700.

NEW SECTION

WAC 296-401A-540 Who will not be issued training certificates? Electricians certified in other states who are eligible for temporary or reciprocal certificates will not be issued training certificates.

NEW SECTION

WAC 296-401A-545 Does the department audit my trainee hours? (1) The department, based upon RCW 19.28.515, Electrical trainee hours—Audit—Rules—Confidentiality, may audit the employment records of the electrical contractor or employer who verified your electrical trainee hours. The time period covered by an audit may be less than one year but will not exceed five years from the date each affidavit verifying your trainee hours is submitted.

(2) Every employer or contractor must keep a record of your employment as a trainee so the department may obtain the information it needs to verify your electrical trainee work experience. Upon the request of the department's auditors or agents, these records must be made available to the department for inspection within seven business days.

(3) Your employer or contractor must maintain time cards or similar records to verify the number of hours you worked as a supervised trainee and the type of electrical work you performed.

(4) Any information obtained from your contractor or employer during the audit under the provisions of RCW

19.28.515 is confidential and is not open to public inspection under chapter 42.17 RCW.

(5) The department's audit may include but will not be limited to the following:

(a) An audit to determine whether you were employed by the contractor or employer during the period for which your hours were submitted, the actual number of hours you worked and the category of electrical work you performed.

(b) An audit covering a specific time period and examining a contractor's or employer's books and records which may include their reporting of your payroll hours required for industrial insurance, employment security or prevailing wage purposes.

NEW SECTION

WAC 296-401A-550 What may happen if a person makes a false statement on an application or annual statement of hours worked? A person who knowingly makes a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 19.28.620 and may subtract up to 900 hours of employment from a trainee's total hours, if the department determines the trainee has made a false statement or material misrepresentation.

CONTINUING EDUCATION COURSE APPROVAL

NEW SECTION

WAC 296-401A-600 How are decisions to approve continuing education courses made? (1) Each continuing education class, course, or seminar for renewal of an electrician's certificate of competency must be approved by a three-member subcommittee of the electrical board. The chief electrical inspector will be an ex-officio member of this subcommittee.

(2) All applications for approval must be on forms provided by the department, and will be reviewed without testimony. The board will *only* consider information you submit with the application for approval of the continuing education training.

(3) To be considered for approval, continuing education courses must consist of not less than four classroom hours of instruction, and be open to monitoring by a representative of the department and/or the electrical board at no charge.

(4) Approved courses must be based on:

(a) Currently adopted edition of the National Electrical Code; and/or

(b) Currently adopted administrative rules (chapters 296-46 and 296-401A WAC); or

(c) Materials and methods as they pertain to electrical construction, building management systems, electrical maintenance and workplace health and safety.

NEW SECTION

WAC 296-401A-610 What happens after the subcommittee approves or disapproves my application for continuing education course approval? You will be notified of the subcommittee's decision within five days of the review of your application.

•If your continuing education class, course, or seminar is approved, you may offer the training for up to three years without additional approval. If a new edition of the National Electrical Code is adopted within the three-year period, you must resubmit an application for approval of any code-related class, course, or seminar.

•If your application is not approved, the notice will include an explanation of the reasons for rejection. If you disagree with the subcommittee's decision, you may request a reconsideration hearing by the electrical board. Your request must be received by the board forty-five days before a regularly scheduled board meeting. All additional information you want considered must be submitted not less than thirty days before the board hearing.

Note: Continuing education class, course, or seminar hours completed before approval by the subcommittee cannot be used to meet the electrician's certificate requirements.

NEW SECTION

WAC 296-401A-620 What information must a continuing education sponsor provide to have a continuing education course approved? (1) The department of labor and industries will provide continuing education approval forms to sponsors upon request. The original completed application for training approval, plus three copies, must be received by the department at least forty-five days before the proposed first class, course, or seminar is offered.

(2) Information on the application must include:

(a) Course title, number of classroom instruction hours, and whether the training is open to the public.

(b) Sponsor's name, address, and contact's name and phone number.

(c) Course outline (general description of the training, including specific Electrical Code articles referenced).

(d) Lists of resources (texts, references, visual aids).

(e) Names and qualifications of instructors.

(f) Any additional documentation you want considered.

(g) A copy of the completion certificate or the department's continuing education form that will be used to document:

(i) Each participant's name, address, birthdate, and Social Security number; and

(ii) The course number, location, and date of training; and

(iii) The instructor's name and signature or notarized signature of sponsor.

NEW SECTION

WAC 296-401A-630 How is completion of the training course documented? (1) Sponsors must award a certificate or continuing education form to each participant com-

PROPOSED

pleting the class, course, or seminar. The participants will submit a copy of the certificate or form to the department when they apply for renewal of their electrician's certificates. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant completed the training course.

(2) Following the completion of each approved continuing education, the course sponsors must submit, to the department, a copy of the original attendance sign-in sheet containing the signatures of all class participants. Sponsors offering approved correspondence courses must submit, to the department, a roster of all class participants who successfully complete the course.

(3) The department will not keep submitted copies of the continuing education certificates or forms on file after renewal of the electrician's certificate. We will not accept, nor be responsible for, the original of any completion certificate issued.

FEES

NEW SECTION

WAC 296-401A-700 How much do I pay for a journeyman, specialty, or training certificate, competency examination, or reciprocity? When you apply to take a competency examination or to obtain a certificate of competency, you must pay the appropriate fee listed below.

Type of Certificate	Fee
(1) Journeyman or specialty electrician certificate renewal (per 36-month period)	\$ 64.50
(2) Late renewal of journeyman or specialty electrician certificate (per 36-month period)	\$ 130.00
(3) Journeyman or specialty electrician examination application (nonrefundable)	\$ 27.00
(4) Journeyman or specialty electrician original certificate	\$ 42.50
(5) Training certificate (expires one year after purchase)	\$ 20.75
(6) Training certificate renewal or update of hours	\$ 20.75
(7) Unsupervised electrical training certificate	\$ 20.75
(8) Journeyman or specialty electrician test or retest	\$ 48.75
(9) Reciprocal journeyman or specialty certificate	\$ 69.50
(10) Reinstatement of journeyman or specialty certificate	\$ 20.75
(11) Continuing education course submittal and approval, per course	\$ 41.50
(12) Continuing education course renewal, per course	\$ 20.75
(13) Refund processing fee	\$ 10.50
All requests for refunds will be assessed a processing fee	

Note: Failure to appear for an examination results in forfeiture of the examination fee.

ENFORCEMENT

NEW SECTION

WAC 296-401A-800 How do compliance officers and electrical inspectors determine compliance at a job site? (1) The department of labor and industries ensures that employers and employees comply with the requirements of

chapter 19.28 RCW, Electricians and Electrical Installations, and chapter 296-401A WAC, Certification of Competency for Journeyman Electricians, by inspecting electrical job sites. To do this, inspections are made by the department's compliance officers or electrical inspectors.

(2) The compliance officers or electrical inspectors determine whether:

(a) Each person doing electrical work on the job site has a proper journeyman, specialty, or training certificate; **and**

(b) The ratio of certified journeyman electricians to the certified trainees on the job site is correct; **and**

(c) Each certified trainee is directly supervised by an individual with a journeyman or proper specialty certificate of competency for the type of electrical work being performed.

NEW SECTION

WAC 296-401A-810 What happens if an employer or employee is not complying with the electrician certification laws at the time of inspection? (1) If the compliance officer or electrical inspector determines that an employer or employee has violated chapter 19.28 RCW, Electricians and Electrical Installations, or chapter 296-401A WAC, Certification of Competency for Journeyman Electricians, the department will issue a citation that describes the reason for the violation. A cease and desist order may be issued by the compliance officer or electrical inspector if the employer or employee continues to violate the law.

(2) Employers and employees may appeal the citation or cease and desist order by requesting a hearing (see RCW 19.28.620, Violations of RCW 19.28.510 through 19.28.620—Schedule of penalties—Appeal). A request for hearing, however, does not stay the effect of the citation or cease and desist order.

(3) If the employer or employee disobeys the cease and desist order, the department shall apply to superior court for a court order enforcing the cease and desist order. If the employer or employee disobeys the court order, the department shall request the attorney general to apply to the superior court for an order holding the employer or employee in contempt of court.

APPEAL RIGHTS AND HEARINGS

NEW SECTION

WAC 296-401A-900 Can I request a hearing or appeal a decision of the department? You may request a formal or informal hearing before the electrical board within twenty days of receipt of any:

- Citation.
- Cease and desist order.
- Suspension or revocation of a training, journeyman, or specialty electrician certificate of competency.
- Denial of an application to take an examination, or reduction of hours as allowed in WAC 296-401A-550.

NEW SECTION

WAC 296-401A-910 What is the difference between a formal and an informal appeal? The following table summarizes the differences between a formal and an informal hearing:

Type of Hearing	Hearing Held by	Deposit Required	Results
Informal	Electrical Board	None	Informal Decision
Formal	Administrative Law Judge	\$200.00	Findings of Fact, Conclusions of Law, and Decision

NEW SECTION

WAC 296-401A-920 How do I request an informal hearing? You may request an informal hearing by the electrical board by writing a letter to the department chief electrical inspector stating the action taken by the department that you wish to appeal. Your letter should also state what you want the department to do as a result of the hearing.

Note: For additional information about appeals before the electrical board, see chapter 296-13 WAC.

NEW SECTION

WAC 296-401A-930 How do I request a formal hearing? (1) Write a letter to the department's chief electrical inspector stating the action taken by the department that is being appealed. Also state what you want the department to do as a result of the hearing; **and**

(2) Enclose a certified check in the amount of two hundred dollars made payable to the department of labor and industries.

Note: Formal appeals are conducted as required in the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 296-401A-935 What happens to my formal hearing deposit? (1) Your deposit will be returned to you if the decision of the department is not sustained or upheld.

(2) If the decision of the department is sustained or upheld, your deposit will be used to pay the expenses of holding the hearing. Any balance remaining after payment of the hearing expenses will be paid into the electrical license fund.

Title of Rule: WAC 388-218-1390 Community jobs wage subsidy program, the WorkFirst Division has designed a wage subsidy program, community jobs, to allow temporary assistance for needy families (TANF) recipients the opportunity to gain employment skills and experience. The WorkFirst Division developed WAC 388-218-1390 to provide income related rules for this program.

Purpose: Adds new rule, WAC 388-218-1390, which sets income related rules for community jobs participants.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.08A.320.

Statute Being Implemented: RCW 74.08A.320.

Summary: The community jobs wage subsidy program allows participants to get job skills and work experience they need to move into unsubsidized work. While in the program, participants receive a paycheck from the employer subsidized with the funds that would otherwise be given to them as a TANF grant.

Reasons Supporting Proposal: Expresses intent of federal and state welfare reform legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, Work-First Division, Program Support Unit, (360) 413-3095.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new rule sets income related rules for community jobs participants. The community jobs wage subsidy program allows participants to get job skills and work experience they need to move into unsubsidized work.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not have an economic impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that apply to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 21, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 10, 1998, phone (360) 902-7540, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by April, 21, 1998.

Date of Intended Adoption: No sooner than April 22, 1998.

WSR 98-07-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 18, 1998, 10:32 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 97-23-080.

March 18, 1998
 Edith M. Rice, Chief
 Office of Legal Affairs

PROPOSED

NEW SECTION

WAC 388-218-1390 Community jobs wage subsidy program. (1) The monthly wage received by a temporary assistance for needy families (TANF)/state family assistance (SFA) client who participates in the community jobs (CJ) wage subsidy program is:

- (a) Not counted as income for the first month of CJ participation; and
 - (b) Budgeted prospectively (as defined in WAC 388-218-1900(3)) beginning with the second month of CJ participation.
- (2) The cash grant will not be adjusted when actual income from a community job differs from the estimate.
- (3) The CJ participant's grant amount is computed by:
- (a) Reducing the expected CJ gross income by twenty percent as specified in WAC 388-310-1300(10); and
 - (b) Deducting the remainder from the payment level as specified in WAC 388-218-1920(1).
- (4) CJ income is not subject to monthly reporting (MR) or income reporting (IR) requirements.
- (5) When a change in income or resources causes the assistance unit's grant amount to be less than ten dollars or results in ineligibility, a CJ participant's cash grant:
- (a) Will be suspended following rules in WAC 388-245-1400(1);
 - (b) Will continue to be suspended until participation is redetermined according to WAC 388-310-1300(9); and
 - (c) Can be in suspense for no more than nine months, in that specific position.
- (6) Each month a CJ participant's cash grant is suspended will count toward the assistance unit's five year lifetime time limit.

**WSR 98-07-106
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed March 18, 1998, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-088.

Title of Rule: Chapter 16-212 WAC, Grain, hay, bean and peas—Inspection fees.

Purpose: Establishes fees for services performed by the department in sampling, testing, grading, weighing and inspecting grain, pulses and similar commodities.

Statutory Authority for Adoption: RCW 22.09.790.

Statute Being Implemented: Chapter 22.09 RCW.

Summary: Adjust the grain inspection fee schedule relative to overtime, hourly rates, charges per hundredweight, and the elimination of weekly averaging. Also, clarify the working and format of the fee schedule document.

Reasons Supporting Proposal: The current fee schedule is not representative of grain inspection operating costs, as required by statute. Amendments to the fee schedule will

closer align the fee document with statutory requirements and will be easier to read and understand.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall R. Deike, Olympia, (360) 902-1921.

Name of Proponent: Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Fee increases are within fiscal growth factor limits.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes the schedule of user fees for grain inspection program services and related activities. These fees are the sole source of funds for program activities, and revenue generated must be adequate to support it. This proposed fee increase more accurately reflects the costs of providing service and should enable the grain inspection program to generate enough revenue to cover expenses.

Proposal Changes the Following Existing Rules: Increases the grain inspection fees for overtime, hourly rates, charges per hundredweight, and eliminates weekly averaging.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The financial impact on small businesses will be minimal.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Conference Room 259, Olympia, WA 98504-2560, on April 24, 1998, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by April 23, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Dannie McQueen, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2092, by April 24, 1998, at 5:00 p.m.

Date of Intended Adoption: May 5, 1998.

March 18, 1998

Robert W. Gore

Assistant Director

AMENDATORY SECTION (Amending Order 5040, filed 4/20/94, effective 5/21/94)

WAC 16-212-030 General provisions for hourly charges.

(1) Straight time, rate per hour. . . ~~(\$24.50)~~ **\$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.**

This hourly rate ~~((shall be applied on any job where the fee is))~~ **will be applied in any situation where the fees generated are not sufficient to provide revenue ((of \$24.50 per hour)) equivalent to the published hourly rate, per employee, including applicable supervisory and clerical hours, and where no other hourly rate ((or)), fee, guarantee of expenses**

PROPOSED

PROPOSED

or contractual agreement exists or is specified in ((the)) this schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate ((~~\$24.50 per hour~~)) revenue equivalent to the published hourly rate, per employee, an additional fee shall be assessed so that total revenue generated is equal to the ((~~\$24.50 rate~~). Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis)) the published hourly rate, per employee.

(2) Overtime, and night shift rate per hour. . . ((~~\$6.40~~)) \$6.65 effective June 30, 1998; \$6.90 effective July 1, 1998.

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of ((~~\$6.40~~)) \$6.65 effective June 30, 1998; \$6.90 effective July 1, 1998, per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than ((~~8:00 a.m. to 5:00 p.m.~~)) the inspection office's established standard workday hours, Monday through Friday, must be received by the inspection office no later than ((~~4:00 p.m.~~)) two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service. When the request is not received by ((~~4:00 p.m.~~)) within the established time frames, service will be provided where personnel are available, but an additional fee of ((~~\$4.25~~)) \$4.42 effective June 30 1998; \$4.60 effective July 1, 1998 per hour, per employee, will be assessed for that ((~~shift~~)) for the hours of the requested service.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than ((~~4:00 p.m.~~)) two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is ((~~called from home after regular working~~)) is notified after leaving the worksite to return to a worksite after the inspection office's established standard workday hours, or on a Saturday, Sunday or holiday, ((~~a minimum of~~)) two additional hours ((~~shall~~)) per employee, will be charged at the rate of ((~~\$10.70 per hour~~)) \$11.10 per hour effective June 30, 1998; \$11.55 per hour effective July 1, 1998 and added to other fees charged.

(d) Scheduled night shifts.

((~~At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply.~~))

(i) The department ((~~shall~~)) must be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If the full seven-day notice is not given, a fee of ((~~\$6.40~~)) \$6.65 effective June 30, 1998; \$6.90 effective July

1, 1998, per hour, per employee, ((~~shall~~)) will be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If ((~~such~~)) the full twenty-one day notice is not given, a fee of ((~~\$6.40~~)) \$6.65 effective June 30, 1998; \$6.90 effective July 1, 1998, per hour, per employee, ((~~shall~~)) will be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour . . . ((~~\$26.80~~)) \$27.85 effective June 30, 1998; \$29.00 effective July 1, 1998.

Whenever a service is requested before or after ((~~working hours~~)) the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, ((~~a minimum of~~)) four hours at the standby rate of ((~~\$26.80~~)) \$27.85 effective June 30, 1998; \$29.00 effective July 1, 1998, per hour, per employee, shall be charged. Additional charges at the standby rate per hour, per employee, shall be assessed for all hours over four that continue to be staffed at the request of the applicant. Whenever a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of ((~~such~~)) the request is not received ((~~by 4:00 p.m.~~)) two hours prior to the inspection office's established daily closing time of the last regularly scheduled working day prior to the requested service, the four hour standby charge ((~~shall~~)) per employee, will be ((~~applied~~)) assessed.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees ((~~may~~)) is not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service ((~~may be~~)) is required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

(5) Official commercial inspection services may be provided, on-site, at the applicant's request, when appropriate space, equipment and security can be provided, the program is able to provide appropriate licensed personnel, and a guarantee of expense can be negotiated.

AMENDATORY SECTION (Amending Order 5040, filed 4/20/94, effective 5/21/94)

WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.

- (1) Combination inspection and weighing fees. Ships, barges, unit trains and transfers of bulk grain.
 - (a) From vessel to elevator, per ton \$ 0.128
 - (b) Bin transfers, per ton \$ 0.128
 - (c) From elevator to vessel, per ton \$ 0.128
 - (d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the sublot inspection plan in units of not less than five cars, per ton \$ 0.128

PROPOSED

(2) Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection. Sampling only services are available at the inspection only rates shown in this fee schedule.

(a) ~~((When))~~ Carlots sampled by United States Department of Agriculture approved ~~((mechanical belt, spout or leg))~~ diverter type mechanical samplers, per car ~~((batch grades up to a maximum of 5 car units are charged at the per car rate))~~ \$ 15.50
Batch grades may contain up to the maximum number of cars allowable under Federal Grain Inspection Service regulations/instructions. The per car sampling charge will be assessed for each car included in the batch grade.

(b) When sampled by United States Department of Agriculture approved grain trier, original and subsequent original inspections, per car \$ 24.00

(3) Inspection only of trucks, per truck \$ 15.00

(4) Reinspections of railroad boxcars, open hopper-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.

(a) When based on an official file sample, per reinspection \$ 9.00

(b) When based on a new sample, for railcars only, per reinspection \$ 24.00

(c) When based on a new sample, for trucks only, per reinspection \$ 15.00

(d) FGIS approved per factor reinspections will be provided at the applicable file sample or new sample rate listed in this section.

(5) Submitted samples,

(a) Standardized grains, except canola per inspection \$ 7.50

(b) Canola, per inspection \$ 13.75

(6) Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of canola, identical to the fees assessed by the Federal Grain Inspection Service.

(7) Factor analysis and/or certification.

(a) Nongrade determining factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade: per factor \$ 2.50

~~((Provided, That on))~~ Submitted sample certificates of grade for ~~((wheat and))~~ barley may show, on request, dockage to the nearest one-tenth percent ~~((will be shown in remarks section and, for wheat))~~ without additional charge. Submitted sample certificates of grade for wheat may show, on request, foreign material ~~((shown on the factor line, when it is not a grading))~~ when it is not a grade determining factor, without additional charge.

(b) Factor certification only (maximum of ~~((two))~~ one factors), per certificate ~~((3.00))~~ \$ 2.50

(i) Additional factors added to a factor certificate, per factor \$ 2.50

(A maximum of \$7.50 will be charged for ~~((grading factors only))~~ factor only certification.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(8) Official ~~((NIRR or NIRT protein))~~ analysis of constituents (protein, oil, etc.) by near-infrared transmittance.

(a) ~~((Protein and/or oil analysis))~~ Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when in conjunction with official inspection for grade, per test \$ 6.25

(b) ~~((Protein and/or oil only))~~ Official constituent analysis of wheat, soybeans, or other FGIS approved commodities when not in conjunction with official inspection for grade per test \$ 8.50

When based on official sample (including new sample reinspection) add the applicable sampling charges.

(c) ~~((Protein and/or oil only))~~ Official constituent analysis of wheat, soybeans, or other FGIS approved commodities: Submitted sample or reinspection based on official file sample \$ 8.50

(9) Inspection of ~~((sacked))~~ bagged grain ((at inspection points)), per cwt . . . ((0.06)) \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(10) Checkloading ~~((sacked))~~ bagged grain, per ((employee-hour)) hour, per employee . . . ((24.50)) \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(11) Waxy corn determination, on request, per determination \$ 12.75

(12) ~~((Aflatoxin testing fees))~~ FGIS approved mycotoxin testing.

(a) Screening or quantitative testing determinations, based on official sample, except thin layer chromatography, per test \$ 37.50

(b) Submitted samples, screening or quantitative determinations, except thin layer chromatography, per test . . . ~~((24.50))~~ \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test . . . ~~((24.50))~~ \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(d) Reinspection, based on a new sample, screening or quantitative, except thin layer chromatography, per test \$ 37.50

(e) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(13) Stowage examinations - ships, barges or vessels.

(a) Per stowage space ~~((and/or))~~ or tank, or return to stowage space or tank, per examination \$ 24.00

(b) Initial inspection, minimum charge . . . \$120.00

(c) Subsequent inspections, minimum charge \$ 72.00

~~((Stowage examinations will be made on ships or vessels at anchor in midstream when requested.~~)

PROPOSED

(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.

(ii) A minimum of two hours of regular time at \$24.50 per hour (one inspector) for general cargo vessels and a minimum of four hours of regular time at \$24.50 per hour (two inspectors) shall be charged for tankers in addition to the established inspection fee.

(iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.

(iv) Inspections can only be made within the area of the designated tidewater grain inspection office.

(v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).) Travel time, two hour minimum, per hour, per employee... \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

Note: Stowage examinations may be conducted on vessels at anchor, at the convenience of the designated grain inspection area office, on request. Inspections at anchor will be made during daylight hours only, and only under safe working and weather conditions. The applicant is responsible for providing safe transportation to and from the vessel by licensed tug or water taxi. Two vessel or ship's agent representatives will be provided to accompany each inspector providing stowage exam services. Tanker inspections may require additional inspection personnel. When appropriate, hourly and/or minimum charges listed in this fee schedule will be assessed in addition to the inspection and travel time charges shown in this section.

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

(14) Other stowage examinations.

(a) Sea van-type containers (when checkloading is not required) \$ 8.10

(b) Railroad cars, trucks and other containers, not in conjunction with loading, per container \$ 8.10

~~((15) Checktesting of diverter and mechanical samplers, per employee-hour \$ 24.50))~~

~~((16) Ship samples:))~~

~~((a) Ship composite samples. (i) Initial set of samples to applicant (maximum of three samples) no charge))~~

~~((ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) \$ 5.25))~~

~~((b) Ship samples on a subplot basis, per sample \$ 5.25))~~ diverter-type samplers, per hour, per employee... \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(16) Ship composite samples, subplot samples, vessel hold samples, survey samples and other additional samples requested by the applicant or by other interested parties, per sample \$ 5.25.

(17) Weighing services.

(a) Class X weighing services.

(i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ 0.107

(ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$ 0.107

(iii) Bin transfers (grain only), per ton \$ 0.107

(iv) Trucks, per truck or weight lot \$ 7.50

(b) Class Y weighing services, per ((employee-hour \$ 24.50)) hour, per employee... \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(c) Checkweighing of ((sacked grain, per employee-hour \$ 24.50)) bagged grain, per hour, per employee... \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(d) Scale certification/checktesting of official weighing scales.

(i) Weights and measures scale specialist, per employee-hour \$ 33.75

(ii) Grain inspection personnel, per ((employee-hour \$ 24.50)) per hour, per employee... \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

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 Order 5040, filed 4/20/94, effective 5/21/94)

WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.

(1) Inspection or analysis of graded and nongraded commodities.

(a) Inspection of bagged commodities at inspection points, per cwt . . . ((~~\$ 0.06~~)) \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(b) Bulk commodity inspection at inspection points, per ton \$ 0.30

(c) Minimum charge for bulk or bagged commodities (one hour) . . . ((~~\$ 24.50~~)) \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(d) Submitted sample inspection, per sample \$ 13.75

(2) Weighing and combination inspection/weighing services for bulk commodities.

(a) Weighing only, other than grain, per ton \$ 0.117

(b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton \$ 0.128

(c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum). \$ 15.00

(3) Factor analysis.

(a) Moisture only \$ 5.25

(b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor \$ 2.50

(c) Certification, factor only (maximum two factors), per certificate \$ 3.00

PROPOSED

(d) Additional factors added to a factor certificate, per factor \$ 2.50
(A maximum of \$13.75 will be charged for grading factors only.)

(e) Analysis of rapeseed (~~for official factors~~), mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures, per certificate \$ 13.75

(f) (~~If official inspection is required for rapeseed, the applicable sampling only fee shall be assessed in addition to the factor analysis fee.~~) Sampling only fees identified in subsection (4)(a) and (b) of this section will be assessed in addition to the factor analysis fees for rapeseed, mustard seed, confectionary sunflower seed, safflower seed, or other commodities with established FGIS factor only inspection procedures when official sampling is requested.

- (4) Sampling only, bulk commodities.
(as or containers, per carrier \$ 15.00
- (b) Boxcars, open or covered hopper-type cars, per car \$ 24.00

(5) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per (~~employee hour, two hour minimum, rate per hour . . . \$ 24.50~~) hour, per employee, two hour minimum . . . \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

- (6) Sanitation inspections.
 - (a) Initial inspection no charge
 - (b) Reinspections, four hour minimum, per (~~employee hour . . . \$ 24.50~~) hour, per employee . . . \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(7) Stowage examinations under the Agricultural Marketing Act (~~shall be subject to the rates, restrictions, and conditions cited in~~) will be provided as per WAC 16-212-060 (13) and (14).

- (8) Mycotoxin testing fees.
 - (a) Screening or quantitative testing determinations, except thin layer chromatography per test \$ 37.50
 - (b) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

- (9) Falling numbers determinations, per determination \$ 12.75
- Liquefaction number, per determination \$ 0.50

AMENDATORY SECTION (Amending Order 5040, filed 4/20/94, effective 5/21/94)

WAC 16-212-080 Miscellaneous fees.

(1) Mailing of samples shall be charged at actual mailing costs, minimum charge \$ 2.00

(2) Fee for pickup of samples on routes established by the department, per sample \$ 0.60

(3) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) (~~Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.~~) Mileage will be charged at the current general administration private vehicle mileage reimbursement rate, except where suitable transportation is provided by the applicant. Mileage is assessed on a per call, door to door basis and will be charged in addition to all other inspection fees, hourly rates and applicable charges.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at actual cost.

(e) Facsimile transmissions, per page \$ 1.00

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate \$ 1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy \$ 3.00

(5) Phytosanitary certification
(a) When performed in conjunction with official inspection, per certificate (~~(. . . \$ 6.75)~~) . . . \$7.02 effective June 30, 1998; \$7.30 effective July 1, 1998.

(b) When performed without official inspection, add sampling fee, per hour (~~(. . . \$24.50)~~), per employee . . . \$25.49 effective June 30, 1998; \$26.50 effective July 1, 1998.

(6) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

AMENDATORY SECTION (Amending Order 5040, filed 4/20/94, effective 5/21/94)

WAC 16-212-082 Fees for services performed under state regulation. (1) (~~Inspection of cultivated buckwheat~~

PROPOSED

~~and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.))~~
Inspection of commodities under state of Washington standards or other state, national, or international standards or criteria specified by the applicant, except as noted in this section.

(a) Cultivated buckwheat, safflower: submitted sample inspection for factors or grade, per sample \$7.50

(b) Rapeseed (except Canola), other commodities not listed above: inspection under Washington state standards or other specified standards or criteria, submitted sample inspection for factors or grade, per sample \$13.50

(c) Sampling only fees will be assessed at the rates shown in WAC 16-212-070 (4)(a) and (b) and will be assessed in addition to the per sample inspection fee when lot inspection is requested.

(d) Inspection of bagged commodities per cwt. . . . \$0.0624 effective June 30, 1998; \$0.065 effective July 1, 1998.

(e) Combination inspection and weighing fees assessed at the rates shown in WAC 16-212-060 (1)(a), (b), (c), and (d).

(2) Cracked corn, corn screenings, and mixed grain screenings ((~~shall~~) will be inspected and/or weighed ((~~under the tonnage rate applicable for standardized grains as per~~)) at the applicable rates shown in WAC 16-212-060.

(3) Unofficial ((~~NIRR or NIRT~~) protein analysis, per unit . . . \$ 6.25)) analysis of constituents (protein, oil, etc.) by near-infrared transmittance provided at the applicable rates shown in WAC 16-212-060.

(4) ((~~Rapeseed (except canola)~~) inspection under state standards:

(a) Submitted sample for factors or grade, per sample \$ 13.75

(b) When sampled by official personnel, add applicable sampling only fee:

(c) Export inspection and weighing in bulk, per ton \$ 0.128

(d) Inspection of bagged rapeseed, per cwt . . . \$ 0.06

(e) Fees for laboratory determination of crucic acid and/or glucosinolate and/or oil content will be identical to the fees assessed by the Federal Grain Inspection Service.)) Fees for laboratory analysis of commodities covered by this section, or for the analysis of constituents or conditions of grains or commodities inspected under WAC 16-212-060 or 16-212-070 not provided for in the official standards will be assessed at the current rates established by the federal, state or private laboratory providing the analysis. These fees will be assessed in addition to all other inspection and sampling fees, hourly rates and applicable charges.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the amount charged by USDA or Washington state agency laboratories.

WSR 98-07-065**EXPEDITED ADOPTION****INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 98-5—Filed
March 17, 1998, 12:05 p.m.]

Title of Rule: Repealing certain unnecessary effective dates, separability clauses, and promulgating sections.

Purpose: Repeal various sections of Title 284 WAC.

Statutory Authority for Adoption: RCW 48.02.060.

Summary: This will repeal various WAC sections that have been identified as outdated, inefficient, unclear, or duplicative.

Reasons Supporting Proposal: The repeal of these sections should make the code more efficient and improve clarity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jon Hedegard, Lacey, Washington, (360) 407-0728.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will repeal various sections of Title 284 WAC. The affected sections were among those identified in the commissioner's regulatory improvement process as not necessary, unclear, inefficient, or outdated. The removal of these sections should aid in making the code clearer and more useful.

There are several old effective dates that will be repealed, WAC 284-17-570, 284-23-130, 284-23-380, and 284-44-360. The rules [that] were implemented have been in existence for at least eight and a half years and up to twenty-two years. The regulations have been codified for such an extended period of time, the effective dates are no longer useful or necessary.

There are two separability clauses that will be repealed, WAC 284-23-120 and 284-50-435. These clauses are generally not used in rule making. Courts will sever the regulation, rule, or subsection based on the agency's intent and the effectiveness of the rule. The court will not sever because of the presence of a separability clause nor will it refuse to do so in the absence of such a clause. Since these clauses are not a standard part of rule making for the commissioner or for other agencies in Washington, they will be repealed. This does not mean that the commissioner does not intend for a court to sever a regulation accompanied by one of these clauses. The commissioner is merely recognizing that these clauses are unnecessary and as such should be repealed in the regulatory improvement process.

WAC 284-28-001 relates the circumstances surrounding the rule-making process adopting chapter 284-28 WAC. It is unnecessary and will be repealed.

Proposal Changes the Following Existing Rules: It will repeal WAC 284-17-570, 284-23-120, 284-23-130, 284-23-380, 284-28-001, 284-44-360, and 284-50-435.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Brandeberry, Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256, e-mail KacyB@oic.wa.gov, AND RECEIVED BY May 16, 1998.

March 17, 1998

Ed Fleisher

Deputy Insurance Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-17-570 Implementation dates.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-23-120 Severability provision.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-23-130 Effective date.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-23-380 Effective date.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-28-001 Promulgation.

REPEALER

The following section of the Washington Administrative Code is repealed:

EXPEDITED ADOPTION

WAC 284-44-360 Effective date.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-50-435 Separability.

WSR 98-07-104

EXPEDITED ADOPTION

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-9—Filed
March 18, 1998, 11:11 a.m.]

Title of Rule: Repeating continuing education courses.

Purpose: Permit licensees to repeat a course three years after they took a course.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.150.

Statute Being Implemented: RCW 48.17.150.

Summary: Currently, licensees are not allowed to ever repeat a continuing education course for the purpose of fulfilling continuing education requirements. This rule would enable licensees to repeat a course after three years have passed since they took the course.

Reasons Supporting Proposal: This will be beneficial to licensees by allowing them to take courses that may have been updated to refresh their knowledge of subject matter. Providers and licensees are only required to maintain records for three years but the Office of the Insurance Commissioner maintains records in perpetuity, this will considerably lessen the amount of records that must be maintained.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Lacey, Washington, (360) 407-0728; Implementation: Sue Davidson, Lacey, Washington, (360) 438-7708; and Enforcement: Erika Taylor, Lacey, Washington, (360) 438-7707.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current regulations prohibit licensees from repeating a continuing education class and using the credits to satisfy continuing education requirements. This system prevents a licensee from possibly taking one class over and over which would defeat the intent of continuing education. This system does have some drawbacks. Licensees cannot refresh their knowledge with a class they may have taken a decade or two decades earlier. A class may be updated to reflect changes in the field or in the law but a licensee cannot benefit from the changed curriculum unless it is presented in an entirely different class. While there are many classes available, a licensee can over time, end up with a limited selection of classes that are available and are useful to improving their

knowledge and job performance. Finally, it is an administrative burden upon the agency to maintain records of every class that every licensee has ever taken. This is necessary to fulfill the current regulations but it is time-consuming, costly, and uses vast amounts of computer memory. Licensees currently have to maintain records for the previous three years. If they cannot remember if they have taken a class previously, they call the Office of the Insurance Commissioner to determine if they would be repeating a class.

Licensees have asked the commissioner to change the existing continuing education requirement and the change was expedited in the course of the commissioner's regulatory improvement process. The change in the regulation will enable a licensee to repeat a class for the purpose of fulfilling the existing continuing education requirements after three years have elapsed. This will enable licensees to take classes that have been updated and expand the available curriculum. Enabling a licensee to repeat a class after three years will also parallel the requirement that the licensee must maintain the records for three years. This will reduce calls to the agency and relieve some of the burdens upon the agency. The reduced recordkeeping of the agency will also relieve administrative burdens. Since the licensee can only repeat the class after three years, there should be no adverse impact by limiting their education. The opposite should be true, the licensees will find it easier to take classes that keep them apprised of changes in their fields of interest.

Proposal Changes the Following Existing Rules: WAC 284-17-220 will be amended to permit licensees to repeat a course three years after they took the course.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Brandeberry, Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256, e-mail KacyB@oic.wa.gov, AND RECEIVED BY May 16, 1998.

March 18, 1998

Edward Fleisher

Deputy Insurance Commissioner

AMENDATORY SECTION (Amending WSR 97-19-007, filed 9/4/97, effective 10/5/97)

WAC 284-17-220 Continuing education requirement. (1) Twenty-four credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.

(2)(a) Effective July 1, 1996, the number of required continuing education credit hours will be increased from

EXPEDITED ADOPTION

twenty-four to thirty-two hours for each two-year licensing period.

(b)(i) Resident and nonresident licensees engaged in the transaction of long-term care insurance, long-term care partnership insurance, or both, are required to take an approved six-hour course on long-term care, long-term care partnership, or both, every two years. The commissioner shall prescribe the content of the course. Each course shall be approved by the commissioner in advance.

(ii) Effective January 1, 1998, a resident or nonresident licensee shall not submit an application for a long-term care or long-term care partnership policy to an issuer unless he or she has completed the approved course.

(iii) The approved six-hour course may count towards the thirty-two required continuing education credit hours set forth in (a) of this subsection.

(iv) An issuer of long-term care or long-term care partnership policies shall annually certify to the commissioner that:

(A) Its affiliated resident and nonresident licensees involved in the transaction of long-term care or long-term care partnership policies have completed the approved six-hour course requirement every two years; and

(B) The issuer has only accepted applications from resident and nonresident licensees in compliance with the provisions of (b)(i) of this subsection.

The certification shall be filed with the commissioner on or before March 31 of each year.

(c) Each course credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and the credit may not have been used previously to comply with the continuing education requirement.

(3) The course participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.

(4) ~~((Repeating))~~ An approved course for which the licensee has previously claimed credit ~~((will not satisfy the continuing education requirement))~~ may be repeated for credit after a period of three years from the previous completion date.

(5) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.

WSR 98-07-105

EXPEDITED ADOPTION

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-8—Filed
March 18, 1998, 11:14 a.m.]

Title of Rule: Washington actuaries regulation.

Purpose: Update and clarify various sections of chapter 284-05 WAC, the Washington actuaries regulation, and to change any affected references to chapter 284-05 WAC.

Statutory Authority for Adoption: RCW 48.02.060, 48.74.025, 48.92.140.

Statute Being Implemented: RCW 48.74.050, 48.74.060, 48.36A.200, 48.92.020.

Summary: This will update various sections in chapter 284-05 WAC that have been identified as outdated, inefficient, unclear, or duplicative.

Reasons Supporting Proposal: The update of these sections should make the code more efficient and improve clarity.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Lacey, Washington, (360) 407-0728; Implementation and Enforcement: Lee Barclay, Olympia, Washington, (360) 586-3685.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will update or repeal various sections of Title 284 WAC. The affected sections include:

WAC 284-05-060(2) will be repealed, the remaining subsections of WAC 284-05-060 will be renumbered. Subsection (2) is not necessary, persons who would qualify under this section could also qualify under the existing WAC 284-05-060 (1)(b) which allows a person to demonstrate that they have actuarial competence to the satisfaction of the commissioner.

WAC 284-05-070 will be repealed. It is an effective date that is over twenty-five years old.

WAC 284-43-930 has a reference to WAC 284-05-060 that will be changed to keep it in accordance with the renumbering of WAC 284-05-060.

The result of the updating or removal of these sections should aid in making the code clearer and more useful to the consumers, carriers, and the Office of the Insurance Commissioner.

Proposal Changes the Following Existing Rules: WAC 284-05-060 will be updated. Subsection (2) will be deleted and the section will be renumbered.

WAC 284-05-070 will be repealed.

WAC 284-43-930 will have the reference to WAC 284-05-060(1) changed to reflect the renumbering of WAC 284-05-060.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Brandeberry, Office of the Insurance Commissioner, P.O. Box 40256, Olympia,

WA 98504-0256, e-mail KacyB@oic.wa.gov, AND RECEIVED BY May 16, 1998.

March 18, 1998
Edward Fleisher
Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Order R-72-1, filed 2/8/72, effective 7/1/72)

WAC 284-05-040 Restriction on signing as actuary. No report, statement, or document shall be filed with the insurance commissioner or issued to the public in relation to the business of insurance if it is signed by a person who (~~represents himself~~) is represented in (~~such~~) the instrument to be an actuary unless (~~such~~) the person signing as an actuary is a qualified actuary.

AMENDATORY SECTION (Amending Order R-76-1, filed 2/25/76)

WAC 284-05-060 Qualified actuary defined. ~~((+))~~ For the purpose of this regulation, a "qualified actuary" is an individual who in each particular case or assignment is acting within the scope of his or her training, experience and qualifications(~~;~~) and;

~~((a))~~ (1) Is a member of the American Academy of Actuaries(~~;~~); or

~~((b))~~ (2) Has otherwise demonstrated his or her actuarial competence to the satisfaction of the insurance commissioner, or to the satisfaction of the insurance regulatory official of the domiciliary state of an insurer in the case of any actuarial certification required in connection with an annual statement filed by such insurer.

~~((2) Insofar as activities or conduct under the Employee Retirement Income Security Act of 1974 (P.L. 93-406) may be considered to relate to the business of insurance, an "enrolled actuary" pursuant to federal regulations issued under that act shall be deemed a "qualified actuary" with respect to such activities or conduct.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-05-070 Effective date.

AMENDATORY SECTION (Amending Order R-97-2, filed 1/23/98, effective 3/1/98)

WAC 284-43-930 Contents of individual and small group filings. Under RCW 48.44.022(3) and 48.46.064(3) the experience of all individual plans shall be pooled; and under RCW 48.44.023 (3)(i) and 48.46.066 (3)(i) the experience of all small group plans shall be pooled. Filings for individual plans shall include base rates for all individual plans and filings for small group plans shall include base rates for

all small group plans. Each individual and small group filing shall include all of the following information and documents:

(1) An actuarially sound estimate of incurred claims. Experience data, assumptions, and justifications of the carrier's projected incurred claims shall be provided in a manner consistent with the carrier's rate-making methodology and incorporate the following elements:

(a) A brief description of the carrier's rate-making methodology, including identification of the data used and the kinds of assumptions and projections made.

(b) The number of subscribers by family size, or covered persons for the plans included in the filing. These figures shall be shown for each month or quarter of the experience period and the prior two periods if not included in previous filings. This data shall be presented in aggregate for the plans included in the filing and in aggregate for all of the carrier's plans.

(c) Earned premium for each month or quarter of the experience period and the prior two periods if not included in previous filings, for the plans included in the filing.

(d) An estimate of the adjusted earned premium for each month or quarter of the experience period and prior two periods for the plans included in the filing.

(e) Claims data for each month or quarter of the experience period and the prior two periods. Examples of claims data are, incurred claims, capitation payments, utilization data, unit cost data, and staffing data. The specific data elements included in the filing shall be consistent with the carrier's rate-making methodology.

(f) Documentation and justification of any adjustments made to the experience data.

(g) Documentation and justification of the factors and methods used to forecast incurred claims.

(2) An actuarially sound estimate of prudently incurred expenses. Experience data, assumptions, and justifications shall be provided by the carrier as follows:

(a) A breakdown of the carrier's expenses allocated or assigned to the plans included in the filing for the experience period or for the period corresponding to the most recent "annual statement";

(i) Health care service contractors shall provide an expense breakdown at least as detailed as the annual statement schedule "Underwriting and Investment Exhibit, Part 3, Analysis of Expenses" as revised from time to time;

(ii) Health maintenance organizations shall provide an expense breakdown at least as detailed as the "Annual Statement, Report #2: Statement of Revenues, Expenses and Net Worth," for administrative expenses as revised from time to time;

(iii) The allocation and assignment methodology used in (a)(i) or (ii) of this subsection may be based on readily available data and easily applied calculations;

(b) Identification of any experience period expenses that are extraordinary; and

(c) Documentation and justification of the assignment or allocation of expenses to the plans included in the filing; and

(d) Documentation and justification of forecasted changes in expenses.

EXPEDITED ADOPTION

(3) An actuarially sound provision for contribution to surplus, contingency charges, or risk charges. Assumptions and justifications shall be provided by a carrier as follows:

(a) The methodology, justification, and calculations used to determine the contribution to surplus, contingency charges, or risk charges included in the proposed base rates; and

(b) The carrier's net worth or reserves and unassigned surplus at the beginning of the experience period and at the end of the experience period.

(4) An actuarially sound estimate of forecasted investment earnings on assets related to claim reserves or other similar liabilities. The carrier shall include documentation and justification of forecasted investment earnings identified in dollars, and as a percentage of total premiums and the amount credited to the plans included in the filing.

(5) Adjustment of the base rate. Experience data, assumptions, justifications, and methodology descriptions shall be provided that include:

(a) Justifications for adjustments to the base rate, supported by data if appropriate, attributable to geographic region, age, family size, use of wellness activities, and tenure discounts;

(b) Justifications, supported by data if appropriate, of any other factors or circumstances used to adjust the base rates; and

(c) Description of the methodology used to adjust the base rate to obtain the premium rate for a specific individual or group, which is detailed enough to allow the commissioner to replicate the calculation of premium rates if given the necessary data.

(6) Actuarial certification. Certification by an actuary, as defined by WAC 284-05-060(((+))), that the benefits and services to be provided are reasonable in relation to the amount charged.

(7) The requirements of subsections (1) through (6) of this section may be waived or modified upon the finding by the commissioner that a plan contains or involves unique provisions or circumstances and that the requirements represent an extraordinary administrative burden on the carrier. An example of such a situation could include a plan offered by a relatively small carrier, where such plan has limited benefits and is designed to generate an unusually small premium.

WSR 98-07-109

EXPEDITED ADOPTION

DEPARTMENT OF AGRICULTURE

[Filed March 18, 1998, 11:36 a.m.]

Title of Rule: Rules relating to the production of garlic seed certification.

Purpose: This subject matter was included in chapter 16-333 WAC, Certification of plants, along with a rule concerning caneberries. The purpose is to separate the garlic seed certification regulations with a new WAC number, chapter 16-334 WAC.

Statutory Authority for Adoption: Chapter 15.14 RCW.
Statute Being Implemented: Chapter 15.14 RCW.

Summary: The garlic seed growers have requested changes in the garlic certification rules to allow more flexibility in irrigation sources and garlic seed sources.

Reasons Supporting Proposal: All certified garlic seed is presently being grown in Nevada and California. Certified garlic is an important tool in the control of garlic diseases. The program will give Washington certified seed garlic a greatly expanded market allowing access to all states and Canada, including areas covered by onion white rot quarantines.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, Assistant Director, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Tom Wessels, Program Manager, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Greg Anthony Seed Company and Merchant Ranches, Incorporated, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Participating growers are allowed to establish foundation, registered and certified plantings of seed garlic for the production of disease-free garlic planting stock. These plantings will be tested and inspected by the Washington State Department of Agriculture personnel for two important diseases, stem and bulb nematode and white rot fungi. These two pathogens are a limiting factor in the production of garlic and onions. Garlic seed produced in this program will be allowed into areas with established quarantines against these pathogens.

Proposal Changes the Following Existing Rules: The existing garlic certification program specifies any irrigation by well water only. This greatly limits the areas of the state where certified garlic can be grown. The revised rule allows for other approved irrigation sources which will include relatively clean sources such as the Kittitas Valley irrigation district and the Columbia River. It also specifies testing and inspecting schedules and expands the program to include garlic related varieties such as elephant garlic and shallots.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY May 16, 1998.

March 18, 1998

Mary A. Martin Toohey
Assistant Director

RULES RELATING TO THE PRODUCTION OF GARLIC SEED CERTIFICATION

NEW SECTION

WAC 16-334-010 Definitions. (1) "Certified block" means a planting of a single variety of garlic established from foundation stock, registered stock or certified stock, which complies with the requirements of this chapter.

(2) "Certified stock" means garlic which is produced in a certified block and/or which complies with the requirements of this chapter.

(3) "Department" means the Washington State Department of Agriculture.

(4) "Director" means the director of the Washington State Department of Agriculture or the director's duly authorized representative.

(5) "Foundation block" means a garlic planting established from stock subjected to a laboratory disease elimination procedure approved by the director, which complies with the requirements of this chapter.

(6) "Foundation stock" means garlic which is produced in a foundation block and which complies with the requirements of this chapter.

(7) "Garlic" means plants, plantlets, cloves, bulbs or any plant part of *Allium sativum* or related varieties.

(8) "Garlic seed" means vegetatively propagated bulbs or cloves of garlic used for planting purposes.

(9) "Off-type" means appearing different by visual examination from the variety listed on the application or exhibiting symptoms of a genetic or non-transmissible disorder.

(10) "Planting stock" means certified stock, registered stock or foundation stock.

(11) "Registered block" means a planting of a single variety of garlic which is established from foundation stock or registered stock and which complies with the requirements of this chapter.

(12) "Registered stock" means garlic which is produced in a registered block and which complies with the requirements of this chapter.

(13) "Stem and bulb nematode" means *Ditylenchus dipsaci*.

(14) "White rot fungus" means *Sclerotinium cepivorum*.

NEW SECTION

WAC 16-344-020 Garlic seed-general (1) Issuance of a state of Washington certified plant tag, stamp or other document means only that the tagged, stamped, or otherwise documented plant materials have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter.

(3) No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding certification.

(4) Participation in the seed garlic certification program is voluntary.

Reviser's note: The above new section was filed by the agency as WAC 16-344-020. This section is placed among sections forming new chapter 16-334 WAC, and therefore should be numbered WAC 16-334-020. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 16-334-030 Requirements for participation in the seed garlic certification program. (1) Participants in the seed garlic certification program must submit an annual two-hundred dollar application fee and all applications for plant propagation and certification by July 1 prior to planting. A separate application form must be used for each variety to be certified.

(2) As a condition of participation in the seed garlic certification program, the applicant grower must furnish the department all requested information pertinent to the operation of the program and must give consent to the department to take material for examination and testing.

(3) Garlic seed to be planted into registered or certified blocks must be inspected and tested in compliance with WAC 16-334-030 during the prior growing season by the department or by another certifying agency approved by the department. All such garlic seed must be found to be free of stem and bulb nematode and white rot fungus.

(4) Foundation blocks must be planted with garlic seed that has been through an approved disease elimination process.

(5) Registered blocks must be planted with garlic seed that originates from an approved program as foundation or registered stock.

(6) Certified blocks must be planted with garlic seed that originates from an approved program as foundation stock, registered stock or certified stock. The department may accept other garlic seed as certified stock, if the garlic seed has been inspected, tested, and found free of stem and bulb nematode and white rot fungi, as specified in subsection (3) above, for the previous two growing seasons.

(7) Planting sites for foundation, registered and certified blocks must be inspected and approved by the department at least 30 days prior to planting. At a minimum, planting sites must comply with all of the following criteria:

(a) The site has been out of *Allium spp.* production for at least five years;

(b) The site is found free of stem and bulb nematode based on an official laboratory test;

(c) The site is not infested with white rot fungus;

(d) The site is not likely to become infested with stem and bulb nematode or white rot fungus by drainage, flooding or irrigation;

(e) The site is separated from all other certified, registered, or foundation blocks by a minimum of six feet, unless the department approves alternative precautions to preserve identity;

(f) The site is a minimum of five hundred feet from any planting of non-certified *Allium spp.*

NEW SECTION

WAC 16-334-040 Inspection and testing requirements for certification. (1) The department shall conduct the following inspections for white rot fungus:

- (a) One growing season inspection for all field plantings;
- (b) One inspection at harvest or during storage;

(2) The department shall collect samples and conduct laboratory analysis for stem and bulb nematode on the following:

- (a) Soil from all sites prior to planting;
- (b) Plants from foundation and registered blocks, collected at approximately 20 foot intervals and composited on a one acre basis;
- (c) Plants from certified blocks equal to or greater than one quarter acre intended to be planted back for recertification, collected at approximately 20 foot intervals and composited on a one acre basis;

(d) Plants from certified blocks of less than a quarter acre intended for recertification, comprising a reasonable sample of not more than five percent of the total plants.

(3) The department may require additional inspections or tests as needed.

(4) Inspection fees as established in WAC 16-401-025 and laboratory analysis fees as established in WAC 16-470-910 are applicable to this program.

(5) Payment is due upon completion of each inspection or test. Billing may be arranged subject to department policies and processes.

NEW SECTION

WAC 16-334-050 Conditions under which certification may be refused. Any plant that appears to be growing abnormally or with abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting or the harvested bulbs of garlic if:

- (1) The garlic is found to be infested with stem and bulb nematode or infected with white rot fungi; or
- (2) The garlic is infected with any other pest that the department determines cannot be eliminated by treatment or roguing; or
- (3) A plant or plants are off-type, unless the block is rogued to the satisfaction of the department; or
- (4) The participant has failed to pay in a timely manner any fees applicable to this program; or
- (5) The participant has failed to comply with any requirements in this chapter.

NEW SECTION

WAC 16-334-060 Responsibilities of the grower. In addition to other requirements specified in this chapter, a grower participating in this program must perform all of the following:

- (1) Conduct an active program of garlic pest control;
- (2) Use precautions when cultivating, irrigating and moving equipment to prevent the spread of soil-borne pests or diseases;
- (3) Comply with the white rot quarantine regulations in WAC 16-470-300;
- (4) Maintain the identity of each lot.

NEW SECTION

WAC 16-334-070 Storage requirements for registered and certified garlic seed. (1) Harvested seed garlic shall be stored in:

- (a) Clean bins or containers that have not been used to store non-certified *Allium spp.*; and
- (b) Clean storage areas approved by the department where onions are not stored.

(2) Harvested planting stock must be held in one of the following:

- (a) New bags;
- (b) Bags that have been only used to store certified garlic seed; or
- (c) Bags that have been used to store crops other than onions and have been sanitized prior to use for garlic.

NEW SECTION

WAC 16-344-080 Movement of garlic planting stock—Permit required. In order to move planting stock out of Washington for cracking or other treatment, the participant must comply with all of the following requirements:

- (1) The identity of each lot must be maintained at all times;
- (2) The participant must obtain a permit from the department prior to movement of the planting stock out of Washington;
- (3) The number specified on its permit shall be used to identify each lot;
- (4) The permit must accompany the shipping container at all times; and
- (5) The permit must accompany certified seed garlic re-entering the state.

Reviser's note: The above new section was filed by the agency as WAC 16-344-080. This section is placed among sections forming new chapter 16-334 WAC, and therefore should be numbered WAC 16-334-080. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

WSR 98-07-110
EXPEDITED ADOPTION
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed March 18, 1998, 11:35 a.m.]

Title of Rule: Compliance with State Environmental Policy Act.

Purpose: Rules for implementing SEPA rules.

Statutory Authority for Adoption: RCW 43.21C.120.

Statute Being Implemented: Chapter 43.21C RCW et seq.

Summary: This rule was written to comply with the updated SEPA rule, chapter 197-11 WAC.

Reasons Supporting Proposal: The rule streamlines excess verbage in the prior rule, while maintaining the integrity of the requirements of SEPA compliance.

Name of Agency Personnel Responsible for Drafting: John Gleason, 200 General Administration Building, 902-7398; Implementation: Designated Div. A.D., Olympia, Washington 98504, 902-7300; and Enforcement: Director of General Administration, 902-7300.

Name of Proponent: Marsha Tadano Long, Director of General Administration, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is changed to comply with the update of the SEPA regulations and to streamline excess verbage in the existing regulation. The department envisions that the only impacts will be in the internal administration of SEPA requirements within the department.

Proposal Changes the Following Existing Rules: The proposal changes the existing rules only in the execution of internal administration of SEPA compliance.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING 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 RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Grant Fredricks, Department of General Administration, 200 General Administration Building, P.O. Box 41000, Olympia, WA 98504-1000, AND RECEIVED BY May 20, 1998.

March 12, 1998
Grant Fredericks
Deputy Director

AMENDATORY SECTION (Amending WSR 84-20-015 (Order 84-02), filed 9/25/84)

WAC 236-11-010 Authority, scope and coverage of this chapter. (1) This chapter is promulgated pursuant to RCW 43.21C.120.

(2) Compliance with the rules of this chapter shall constitute procedural compliance with SEPA for an "action" as defined in WAC 197-11-704.

(3) The rules of this chapter contain no sections relating to the notice/statute of limitations provisions of chapter 43.21C RCW. To utilize these provisions, the department of general administration shall follow the statutory language and any applicable regulations of the department of ecology.

AMENDATORY SECTION (Amending WSR 84-20-015 (Order 84-02,) filed 9/25/84)

WAC 236-11-050 Applications for exemptions within the department of general administration. Each "action" ((as defined in Part Eight, WAC 197-11-704,)) of the department shall have a form completed and retained in the applicant's division files. This form shall show the action and exemption decision, exempt or otherwise, and be signed by the department of general administration representative making that decision. This form shall also show any threshold decision, including determinations of nonsignificance and significance, signed by the department representative. Additionally, copies of the threshold determination shall be included in the file. A copy of this completed form shall be submitted to the division of facilities planning for review and approval or disapproval.

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 84-20-015 (Order 84-02), filed 9/25/84)

WAC 236-11-080 Public notice requirements. (1) The department shall give public notice when issuing a DNS under WAC 197-11-340, ((or)) DS and scoping notice under WAC 197-11-360, or a draft EIS under WAC 197-11-455.

(2) The department may require an applicant to perform the public notice requirement at its expense.

(3) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to public or private persons or groups who have expressed interest in the proposal, in a certain type of proposal, or proposals in the geographic area in which the proposal is located;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property, for site-specific proposals.

AMENDATORY SECTION (Amending WSR 84-20-015 (Order 84-02), filed 9/25/84)

WAC 236-11-100 Policies and procedures for conditioning or denying permits or other approvals. (1)(a) It is department of general administration policy to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

EXPEDITED ADOPTION

(b) The department shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources so that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The department shall develop plans and programs to economically house state government activities so as to provide maximum services to the people of Washington consistent with (b) of this subsection.

(2) Supplementary implementing instructions and procedures to the policies contained in this section are contained in department of general administration policies and procedures (~~(chapter 7, section 3)~~).

(3) The department responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(4) The procedures in WAC 197-11-660 must be followed when conditioning or denying permits or other approvals.

AMENDATORY SECTION (Amending WSR 84-20-015 (Order 84-02), filed 9/25/84)

WAC 236-11-110 Designation of responsible official.

(1) Within the department of general administration the ultimate responsible official is the director.

(2) The director may designate (~~(division of facilities planning is)~~) the responsible official for overall direction and control of environmental reviews within the department of general administration and the designated division shall maintain all records pertaining to SEPA related decision making processes (~~(the department SEPA information center)~~). The division of capitol facilities shall maintain copies of all determinations of nonsignificance filed, determinations of significance filed, and copies of all Environmental Impact Studies prepared by the agency, excluding drafts, for a period of six years. The division of engineering and architectural

services shall also maintain current SEPA statutes and administrative codes; current directives and regulations; department SEPA policies, procedures, and correspondence; and blank forms for determinations, environmental checklists, and others as required.

(3) When the department of general administration is the lead agency, the operational responsibility for determining if the department's involvement is an "action" and if the department's "action" is "exempt" shall be controlled by the designated division (~~(of facilities planning)~~).

(4) The designated division (~~(of facilities planning)~~) shall review and agree or disagree with all project or program exemptions, environmental checklists and determinations of nonsignificance or significance initiated within the department. In the event that there is disagreement with the initiator of the project, the decision of the responsible official, designated division (~~(of facilities planning)~~), shall be final.

(5) The department's responsibilities as consulted agency will be coordinated by the designated division (~~(of facilities planning)~~). When the department of general administration is responding as the consulted agency to a draft EIS, DNS, or DS; and when specific contents of an EIS impacts a particular division of the department of general administration, then that EIS will be sent to the affected division director for review and response. The affected division's response comments and/or recommendation will then be incorporated into the overall department response and sent to the department of general administration responsible official for final approval.

(6) Any decision of the responsible official, designated division (~~(of facilities planning)~~), shall be final until such time as it is superseded by the director, department of general administration.

(7) The final threshold determination or final EIS of the responsible official may be appealed to the Director of the Department of General Administration within thirty days of notice of such determination or final EIS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 236-11-020	Scope and coverage of this chapter.
WAC 236-11-040	Integration of SEPA procedures with other governmental operations.
WAC 236-11-070	Facility acquisition.
WAC 236-11-090	EIS decision levels.
WAC 236-11-120	SEPA information center.

EXPEDITED ADOPTION



WSR 98-07-002
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed March 5, 1998, 11:16 a.m.]

Date of Adoption: March 5, 1998.

Purpose: Updates basic health plan rules to incorporate legislative and administrative changes.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010, 182-25-020, 182-25-030, 182-25-040, 182-25-070, 182-25-080, 182-25-090, 182-25-100, and 182-25-105.

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 98-01-220 on December 24, 1997.

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 4, 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 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 9, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 3, 1998

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services.

They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) ("~~Dependent.~~" The following are eligible as dependents under BHP:

(a) ~~Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.~~

(b) ~~Dependent child who is an unmarried child and who is:~~

(i) ~~Younger than age nineteen and is one of the following: A natural child, stepchild or legally adopted child of a subscriber; or a child who has been placed with a subscriber pending adoption or is under legal guardianship of a subscriber.~~

(ii) ~~Younger than age twenty-three and is a registered student in full-time attendance at an accredited secondary school, college, university, technical college or school of nursing. Dependent student eligibility continues year-round, including the quarter or semester following graduation, for those who attend full-time (except for school holidays and scheduled spring and summer breaks) provided the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.~~

(c) ~~Legal dependent of any age who is incapable of self-support due to disability.)~~ "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a part-

nership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities,

alcohol and chemical dependency facilities, or nursing homes.

((21)) (21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

((20)) (22) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

((21)) (23) "Maternity benefits through medical assistance." also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

((24)) (24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

((22)) (25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

((23)) (26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

((24)) (27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. There shall be at least one annual open enrollment period of at least twenty consecutive days.

((25)) (28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

((26)) (29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

((27)) (30) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

- (a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or
- (b) The enrollee was prescribed or recommended medication; or
- (c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

((28)) (31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a finan-

cial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

((29)) (32) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

((30)) (33) "Rate" means the per capita amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

((31)) (34) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

((32)) (35) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

((33)) (36) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

((34)) (37) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

((35)) (38) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

WAC 182-25-020 BHP benefits. (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a three-month waiting period for

preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of reservation or application for coverage under BHP. Similar coverage includes BHP; all DSHS programs administered by the medical assistance administration which have the Medicaid scope of benefits; the DSHS program for the medically indigent; Indian health services; most coverages offered by health carriers; and most self-insured health plans. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the amount and scope of benefits provided under BHP, or policy changes regarding premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must:

(a) Reside within the state of Washington;

(b) Not be eligible for Medicare; and

~~((b) Reside within the state of Washington.))~~ (c) Not be institutionalized at the time of enrollment.

Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who subsequently fails to meet ~~((these))~~ the criteria in (a) and (b) of this subsection, or who is later determined to have failed to meet ~~((the))~~ BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled, provided he or she remains otherwise eligible and continues to make all premium payments when due.

(2) Eligibility for DSHS-coordinated programs, such as BHP Plus and S-Medical, are determined by DSHS, based on Medicaid eligibility criteria.

(3) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

~~((3))~~ (4) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

~~((4))~~ (5) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds. In the event that the administrator closes or limits enrollment and to the extent funding is available, BHP will continue to accept and process applications for enrollment from:

(a) Applicants who will pay the full premium;

(b) Children eligible for BHP Plus;

~~((c))~~ ~~(Pregnant women who, prior to April 1, 1997, apply to BHP, are referred and qualify for maternity benefits through DSHS;~~

~~((d))~~ Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;

~~((e))~~ (d) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

~~((f))~~ (e) Eligible individual home care providers;

~~((g))~~ (f) Licensed foster care workers;

~~((h))~~ (g) Limited enrollment of new employer groups; and

~~((i))~~ (h) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

Applicants for subsidized BHP who are not in any of these categories may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. In the event that enrollment is reopened by the administrator, applicants whose names appear on the reservation list will be notified by BHP of the opportunity to

enroll. BHP may require new application forms and documentation from applicants on the reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. (~~Acceptable~~) Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be (~~used~~) required for purposes of eligibility determination. Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010 (17)(b).

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying (~~child support~~) for BHP coverage for his/her dependent(~~s~~) who lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as

part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Managed health care systems may assist BHP applicants in the enrollment process, but must provide them with the toll-free number for BHP, information on all MHCS available within the applicant's county of residence and an estimate of the premium the applicant would pay for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has (~~never~~) not been a BHP member (~~in the past~~) within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(4), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP. In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(4).

(8) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as

a family member until the next open enrollment period, unless the subscriber has experienced a qualifying change in family status:

(a) The loss of other continuous health care coverage, for family members who have previously waived coverage, upon proof of continuous medical coverage from the date the subscriber enrolled;

(b) Marriage; or

(c) Birth, adoption or change in dependency or custody of a child or adult dependent. Eligible newborn or newly adopted children may be enrolled effective from the date of birth or physical placement for adoption provided that application for enrollment is submitted to BHP within sixty days of the date of birth or such placement for adoption.

(9) Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or enrollment in other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or enrollment in other health care coverage, he/she may reenroll in BHP, subject to enrollment limits and portability and preexisting condition policies as referenced in WAC 182-25-020(1) and 182-25-030(4) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. Enrollees who are not under group coverage, may not reenroll for a minimum of twelve months from the effective date of their last suspension if they are disenrolled from BHP for nonpayment under WAC 182-25-090 (2)(b) because:

(a) They failed to pay the premium within the billing cycle for the next coverage month following a suspension of coverage; or

(b) They have been suspended from coverage more than two times in a twelve-month period for failure to pay their premium by the due date.

If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

(10) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that a subsidized enrollee's income exceeds twice the poverty level

according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-070 Financial sponsors. (1) A third party may, with the approval of the administrator, become a financial sponsor to BHP enrollees. Financial sponsors may not be a state agency or a managed health care system.

(2) BHP may require a minimum financial contribution from financial sponsors who are paid to deliver BHP services. Sponsors who meet the following criteria will be exempt from the minimum contribution:

(a) Organizations that are not paid to perform any function related to the delivery of BHP services, and do not receive contributions from other organizations paid to deliver BHP services;

(b) Charitable, fraternal or government organizations (other than state agencies) that are not paid to perform any function related to the delivery of BHP services, who receive contributions from other individuals or organizations who may be paid to deliver BHP services, if the organization can demonstrate all of the following:

(i) Organizational autonomy (the organization's governance is separate and distinct from any organization that is paid to deliver BHP services);

(ii) Financial autonomy and control over the funds contributed (contributors relinquish control of the donated funds);

(iii) Sponsored enrollees are selected by the sponsoring organization from all persons within the geographic boundaries established by the sponsor organization who meet the selection criteria agreed upon by the sponsor organization and the HCA; and

(iv) There is no direct financial gain to the sponsoring entity.

(c) Charitable, fraternal, or government organizations (other than state agencies) that are paid to perform a health care function related to the delivery of BHP services, if the organization can demonstrate all of the following:

(i) The organization's primary purpose is not the provision of health care or health care insurance, including activities as a third-party administrator or holding company;

(ii) There is organizational and financial autonomy (the organization's governance and funding of sponsored enrollees is separate and distinct from the function that is paid to deliver BHP services);

(iii) The selection of sponsored enrollees is made by the organization separate and distinct from the function that is paid to deliver BHP services, and sponsored enrollees are selected from all eligible persons who meet the selection criteria agreed upon by the sponsor organization and the HCA, who live within the geographic boundaries established by the sponsor organization; and

(iv) There is no direct financial gain to the sponsoring entity.

(3) The financial sponsor will establish eligibility for participation in that particular financial sponsor group; however, sponsored enrollees must meet all BHP eligibility requirements as outlined in WAC 182-25-030.

~~((3))~~ (4) The financial sponsor will pay all or a designated portion of the premium on behalf of the sponsored enrollee. It is the financial sponsor's responsibility to collect the enrollee's portion of the premium, if any, and remit the entire payment to BHP and to notify BHP of any changes in the sponsored enrollee's account.

~~((4))~~ (5) A financial sponsor must inform sponsored enrollees and BHP of the minimum time period for which they will act as sponsor. At least sixty days before the end of that time period, it is the responsibility of the financial sponsor to notify sponsored enrollees and BHP if the sponsorship will or will not be extended.

~~((5))~~ (6) A financial sponsor must not discriminate for or against potential group members based on health status, race, color, creed, political beliefs, national origin, religion, age, sex or disability.

~~((6))~~ (7) A financial sponsor ~~((may choose the managed health care system available to sponsored enrollees who participate in that financial sponsor group; however, the sponsor))~~ must disclose to the sponsored enrollee all the managed health care systems within the enrollee's county of residence, the estimated premiums for each of them, and the BHP toll-free information number.

~~((7))~~ (8) BHP may periodically conduct a review of the financial sponsor group members to verify the eligibility of all enrollees.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-080 Premiums and co-payments. (1) Subscribers or their employer or financial sponsor shall be responsible for paying the full monthly premium to BHP, on behalf of the subscriber and all enrolled dependents, according to the most current premium schedule. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of a subscriber and dependents, if any.

(2) The amount of premium due from or on behalf of a subscriber will be based upon the subscriber's gross family income, the managed health care system selected by the subscriber, rates payable to managed health care systems, and the number and ages of individuals in the subscriber's family.

(3) Once BHP has determined that an applicant and his/her dependents (if any) are eligible for enrollment, the applicant or employer or financial sponsor will be informed of the amount of the first month's premium for the applicant and his/her enrolled dependents. New enrollees will not be eligible to receive covered services on the effective date of enrollment specified by BHP unless the premium has been paid. Thereafter, BHP will bill each subscriber or employer or financial sponsor monthly.

(4) Full payment for premiums due must be received by BHP by the date specified on the bill. If BHP does not receive full payment of a premium by the date specified on the bill, BHP shall issue a notice of delinquency to the subscriber, at

the subscriber's last address on file with BHP or, in the case of group or financial sponsor coverage, to the employer or financial sponsor. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be suspended from coverage for one month. If payment is not received by the due date on the notice of suspension, the subscriber and enrolled family members will be disenrolled effective the ~~((first day of the month following the last month for which full premium payment was received, as provided in))~~ date of the initial suspension. If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under the provisions of WAC 182-25-090(2). Partial payment of premiums due or payment by check which is returned due to nonsufficient funds will be regarded as nonpayment.

(5) Enrollees shall be responsible for paying any required co-payment directly to the provider of a covered service at the time of service or directly to the MHCS. Repeated failure to pay co-payments in full on a timely basis may result in disenrollment, as provided in WAC 182-25-090(2).

AMENDATORY SECTION (Amending WSR 97-15-003, filed 7/3/97, effective 8/3/97)

WAC 182-25-090 Disenrollment from BHP. (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll. Reenrollment in BHP shall be subject to the provisions of WAC 182-25-040(9). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from BHP.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which shall include:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium (BHP Plus or S-Medical coverage will not be affected if other enrolled family members are disenrolled for nonpayment of premium);

(c) Repeated failure to pay co-payments in full on a timely basis;

(d) Fraud or knowingly providing false information;

(e) Abuse or intentional misconduct;

(f) Risk to the safety or property of MHCS staff, providers, patients or visitors; and

(g) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system.

In the event that an employer group, a home care agency group or a financial sponsor group is disenrolled under these provisions, the employer or sponsor and all members of that group will be notified of the disenrollment and the enrollees

will be offered coverage under individual accounts. BHP will make every effort to transfer the enrollees to individual accounts without a break in coverage; however, the enrollee will be responsible for ensuring that payment is received by BHP prior to the final disenrollment date for that month.

(3) Enrollees who are disenrolled from BHP in accordance with subsection (2)(c), (d), (e), (f) or ((f)) (g) of this ~~((subsection))~~ section may not reenroll for a period of twelve months from the effective date of disenrollment. Enrollees ~~((who are not under group coverage;))~~ who fail to pay their premium by the due date on the delinquency notice will be suspended from coverage for one month. If payment is not received within the billing cycle for the next coverage month, the enrollee will be disenrolled from BHP for nonpayment, under subsection (2)(b) of this ((subsection)) section. If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under subsection (2)(b) of this ((subsection)) section. In these cases, BHP will provide notice to the enrollee indicating intent to disenroll and the effective date of disenrollment, which will be at least ten days from the date of the notice, and informing the enrollee of his or her right to appeal. Enrollees who are disenrolled for nonpayment under subsection (2)(b) of this ((subsection)) section may not reenroll for a minimum of twelve months from the effective date of the last suspension. An exception to the twelve-month wait for reenrollment will be made for enrollees who:

(a) Voluntarily disenrolled or were disenrolled from nonsubsidized BHP for nonpayment of premiums;

(b) Were on the reservation list for subsidized BHP on or before the date their nonsubsidized coverage began;

(c) Have been offered coverage from the reservation list; and

(d) Are at that time enrolling in subsidized BHP.

This exception will not be allowed if the member is applying to reenroll in nonsubsidized BHP.

(4) If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

BHP shall provide the enrollee or the parent, legal guardian or sponsor of an enrolled dependent with advance written notice of its intent to ~~((disenroll the enrollee))~~ suspend coverage. Such notice shall specify an effective date of ~~((disenrollment))~~ suspension, which shall be at least ten days from the date of the notice ~~((, and shall describe the procedures for disenrollment, including the enrollee's))~~. If an enrollee's coverage is suspended, BHP will also send final written notice of suspension to the subscriber, indicating an effective date of the suspension; establishing a final due date for payment to restore coverage; informing the enrollee of the intent to disenroll if payment is not received by the final due date; and of his or her right to appeal the suspension decision. If an enrollee is disenrolled, BHP will send final written notice of

disenrollment to the subscriber, indicating the effective date of the disenrollment, describing the procedures for disenrollment, and informing the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105. ((Prior to the effective date specified, if the enrollee submits an appeal to BHP contesting the disenrollment decision, as provided in WAC 182-25-105, disenrollment shall not become effective until the date, if any, established as a result of BHP's appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

~~(3))~~ (5) Any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be disenrolled by BHP and may be held financially responsible for any covered services fraudulently obtained through BHP.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-100 Appeals and mediation of grievances. (1) HCA decisions regarding basic health plan eligibility, premium, enrollment, suspension, disenrollment or change of MHCS may be appealed pursuant to WAC 182-25-105.

(2) The HCA will not hear appeals of decisions regarding children covered under BHP plus. Those decisions must be appealed through the department of social and health services, according to the provisions of chapters 388-08 and 388-526 WAC, as amended.

(3) Decisions made by a MHCS, such as coverage disputes or benefits interpretation may be appealed pursuant to WAC 182-25-110.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-105 Appeals of HCA decisions regarding BHP. (1) If a subscriber or applicant wishes to appeal a HCA decision regarding BHP eligibility, premium, enrollment, suspension, disenrollment or change of MHCS, he/she must send a letter of appeal, signed by the appealing party, to the HCA appeals committee no more than thirty days after the date the HCA's decision was sent to the subscriber or applicant. The letter should include the name, address and BHP account number of the enrollee and subscriber or the applicant and a statement of:

- (a) The decision being appealed;
- (b) Why the enrollee considers the decision to be incorrect; and
- (c) The facts upon which the appeal is based, including any supporting documents.

(2) When the letter of appeal is received, the HCA appeals coordinator will contact the subscriber to explain his/

WSR 98-07-009
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 6, 1998, 11:50 a.m., effective May 6, 1998]

Date of Adoption: March 6, 1998.

Purpose: High voltage electrical, chapter 296-44 WAC, Safety standards—Electrical construction code and chapter 296-45 WAC, Safety standards—Electrical workers.

The Electrical Utility Advisory Committee, along with representatives from the Department of Labor and Industries, reviewed the contents of the high voltage electrical codes. The review generated a restructure and rewrite of the safety codes for the high voltage industry. No new requirements were placed on the industry. The rewrite allowed the WISHA codes to be organized like the federal codes, allowing for consistency and an easier to use sequencing. Often these codes are used by interstate businesses and workers and the different structuring made them cumbersome and awkward to cross reference.

In addition a reference was added in chapter 296-45 WAC to the 1997 NESC ANSI C.2. It relates to the specifications for clearances, dimensions, voltages, and other conditions necessary in the construction and maintenance of high voltage electrical facilities. Adding this reference eliminated the need for chapter 296-44 WAC, Safety standards—Electrical construction code, which merely restated the National Electrical Safety Code. This did not change the applicability of the 1997 NESC ANSI C.2 to the high voltage electrical industry. It eliminated an entire chapter while still keeping the requirements applicable.

These issues were identified in this joint review process, agreed upon by the committee, and taken to the December 3, 1997, hearing. All public comments received on the proposal were positive. As a result, the amendments are adopted as proposed, with the exception of WAC 296-45-67543 Helicopter—General, which is withdrawn for further consideration.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-45-60013 Hand and portable powered tools, 296-45-650 Electrical workers safety rules—Foreword, 296-45-65003 Scope and application, 296-45-65005 Definitions, 296-45-65009 Employer's responsibility, 296-45-65011 Leadworker's responsibility, 296-45-65013 Leadworker-employee responsibility, 296-45-65015 Work required of leadworkers, 296-45-65017 Employee's responsibility, 296-45-65019 First aid, 296-45-65021 Tools and protective equipment, 296-45-65023 Clearances, operating power lines and equipment, 296-45-65026 Personal protective grounding, 296-45-65027 General requirements, 296-45-65029 Overhead lines, 296-45-65031 Poles and pole settings, 296-45-65033 Transmission line construction, 296-45-65035 Substations, 296-45-65037 Underground, 296-45-65038 Underground residential distribution (URD), 296-45-65039 Trolley maintenance, jumpering or bypassing, 296-45-65041 Aerial manlift equipment, 296-45-65043 All motor vehicle and trailer operations, 296-45-65045 Material handling, 296-45-65047 Specification for lineworker's belts and similar equipment, 296-45-660 Tree trimming, 296-45-66001 Elec-

PERMANENT

her appeal rights and the appeal procedure used by the HCA appeals committee to conduct a brief adjudicative proceeding pursuant to RCW 34.05.482 through 34.05.494, as amended. Generally, the appeal will be limited to a review of submitted documents, but may also include a telephone or in-person conference. The HCA appeals committee will send its written initial decision to the subscriber or applicant within sixty days of receipt of the subscriber's or applicant's letter of appeal. The written initial decision will include reasons for the decision and information and instructions on further appeal rights. The appeals committee may also elect to convert the brief adjudicative proceeding to a formal adjudicative proceeding when it is more appropriate to resolve issues affecting the participants, and refer the appeal to the hearing officer.

(3) If the HCA appeals committee decision results in disenrollment, the enrollee may request a review hearing by the office of administrative hearings, pursuant to chapter 34.12 RCW and RCW 34.05.488 through 34.05.494, as amended. An enrollee or applicant may request review of all other initial decisions of the HCA appeals committee by a HCA hearings officer, pursuant to RCW 34.05.488 through 34.05.494, as amended. A request for review of the initial decision must be made in writing within twenty-one days after service of the written statement as required by RCW 34.05.485(3), as amended. Otherwise, the HCA appeals committee decision will be the final agency decision.

~~(4) ((If the HCA receives a timely appeal of a disenrollment decision, disenrollment shall not become effective pending the resolution of the appeal, provided that:~~

~~(a) The enrollee otherwise remains eligible and continues to make all premium payments when due (if the premium amount is the subject of the dispute, the premium will be billed at the rate the subscriber was paying prior to the dispute);~~

~~(b) The enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of MHCS property, or the property of staff or providers, patients or visitors while on the property of the MHCS or one of its participating providers.)) An enrollee who has appealed a disenrollment decision will remain disenrolled pending the appeal decision, with the exception of enrollees who have filed a timely appeal of a disenrollment decision that was due to an issue of eligibility. In appeals of a disenrollment for ineligibility, the disenrollment will not become effective pending the appeal decision, provided:~~

~~(a) The enrollee otherwise remains eligible and continues to make all premium payments when due; and~~

~~(b) The enrollee has not demonstrated a risk to the safety or property of MHCS or health care authority staff, providers, patients or visitors.~~

trical hazards, 296-45-66003 Tools and protective equipment, 296-45-66005 Insulated tools used for tree trimming, 296-45-66007 Aerial manlift equipment, 296-45-66009 All motor vehicle and trailer operations, 296-45-66011 Working in proximity to electrical hazards, 296-45-680 Communication facilities, 296-45-690 Power generation, 296-45-695 Hazardous energy control (lockout/tagout) procedures, 296-45-700 Testing and test facilities, 296-44-005 Preface, 296-44-010 Definitions of special terms, 296-44-011 Definitions of special terms applicable to this chapter, 296-44-013 Purpose and scope, 296-44-015 Lines constructed prior to these rules, 296-44-016 Applicability, 296-44-017 References, 296-44-023 Grounding methods for electric supply and communication facilities, 296-44-02301 Purpose, 296-44-02305 Scope, 296-44-02309 Point of connection of grounding conductor, 296-44-02315 Grounding conductor and means of connection, 296-44-02319 Grounding electrodes, 296-44-02323 Method of connection to electrode, 296-44-02329 Ground resistance, 296-44-02335 Separation of grounding conductors, 296-44-02349 Grounding methods for telephone and other communication apparatus on circuits exposed to supply lines or lightning, 296-44-025 Applicability of rules—Lines constructed prior to these rules, 296-44-035 Rules for the installation and maintenance of electric supply stations and equipment, 296-44-03505 Purpose, 296-44-03509 Scope, 296-44-041 Protective arrangements in electric supply stations, 296-44-04105 General requirements, 296-44-04109 Illumination, 296-44-04125 Floor, floor openings, passageways, stairs, 296-44-04129 Exits, 296-44-04135 Fire extinguishing equipment, 296-44-051 Installation and maintenance of equipment, 296-44-05105 General requirements, 296-44-05109 Inspections, 296-44-05115 Guarding shaft ends, pulleys, belts and suddenly moving parts, 296-44-05119 Protective grounding, 296-44-05125 Guarding live parts, 296-44-05129 Working space about electric equipment, 296-44-05131 Equipment for work on energized parts, 296-44-05135 Classified locations, 296-44-05141 Identification, 296-44-065 Rotating equipment, 296-44-06505 Speed control and stopping devices, 296-44-06511 Motor control, 296-44-06517 Mobile hydrogen equipment, 296-44-074 Storage batteries, 296-44-07405 General, 296-44-07411 Location, 296-44-07417 Ventilation, 296-44-07423 Racks, 296-44-07427 Floors in battery areas, 296-44-07433 Illumination for battery areas, 296-44-07439 Service facilities, 296-44-086 Transformers and regulators, 296-44-08605 Current-transformer secondary circuits protection when exceeding 600 volts, 296-44-08611 Grounding secondary circuits of instrument transformers, 296-44-08619 Location and arrangement of power transformers and regulators, 296-44-098 Conductors, 296-44-09805 Electrical protection, 296-44-09811 Mechanical protection, 296-44-09819 Isolation, 296-44-09826 Conductor terminations, 296-44-110 Circuit breakers, reclosers, switches and fuses, 296-44-11005 Arrangement, 296-44-11021 Application, 296-44-11029 Circuit breakers, reclosers and switches containing oil, 296-44-11035 Switches and disconnecting devices, 296-44-11041 Disconnection of fuses, 296-44-125 Switchgear and metal enclosed bus, 296-44-12505 Switchgear assemblies, 296-44-12515 Metal enclosed bus, 296-44-134 Surge arresters, 296-44-13405 General requirements, 296-44-13415 Indoor loca-

tions, 296-44-13421 Grounding conductors, 296-44-13431 Installation, 296-44-170 Safety rules for the installation and maintenance of overhead electric supply and communication lines, 296-44-17005 Purpose, 296-44-17017 Scope, 296-44-17029 Application of rules, 296-44-182 General requirements, 296-44-18205 Referenced sections, 296-44-18225 Induced voltages, 296-44-18239 Accessibility, 296-44-18250 Inspection and tests of lines and equipment, 296-44-18261 Grounding of circuits, supporting structures, and equipment, 296-44-18273 Arrangement of switches, 296-44-194 Relations between various classes of lines, 296-44-19405 Relative levels, 296-44-19421 Avoidance of conflict, 296-44-19433 Joint use of structures, 296-44-212 Clearances, 296-44-21209 General, 296-44-21221 Clearances of supporting structures from other objects, 296-44-21230 Vertical clearance of wires, conductors, cables, and live parts of equipment above ground, rails, or water, 296-44-21241 Clearances between wires, conductors, and cables carried on different supporting structures, 296-44-21253 Clearance of wires, conductors, and cables from buildings, bridges, rail cars, swimming pools, and other installations, 296-44-21265 Clearance for wires, conductors, or cables carried on the same supporting structure, 296-44-21273 Climbing space, 296-44-21279 Working space, 296-44-21287 Vertical clearance between certain communication and supply facilities located on the same structure, 296-44-21295 Clearances of vertical and lateral conductors from other wires and surfaces on the same support, 296-44-242 Grades of construction, 296-44-24205 General, 296-44-24213 Application of grades of construction to different situations, 296-44-24221 Grades of construction for conductors, 296-44-24233 Grades of construction for line supports, 296-44-263 Loading for Grades B, C, and D, 296-44-26309 General loading requirements and maps, 296-44-26321 Conductor loading, 296-44-26333 Loads upon line supports, 296-44-278 Strength requirements, 296-44-27809 Preliminary assumptions, 296-44-27821 Grades B and C construction, 296-44-27833 Grade D construction, 296-44-27847 Grade N construction, 296-44-29501 Line insulation, 296-44-29509 Application of rule, 296-44-29515 Material and marking, 296-44-29523 Ratio of flashover to puncture voltage, 296-44-29529 Insulation level, 296-44-29539 Factory tests, 296-44-29541 Special insulator applications, 296-44-29551 Protection against arcing and other damage, 296-44-29563 Mechanical strength of insulators, 296-44-29572 Aerial cable systems, 296-44-317 Miscellaneous requirements, 296-44-31709 Structures for overhead lines, 296-44-31719 Tree trimming, 296-44-31729 Guying and bracing, 296-44-31738 Insulators in guys attached to supporting structures, 296-44-31749 Span-wire insulators, 296-44-31757 Overhead conductors, 296-44-31765 Equipment on supporting structures, 296-44-31772 Communications protective requirements, 296-44-31783 Circuits of one class used exclusively in the operation of circuits of another class, 296-44-31792 Electric railway construction, 296-44-350 Safety rules for the installation and maintenance of underground electric-supply and communication lines, 296-44-35009 Purpose, 296-44-35021 Scope, 296-44-365 General requirements applying to underground lines, 296-44-36518 Installation and maintenance, 296-44-36527 Accessibility, 296-44-36539 Inspection and tests of

lines and equipment, 296-44-36551 Grounding of circuits and equipment, 296-44-36563 Communication protective requirements, 296-44-36575 Induced voltage, 296-44-370 Strength requirements—Grade N construction, 296-44-386 Underground conduit systems, 296-44-38609 Location, 296-44-38628 Excavation and backfill, 296-44-38641 Ducts and joints, 296-44-38653 Manholes, handholes and vaults, 296-44-398 Supply cable, 296-44-39809 General, 296-44-39823 Sheaths and jackets, 296-44-39842 Shielding, 296-44-39855 Cable accessories and joints, 296-44-413 Cable in underground structures, 296-44-41309 General, 296-44-41321 Installation, 296-44-41333 Grounding and bonding, 296-44-41341 Fireproofing, 296-44-41359 Communication cables containing special supply circuits, 296-44-425 Direct buried cable, 296-44-42509 General, 296-44-42521 Location and routing, 296-44-42533 Clearances from other underground structures (sewers, water lines, fuel lines, building foundations, steam lines, other supply or communication conductors not in random separation, etc.), 296-44-42541 Installation, 296-44-42559 Random separation—Additional requirements, 296-44-440 Risers, 296-44-44009 General, 296-44-44021 Installation, 296-44-44033 Pole risers—Additional requirements, 296-44-44047 Pad-mounted installations, 296-44-452 Supply cable terminations, 296-44-45209 General, 296-44-45219 Support at terminations, 296-44-45231 Identification, 296-44-45243 Separations and clearances in enclosures or vaults, 296-44-45257 Grounding, 296-44-467 Equipment, 296-44-46709 General, 296-44-46733 Design, 296-44-46739 Location in underground structures, 296-44-46747 Installation, 296-44-46755 Grounding, 296-44-46761 Identification, 296-44-491 Installation in tunnels, 296-44-49109 General, 296-44-49121 Environment, 296-44-850 Pole lines that overbuild or underbuild existing pole lines, 296-44-855 High potential lines overbuilding telephone, telegraph, or signal wires, 296-44-860 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—General requirements, 296-44-865 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Loads, 296-44-870 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Factors of safety, 296-44-875 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Working unit stresses, 296-44-880 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Clearance, 296-44-88001 Figure 1—Ground wire clearance, 296-44-88002 Figure 2—Basic wire crossing clearance, 296-44-88003 Figure 5—Clearances above ground for underground risers and horizontal clearance of poles from hydrants, curbs and railroads, 296-44-88004 Illustration—Working space, 296-44-88005 Figures 6.A - 9.A—Clearances, 296-44-88006 Figure—Climbing space, 296-44-88007 Illustration—Climbing space, 296-44-88008 Illustration—Climbing space, 296-44-88009 Illustration—Footnote 7 of Table 11—Climbing space, 296-44-88010 Figure 11.A—Minimum vertical separation between horizontal crossarms, and 296-44-88011 Illustration—Climbing space—Location and spacing of crossarms.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 97-21-071 on October 15, 1997, and WSR 97-21-147 on October 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: The Electrical Utilities Advisory Committee, made up of representatives from labor and management from the high voltage electrical industry, agreed at this time to withdraw the change for WAC 296-45-67543 General. Although the only change proposed was to the section title, the committee chose to withdraw and consider a potential rewrite of all the helicopter sections in the near future.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 14, 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 84, Amended 0, Repealed 205.

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 84, Amended 0, Repealed 205.

Effective Date of Rule: May 6, 1998.

March 6, 1998

Gary Moore

Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-44-005	Preface.
WAC 296-44-010	Definitions of special terms.
WAC 296-44-011	Definitions of special terms applicable to this chapter.
WAC 296-44-013	Purpose and scope.
WAC 296-44-015	Lines constructed prior to these rules.
WAC 296-44-016	Applicability.
WAC 296-44-017	References.
WAC 296-44-023	Grounding methods for electric supply and communication facilities.
WAC 296-44-02301	Purpose.
WAC 296-44-02305	Scope.
WAC 296-44-02309	Point of connection of grounding conductor.
WAC 296-44-02315	Grounding conductor and means of connection.
WAC 296-44-02319	Grounding electrodes.
WAC 296-44-02323	Method of connection to electrode.
WAC 296-44-02329	Ground resistance.
WAC 296-44-02335	Separation of grounding conductors.

- PERMANENT
- WAC 296-44-02349 Grounding methods for telephone and other communication apparatus on circuits exposed to supply lines or lightning.
 - WAC 296-44-025 Applicability of rules—Lines constructed prior to these rules.
 - WAC 296-44-035 Rules for the installation and maintenance of electric supply stations and equipment.
 - WAC 296-44-03505 Purpose.
 - WAC 296-44-03509 Scope.
 - WAC 296-44-041 Protective arrangements in electric supply stations.
 - WAC 296-44-04105 General requirements.
 - WAC 296-44-04109 Illumination.
 - WAC 296-44-04125 Floor, floor openings, passageways, stairs.
 - WAC 296-44-04129 Exits.
 - WAC 296-44-04135 Fire extinguishing equipment.
 - WAC 296-44-051 Installation and maintenance of equipment.
 - WAC 296-44-05105 General requirements.
 - WAC 296-44-05109 Inspections.
 - WAC 296-44-05115 Guarding shaft ends, pulleys, belts and suddenly moving parts.
 - WAC 296-44-05119 Protective grounding.
 - WAC 296-44-05125 Guarding live parts.
 - WAC 296-44-05129 Working space about electric equipment.
 - WAC 296-44-05131 Equipment for work on energized parts.
 - WAC 296-44-05135 Classified locations.
 - WAC 296-44-05141 Identification.
 - WAC 296-44-065 Rotating equipment.
 - WAC 296-44-06505 Speed control and stopping devices.
 - WAC 296-44-06511 Motor control.
 - WAC 296-44-06517 Mobile hydrogen equipment.
 - WAC 296-44-074 Storage batteries.
 - WAC 296-44-07405 General.
 - WAC 296-44-07411 Location.
 - WAC 296-44-07417 Ventilation.
 - WAC 296-44-07423 Racks.
 - WAC 296-44-07427 Floors in battery areas.
 - WAC 296-44-07433 Illumination for battery areas.
 - WAC 296-44-07439 Service facilities.
 - WAC 296-44-086 Transformers and regulators.
 - WAC 296-44-08605 Current-transformer secondary circuits protection when exceeding 600 volts.
 - WAC 296-44-08611 Grounding secondary circuits of instrument transformers.
 - WAC 296-44-08619 Location and arrangement of power transformers and regulators.
 - WAC 296-44-098 Conductors.
 - WAC 296-44-09805 Electrical protection.
 - WAC 296-44-09811 Mechanical protection.
 - WAC 296-44-09819 Isolation.
 - WAC 296-44-09826 Conductor terminations.
 - WAC 296-44-110 Circuit breakers, reclosers, switches and fuses.
 - WAC 296-44-11005 Arrangement.
 - WAC 296-44-11021 Application.
 - WAC 296-44-11029 Circuit breakers, reclosers and switches containing oil.
 - WAC 296-44-11035 Switches and disconnecting devices.
 - WAC 296-44-11041 Disconnection of fuses.
 - WAC 296-44-125 Switchgear and metal enclosed bus.
 - WAC 296-44-12505 Switchgear assemblies.
 - WAC 296-44-12515 Metal enclosed bus.
 - WAC 296-44-134 Surge arresters.
 - WAC 296-44-13405 General requirements.
 - WAC 296-44-13415 Indoor locations.
 - WAC 296-44-13421 Grounding conductors.
 - WAC 296-44-13431 Installation.
 - WAC 296-44-170 Safety rules for the installation and maintenance of overhead electric supply and communication lines.
 - WAC 296-44-17005 Purpose.
 - WAC 296-44-17017 Scope.
 - WAC 296-44-17029 Application of rules.
 - WAC 296-44-182 General requirements.
 - WAC 296-44-18205 Referenced sections.
 - WAC 296-44-18225 Induced voltages.
 - WAC 296-44-18239 Accessibility.
 - WAC 296-44-18250 Inspection and tests of lines and equipment.
 - WAC 296-44-18261 Grounding of circuits, supporting structures, and equipment.
 - WAC 296-44-18273 Arrangement of switches.
 - WAC 296-44-194 Relations between various classes of lines.
 - WAC 296-44-19405 Relative levels.
 - WAC 296-44-19421 Avoidance of conflict.
 - WAC 296-44-19433 Joint use of structures.
 - WAC 296-44-212 Clearances.
 - WAC 296-44-21209 General.
 - WAC 296-44-21221 Clearances of supporting structures from other objects.
 - WAC 296-44-21230 Vertical clearance of wires, conductors, cables, and live parts of equipment above ground, rails, or water.
 - WAC 296-44-21241 Clearances between wires, conductors, and cables carried on different supporting structures.
 - WAC 296-44-21253 Clearance of wires, conductors, and cables from buildings, bridges, rail cars, swimming pools, and other installations.
 - WAC 296-44-21265 Clearance for wires, conductors, or cables carried on the same supporting structure.
 - WAC 296-44-21273 Climbing space.
 - WAC 296-44-21279 Working space.

- WAC 296-44-21287 Vertical clearance between certain communication and supply facilities located on the same structure.
- WAC 296-44-21295 Clearances of vertical and lateral conductors from other wires and surfaces on the same support.
- WAC 296-44-242 Grades of construction.
- WAC 296-44-24205 General.
- WAC 296-44-24213 Application of grades of construction to different situations.
- WAC 296-44-24221 Grades of construction for conductors.
- WAC 296-44-24233 Grades of construction for line supports.
- WAC 296-44-263 Loading for Grades B, C, and D.
- WAC 296-44-26309 General loading requirements and maps.
- WAC 296-44-26321 Conductor loading.
- WAC 296-44-26333 Loads upon line supports.
- WAC 296-44-278 Strength requirements.
- WAC 296-44-27809 Preliminary assumptions.
- WAC 296-44-27821 Grades B and C construction.
- WAC 296-44-27833 Grade D construction.
- WAC 296-44-27847 Grade N construction.
- WAC 296-44-29501 Line insulation.
- WAC 296-44-29509 Application of rule.
- WAC 296-44-29515 Material and marking.
- WAC 296-44-29523 Ratio of flashover to puncture voltage.
- WAC 296-44-29529 Insulation level.
- WAC 296-44-29539 Factory tests.
- WAC 296-44-29541 Special insulator applications.
- WAC 296-44-29551 Protection against arcing and other damage.
- WAC 296-44-29563 Mechanical strength of insulators.
- WAC 296-44-29572 Aerial cable systems.
- WAC 296-44-317 Miscellaneous requirements.
- WAC 296-44-31709 Structures for overhead lines.
- WAC 296-44-31719 Tree trimming.
- WAC 296-44-31729 Guying and bracing.
- WAC 296-44-31738 Insulators in guys attached to supporting structures.
- WAC 296-44-31749 Span-wire insulators.
- WAC 296-44-31757 Overhead conductors.
- WAC 296-44-31765 Equipment on supporting structures.
- WAC 296-44-31772 Communications protective requirements.
- WAC 296-44-31783 Circuits of one class used exclusively in the operation of circuits of another class.
- WAC 296-44-31792 Electric railway construction.
- WAC 296-44-350 Safety rules for the installation and maintenance of underground electric-supply and communication lines.
- WAC 296-44-35009 Purpose.
- WAC 296-44-35021 Scope.
- WAC 296-44-365 General requirements applying to underground lines.
- WAC 296-44-36518 Installation and maintenance.
- WAC 296-44-36527 Accessibility.
- WAC 296-44-36539 Inspection and tests of lines and equipment.
- WAC 296-44-36551 Grounding of circuits and equipment.
- WAC 296-44-36563 Communication protective requirements.
- WAC 296-44-36575 Induced voltage.
- WAC 296-44-370 Strength requirements—Grade N construction.
- WAC 296-44-386 Underground conduit systems.
- WAC 296-44-38609 Location.
- WAC 296-44-38628 Excavation and backfill.
- WAC 296-44-38641 Ducts and joints.
- WAC 296-44-38653 Manholes, handholes and vaults.
- WAC 296-44-398 Supply cable.
- WAC 296-44-39809 General.
- WAC 296-44-39823 Sheaths and jackets.
- WAC 296-44-39842 Shielding.
- WAC 296-44-39855 Cable accessories and joints.
- WAC 296-44-413 Cable in underground structures.
- WAC 296-44-41309 General.
- WAC 296-44-41321 Installation.
- WAC 296-44-41333 Grounding and bonding.
- WAC 296-44-41341 Fireproofing.
- WAC 296-44-41359 Communication cables containing special supply circuits.
- WAC 296-44-425 Direct buried cable.
- WAC 296-44-42509 General.
- WAC 296-44-42521 Location and routing.
- WAC 296-44-42533 Clearances from other underground structures (sewers, water lines, fuel lines, building foundations, steam lines, other supply or communication conductors not in random separation, etc.).
- WAC 296-44-42541 Installation.
- WAC 296-44-42559 Random separation—Additional requirements.
- WAC 296-44-440 Risers.
- WAC 296-44-44009 General.
- WAC 296-44-44021 Installation.
- WAC 296-44-44033 Pole risers—Additional requirements.
- WAC 296-44-44047 Pad-mounted installations.
- WAC 296-44-452 Supply cable terminations.
- WAC 296-44-45209 General.
- WAC 296-44-45219 Support at terminations.
- WAC 296-44-45231 Identification.
- WAC 296-44-45243 Separations and clearances in enclosures or vaults.
- WAC 296-44-45257 Grounding.
- WAC 296-44-467 Equipment.
- WAC 296-44-46709 General.
- WAC 296-44-46733 Design.
- WAC 296-44-46739 Location in underground structures.
- WAC 296-44-46747 Installation.
- WAC 296-44-46755 Grounding.
- WAC 296-44-46761 Identification.
- WAC 296-44-491 Installation in tunnels.

- WAC 296-44-49109 General.
 WAC 296-44-49121 Environment.
 WAC 296-44-850 Pole lines that overbuild or underbuild existing pole lines.
 WAC 296-44-855 High potential lines overbuilding telephone, telegraph, or signal wires.
 WAC 296-44-860 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—General requirements.
 WAC 296-44-865 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Loads.
 WAC 296-44-870 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Factors of safety.
 WAC 296-44-875 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Working unit stresses.
 WAC 296-44-880 Crossings over railroads, street railroads, telephone, telegraph, signal or other power lines—Clearance.
 WAC 296-44-88001 Figure 1—Ground wire clearance.
 WAC 296-44-88002 Figure 2—Basic wire crossing clearance.
 WAC 296-44-88003 Figure 5—Clearances above ground for underground risers and horizontal clearance of poles from hydrants, curbs and railroads.
 WAC 296-44-88004 Illustration—Working space.
 WAC 296-44-88005 Figures 6.A - 9.A—Clearances.
 WAC 296-44-88006 Figure—Climbing space.
 WAC 296-44-88007 Illustration—Climbing space.
 WAC 296-44-88008 Illustration—Climbing space.
 WAC 296-44-88009 Illustration—Footnote 7 of Table 11—Climbing space.
 WAC 296-44-88010 Figure 11.A—Minimum vertical separation between horizontal crossarms.
 WAC 296-44-88011 Illustration—Climbing space—Location and spacing of crossarms.

Chapter 296-45 WAC

SAFETY STANDARDS((—)) FOR ELECTRICAL WORKERS

NEW SECTION

WAC 296-45-005 Electrical workers safety rules—Foreword. The purpose of this chapter is to make the workplace of electrical employees as free from recognized hazards

as reasonably possible. Following these rules may sometimes require that employee safety receive a higher priority than speed and work performance. These rules exist to provide employee safety, so employees are expected, in good faith, to follow the provisions of this chapter. This chapter is not intended to be a complete job description nor is it expected that the chapter covers every hazard that an employee may encounter. When a hazard exists that is not covered by this chapter, the leadworker and employees are expected, in good faith, to mutually discuss the hazard and agree how to perform the work with the greatest degree of safety.

The department of labor and industries is the sole and paramount administrative agency responsible for the administration and interpretation of this chapter and the Washington Industrial Safety and Health Act of 1973. If there exists a question as to the meaning of any provision of this chapter, such question must first be directed to the department of labor and industries and its authorized representatives.

Experience has proven that the majority of injuries and deaths are preventable. Most injuries and deaths are not due to defective equipment but are due to failure on the part of the employees and those in authority to observe safety rules and failure to use safety devices. In the last analysis, this chapter is a compilation of experience and common sense. Electrical safety requires that the work be properly planned, executed by the use of good judgment and under the direction of intelligent supervision.

NEW SECTION

WAC 296-45-015 Scope and application. (1) This chapter covers the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment. These provisions apply to:

(a) Power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees;

Note: The types of installations covered by this chapter include the generation, transmission, and distribution installations of electric utilities, as well as equivalent installations of industrial establishments. Trolley maintenance, jumpering, and bypass is also covered by this chapter. Supplementary electric generating equipment that is used to supply a workplace for emergency, standby, or similar purposes only is covered under Part L of chapter 296-24 WAC.

(b) Other installations at an electric power generating station, as follows:

(i) Fuel and ash handling and processing installations, such as coal conveyors;

(ii) Water and steam installations, such as penstocks, pipelines, and tanks, providing a source of energy for electric generators; and

(iii) Chlorine and hydrogen systems.

(c) Test sites where electrical testing involving temporary measurements associated with electric power generation, transmission, and distribution is performed in laboratories, in the field, in substations, and on lines, as opposed to metering, relaying, and routine line work;

(d) Work on or directly associated with the installations covered in subsections (1)(a) through (c) of this section; and

(e) Line-clearance tree-trimming operations, as follows:

(i) This chapter except WAC 296-45-455, applies to line-clearance tree-trimming operations performed by qualified employees (those who are knowledgeable in the construction and operation of electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(ii) WAC 296-45-065, 296-45-125, 296-45-135, 296-45-255, 296-45-315, 296-45-375, and 296-45-455 through 296-45-45530 apply to line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified employees.

(2) Notwithstanding subsection (1) of this section, this chapter does not apply:

(a) To construction work as defined in chapter 296-155 WAC; or

(b) To electrical installations, electrical safety-related work practices, or electrical maintenance considerations covered by Part L of chapter 296-24 WAC.

Note 1: Work practices conforming to WAC 296-24-970 through 296-24-985 are considered as complying with the electrical safety-related work practice requirements of this chapter, provided the work is being performed on a generation or distribution installation meeting WAC 296-24-95601 through 296-24-95699. This chapter also applies to work by qualified persons directly on or associated with installations of electric power generation, transmission, and distribution lines or equipment, regardless of compliance with WAC 296-24-970 through 296-24-985.

Note 2: Work practices performed by qualified persons and conforming to this chapter are considered as complying with WAC 296-24-95601 through 296-24-95699.

(3) This section applies in addition to all other applicable safety and health standards administered by the department. Specific references in this section to other standards are provided for emphasis only.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) These rules shall not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction shall conform to the rules as herein provided.

(6) Any rule, regulation or standard contained within this chapter, if subject to interpretation, shall be interpreted so as to achieve employee safety, which is the ultimate purpose of this chapter.

(7) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained

within any other chapter of Title 296 WAC the standard or rule contained herein shall apply so long as the work being done is power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees. If there are rules within this chapter that conflict, the rule that provides the greatest employee safety will apply.

(8) Neither the promulgation of these rules, nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor shall the use herein of the words "duty" and "responsibility" or either, import or imply liability other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge any such "duty" or "responsibility," but failure on the part of the employees, leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(9) "Shall" and "must" as used in this chapter make the provisions mandatory. "Should," "may," or "it is recommended" are used to indicate the provisions are not mandatory but are recommended.

(10) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(11) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the leadworker or other employee, it shall also be the employer's responsibility, obligation, and duty.

Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

NEW SECTION

WAC 296-45-025 Variances. Under certain circumstances, an employer may obtain a variance from the director of the department of labor and industries or an authorized representative. Until such time as a variance is granted, the employer and employees must comply with the mandatory provisions of this chapter. The procedure and requirements for variances are found in chapter 296-350 WAC.

NEW SECTION

WAC 296-45-035 Definitions. These definitions apply to chapter 296-45 WAC.

"Aerial manlift equipment" - Equipment such as extended towers, boom-mounted cages or baskets, and truck-mounted ladders, that is primarily designed to place person-

nel and equipment aloft to work on elevated structures and equipment.

"Affected employee" - An employee whose job requires him or her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him or her to work in an area in which such servicing or maintenance is being performed.

"Apprentice" - An employee who is being trained to be journey level.

"Approved" - Meets or exceeds the recognized standards of safety within the industry.

"Approved protectors" - Gloves worn over rubber insulating gloves which are of such material or substance and so constructed as to protect the rubber gloves from abrasions, lacerations, or other physical damage which might otherwise occur to rubber gloves. Approved protectors must conform to the standards which are recognized by the industry.

"Attendant" - An employee assigned to remain immediately outside the entrance to an enclosed or other space to render assistance as needed to employees inside the space.

"Authorized employee" - An employee who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

"Automatic circuit recloser" - A self-controlled device for interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold-closed, or lockout operation.

"Barricade" - A physical obstruction such as tapes, cones, or A-frame type wood or metal structures intended to provide a warning about and to limit access to a hazardous area.

"Barrier" - A physical obstruction which is intended to prevent contact with energized lines or equipment or to prevent unauthorized access to a work area.

"Bond" - The electrical interconnection of conductive parts designed to maintain a common electrical potential.

"Bus" - A conductor or a group of conductors that serve as a common connection for two or more circuits.

"Bushing" - An insulating structure, including a through conductor or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purposes of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

"Cable" - A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

"Cable sheath" - A conductive protective covering applied to cables.

Note: A cable sheath may consist of multiple layers of which one or more is conductive.

"Circuit" - A conductor or system of conductors through which an electric current is intended to flow.

"Clearance" (between objects) - The clear distance between two objects measured surface to surface.

"Clearance" (for work) - Authorization to perform specified work or permission to enter a restricted area.

"Communication lines." (See "Lines, communication.")

"Conductor" - A material, usually in the form of a wire, cable, or bus bar, used for carrying an electric current.

"Covered conductor" - A conductor covered with a dielectric having no rated insulating strength or having a rated insulating strength less than the voltage of the circuit in which the conductor is used.

"Current-carrying part" - A conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

"De-energized" - Free from any electrical connection to a source of potential difference and from electric charge; not having a potential difference from that of the earth.

Note: The term is used only with reference to current-carrying parts, which are sometimes energized (alive).

"Designated employee/person" - An employee/person who is designated by the employer to perform specific duties under the terms of this section and who is knowledgeable in the construction and operation of the equipment and the hazards involved.

"Electric line truck" - Any vehicle used to transport employees, tools, and material, which serves as a traveling workshop for electric power line construction and maintenance work. It may be equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material and/or workers.

"Electric supply equipment" - Equipment that produces, modifies, regulates, controls, or safeguards a supply of electric energy.

"Electric supply lines." (See "Lines, electric supply.")

"Electric utility" - An organization responsible for the installation, operation, or maintenance of an electric supply system.

"Emergency" - An unforeseen occurrence endangering life, limb, or property.

"Enclosed" - Surrounded by a case, cage, fence or otherwise which will protect the contained equipment and prevent accidental contact of a person with live parts.

"Enclosed space" - A working space, such as a man-hole, vault, tunnel, or shaft, that has a limited means of egress or entry, that is designed for periodic employee entry under normal operating conditions, and that under normal conditions does not contain a hazardous atmosphere, but that may contain a hazardous atmosphere under abnormal conditions.

Note: Spaces that are enclosed but not designed for employee entry under normal operating conditions are not considered to be enclosed spaces for the purposes of this section. Similarly, spaces that are enclosed and that are expected to contain a hazardous atmosphere are not considered to be enclosed spaces for the purposes of this section. Such spaces meet the definition of permit spaces in WAC 296-62-145, and entry into them must be performed in accordance with that standard.

"Energized" (alive, live) - Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of earth in the vicinity.

"Energy isolating device" - A physical device that prevents the transmission or release of energy, including, but not limited to, the following: A manually operated electric circuit breaker, a disconnect switch, a manually operated switch, a slide gate, a slip blind, a line valve, blocks, and any similar device with a visible indication of the position of the device. (Push buttons, selector switches, and other control-circuit-type devices are not energy isolating devices.)

"Energy source" - Any electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy source that could cause injury to personnel.

"Equipment" (electric) - A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like used as part of or in connection with an electrical installation.

"Exposed" - Not isolated or guarded.

"Fault current" - The current that flows in an electrical system because of a defect in the circuit induced accidentally or otherwise.

"Fixed ladder" - A ladder that is permanently secured to a structure.

"Ground" - A conducting connection, whether intentional or accidental, between an electric circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

"Grounded" - Connected to earth or to some conducting body that serves in place of the earth.

"Grounded system" - A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded either solidly or through a current-limiting device (not a current-interrupting device).

"Groundperson" - A member of crew working on ground under direction of a leadworker.

"Guarded" - Covered, fenced, enclosed, or otherwise protected, by means of suitable covers or casings, barrier rails or screens, mats, or platforms, designed to prevent the possibility, under normal conditions, of dangerous approach or accidental contact by persons or objects.

Note: Wires which are insulated, but not otherwise protected, are not considered as guarded.

"Hazardous atmosphere" - An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from an enclosed space), injury, or acute illness from one or more of the following causes:

- Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);
- Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 m) or less;

- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

- Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, Part L, or in chapter 296-62 WAC, toxic and hazardous substances, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

- Any other atmospheric condition that is "immediately dangerous to life or health" (IDLH).

"IDLH" - Any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials (hydrogen fluoride gas and cadmium vapor, for example) may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as Material Safety Data Sheets that comply with the Hazard Communication Standard, chapter 296-62 WAC, Part C, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"High-power tests" - Tests in which fault currents, load currents, magnetizing currents, and line-dropping currents are used to test equipment, either at the equipment's rated voltage or at lower voltages.

"High-voltage tests" - Tests in which voltages of approximately 1000 volts are used as a practical minimum and in which the voltage source has sufficient energy to cause injury.

"High wind" - A wind of such velocity that the following hazards would be present:

- An employee would be exposed to being blown from elevated locations; or
- An employee or material handling equipment could lose control of material being handled; or
- An employee would be exposed to other hazards not controlled by the standard involved.

Note: Winds exceeding 40 miles per hour (64.4 kilometers per hour), or 30 miles per hour (48.3 kilometers per hour) if material handling is involved, are normally considered as meeting this criteria unless precautions are taken to protect employees from the hazardous effects of the wind.

"Insulated" - Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Note: When any object is said to be insulated, it is understood to be insulated for the conditions to which it is normally subjected. Otherwise, it is, within the purpose of this section, uninsulated.

"Insulation" (cable) - That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

"Insulation shielding" - An envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

"Isolated" - An object that is not readily accessible to persons unless special means of access are used.

"Leadworker" - The person directly in charge of workers doing the work, regardless of title.

"Line-clearance tree trimmer" - An employee who, through related training or on-the-job experience or both, is familiar with the special techniques and hazards involved in line-clearance tree trimming.

Note 1: An employee who is regularly assigned to a line-clearance tree-trimming crew and who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a line-clearance tree trimmer is considered to be a line-clearance tree trimmer.

Note 2: A line-clearance tree trimmer is not considered to be a "qualified employee" under this section unless he or she has the training required for a qualified employee under WAC 296-45-065. However, under the electrical safety-related work practices standard, a line-clearance tree trimmer is considered to be a "qualified employee." Tree trimming performed by such "qualified employees" is not subject to the electrical safety-related work practice requirements contained in WAC 296-24-970. (See also the note following WAC 296-24-970 for information regarding the training an employee must have to be considered a qualified employee.)

"Line-clearance tree trimming" - The pruning, trimming, repairing, maintaining, removing, or clearing of trees or the cutting of brush that is within 10 feet (305 cm) of electric supply lines and equipment.

"Lines" -

- **"Communication lines"** - The conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. If the lines are operating at less than 150 volts, no limit is placed on the transmitted power of the system. Under certain conditions, communication cables may include communication circuits exceeding these limitations where such circuits are also used to supply power solely to communication equipment.

Note: Telephone, telegraph, railroad signal, data, clock, fire, police alarm, cable television, and other systems conforming with this definition are included. Lines used for signaling purposes, but not included under this definition, are considered as electric supply lines of the same voltage.

- **"Electric supply lines"** - Conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts are always supply lines within this section, and those of less than 400 volts are considered as supply lines, if so run and operated throughout.

"Live-line tools and ropes" - Tools and ropes specifically designed for work on energized high voltage lines and equipment.

"Load-break elbow" - A connector designed to close and interrupt current on energized circuits within the design current and voltage rating.

"Manhole" - A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment or cable.

"Manhole steps" - A series of steps individually attached to or set into the walls of a manhole structure.

"Minimum approach distance" - The closest distance an employee is permitted to approach an energized or a grounded object.

"Neutral" - A system in which one conductor is used as the neutral for one or more circuits; one conductor may be used as the neutral for both primary and secondary circuits of a distribution system.

"Pole" - Any device used to support a power distribution or transmission line. The pole may be made of any substance including wood, concrete, metal, is usually cylindrical in shape and comparatively slender. It is the upright standard to which is affixed part of the power distribution and transmission line system as defined in this chapter.

"Power dispatcher" (load dispatcher or system operator) - A person who has been designated by the employer as having authority over switching and clearances of high voltage lines and station equipment.

"Protective devices" - Devices such as rubber gloves, rubber blankets, line hose, rubber boots, or other insulating devices, which are specifically designed for the protection of employees.

"Public highway" - Every way, land, road, street, boulevard, and every other way or place in the state open as a matter of right to public vehicular travel, both inside and outside the limits of cities and towns, regardless of ownership.

"Qualified person or qualified employee" - A person who is familiar with the construction of, or operation of such lines and/or equipment that concerns his/her position and who is fully aware of the hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected.

Note 1: An employee must have the training required by WAC 296-45-065(1) in order to be considered a qualified employee.

Note 2: (Apprentice) Except under WAC 296-45-25510(12), an employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

"Rubber" - Any goods, equipment, or tool made out of either natural or synthetic rubber.

"Secured ladder" - A ladder which is not capable of being dislodged from the top by lateral, or jerking motion(s).

"Sheath" - As applied to tools carried in a lineman's tool belt, a sheath that effectively covers the tool and prevents such tool from falling from the belt.

"Step bolt" - A bolt or rung attached at intervals along a structural member and used for foot placement during climbing or standing.

"Supporting structure" - The main supporting unit (usually a pole or tower).

"Switch" - A device for opening and closing or for changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

"System operator or power dispatcher" - A qualified person who has been designated by the employer and having authority over switching, clearances, and operation of the system and its parts.

"Tag" - A system or method of identifying circuits, systems, or equipment for the purpose of alerting employees and others that the circuit, system, or equipment is being worked on.

"Underground network" - An underground electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.

"Underground residential distribution system" (URD) - An electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

"Utility" - An organization responsible for the installation, operation, or maintenance of electric supply or communications systems.

"Vault" - An enclosure, above or below ground, which personnel may enter and which is used for the purpose of installing, operating, or maintaining equipment or cable.

"Vented vault" - A vault that has provision for air changes using exhaust flue stacks and low level air intakes operating on differentials of pressure and temperature providing for airflow which precludes a hazardous atmosphere from developing.

"Voltage" - The effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values unless otherwise indicated. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

Note: Low voltage includes voltages from 50 to 600 volts. High voltage shall mean those voltages of 601 volts to 230,000. Extra high voltage means any voltage over 230,000 volts. Where the words "high voltage" are used in this chapter it shall include extra high voltage, unless otherwise specified.

NEW SECTION

WAC 296-45-045 NESC applicable. (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the 1997 National Electric Safety Code (NESC) (ANSI-C2), sections (1), (2), and (3).

Note: The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:
The Institute of Electrical and Electronics Engineers, Inc.
345 East 47th Street
New York, NY 10017-2394

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must

meet the requirements of the 1997 National Electric Safety Code (NESC) (ANSI-C2), except that Rule 236H does not apply.

NEW SECTION

WAC 296-45-055 Employer's responsibility. (1) The employer shall provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer shall develop and maintain a hazard communication program as required by Part C, chapter 296-62 WAC, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There shall be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

(4) The employer shall require the leadworker to observe and enforce all safety rules and shall furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

(5) The employer shall appoint only competent workers to supervise other employees and those appointed shall be responsible for the safety of the employees under their supervision.

NEW SECTION

WAC 296-45-065 Training. Employees shall be trained and proficient in the safety-related work practices, safety procedures, and other safety requirements in this section that pertain to their respective job assignments. Employees shall also be trained in and proficient with any other safety practices, including applicable emergency procedures (such as pole top, aerial, manhole, and tree rescue), that are not specifically addressed by this section but that are related to their work and are necessary for their safety.

(1) Qualified employees shall also be trained and competent in:

(a) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(b) The skills and techniques necessary to determine the nominal voltage of exposed live parts;

(c) The minimum approach distances specified in this section corresponding to the voltages to which the qualified employee will be exposed; and

(d) The proper use of the special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed energized parts of electric equipment.

Note: For the purposes of this section, a person must have this training in order to be considered a qualified person.

(2) The employer shall determine, through regular supervision and through inspections conducted on at least an

annual basis, that each employee is complying with the safety-related work practices required by this section.

(3) An employee shall receive additional training (or retraining) under any of the following conditions:

(a) If the supervision and annual inspections required by subsection (2) of this section indicate that the employee is not complying with the safety-related work practices required by this section; or

(b) If new technology, new types of equipment, or changes in procedures necessitate the use of safety-related work practices that are different from those which the employee would normally use; or

(c) If he or she must employ safety related work practices that are not normally used during his or her regular job duties.

Note: WISHA would consider tasks that are performed less often than once per year to necessitate retraining before the performance of the work practices involved.

(4) The training required by WAC 296-45-065 shall be of the classroom or on-the-job type.

(5) The training shall establish employee proficiency in the work practices required by this section and shall introduce the procedures necessary for compliance with this section.

(6) The employer shall certify that each employee has received the training required by WAC 296-45-065. This certification shall be made when the employee demonstrates proficiency in the work practices involved and shall be maintained for the duration of the employee's employment.

Note: Employment records that indicate that an employee has received the required training are an acceptable means of meeting this requirement.

NEW SECTION

WAC 296-45-075 Employer's safety program. (1) The employer shall hold safety meetings at least once a month, which meetings shall be held at a reasonable time and place as selected by the employer. The employer shall require all employees subject to provisions of this chapter to attend said meetings: *Provided*, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances. Minutes shall be kept of each safety meeting and retained for a period of one year.

(2) The employer or a representative(s) designated shall investigate all accidents or injuries of a serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

(3) The employer shall furnish instructions stating the proper procedure in event of an emergency, which shall include the names of those individuals to be notified and methods of contacting them.

(4) The employer shall provide and make available to all employees accident report and safety suggestion forms or other approved methods. Safety suggestion forms should, where possible, be used for suggesting the elimination of haz-

ardous conditions and such reported suggestions shall be retained (for one year) by the employer or an authorized representative.

(5) The employer must notify the department of employee fatalities or catastrophes according to the requirements of WAC 296-24-020.

(6) Nothing contained within this chapter shall prohibit an employer or an authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

(7) Existing conditions related to the safety of the work to be performed shall be determined before work on or near electric lines or equipment is started. Such conditions include, but are not limited to, the nominal voltages of lines and equipment, the maximum switching transient voltages, the presence of hazardous induced voltages, the presence and condition of protective grounds and equipment grounding conductors, the condition of poles, environmental conditions relative to safety, and the locations of circuits and equipment, including power and communication lines and fire protective signaling circuits.

NEW SECTION

WAC 296-45-085 Leadworker's responsibility. (1) Every leadworker shall understand these and any other applicable safety rules and comply therewith. Leadworkers shall require all employees under their direction or supervision to read this chapter and the provisions contained therein and require every employee subject to this chapter to be able to apply this chapter and any provision of this chapter on a day-to-day basis.

(2) Leadworkers shall inform employees under their supervision or direction of the type and voltage of circuits on or near which the employees are to work.

(3) Leadworkers shall require all employees under their supervision to properly use safety devices and equipment, including barricades, warning flags or signs, or any other device called for to protect employees.

NEW SECTION

WAC 296-45-095 Leadworker-employee responsibility. (1) An employee shall protect his/her climbing and working space at all times if the conductors are so spaced that in climbing or working he/she will be, or where it is possible to come within, the minimum required distances specified in these rules.

(2) Leadworkers or supervisors shall in good faith consider verbal or written reports of hazardous conditions and shall, as soon as practicable, investigate and remedy same if warranted.

(3) When hazards are reported by employees, leadworkers and others having authority shall accept the report in a cooperative manner, and in no case shall an employee be reprimanded or penalized for reporting hazards or potential hazards.

(4) Leadworkers shall require all employees under their supervision to keep their belts, spurs, and straps in good

working condition. When straps and belts are in poor condition or defective, they shall not be used.

(5) Before leaving a jobsite, leadworkers shall correct or arrange to give warning of any condition which might result in injury to employees.

(6) No employee shall be permitted or allowed to remain on the jobsite when under the influence of any intoxicating beverage or controlled substance or substances: *Provided*, That if an employee is taking prescription medication under the direction of a practicing physician and such prescription does not interfere with the safe performance of the work assigned, such employee may be permitted to work.

(7) No intoxicating beverages or controlled substances shall be consumed on the jobsite other than prescription medication as set forth above.

NEW SECTION

WAC 296-45-105 Work required of leadworkers. (1) A leadworker cannot properly supervise the work and look out for the safety of employees under their direction if required to work as a leadworker and a lineworker at the same time.

(2) Leadworkers should be constantly alert and shall not be required to serve in such dual capacity, except in crews of not more than two lineworkers, in which case they may work as one of the lineworkers.

(3) In crews of two lineworkers or less, each lineworker may have a groundworker but, if additional lineworkers or groundworkers are added to the crew, the leadworker shall confine his/her activities to supervising the work, as exhibited below:

Type of Crew	Minimum Requirements
2 lineworkers	One lineworker as person-in-charge.
2 lineworkers plus 1 groundworker	One lineworker as person-in-charge or climbing leadworker.
2 lineworkers plus 2 groundworkers	One lineworker as person-in-charge or climbing leadworker.
2 lineworkers plus any combination of 3 lineworkers or groundworkers	One nonclimbing leadworker.

NEW SECTION

WAC 296-45-115 Employee's responsibility. (1) Employees shall not engage in horseplay or scuffling while on the job or jobsite and the employer shall not permit horseplay or scuffling while on the jobsite or otherwise in the course of employment.

(2) During such time as any employee is working on or near any energized line or energized equipment in excess of 600 volts there shall be no talking or communication other than that which is absolutely necessary and essential for the safe and proper performance of the work. Should there be communication or talk from a person other than an employee, the work shall stop until such time as the distraction ceases.

(3) Employees shall report any hazardous or potentially hazardous condition, operation, means, or work in a constructive manner and shall not engage in personality conflicts.

(4) Neither the employer nor the employees shall throw or permit anything to be thrown from elevated position(s) or poles to the ground or lower level, nor shall anything be thrown from the ground or lower level to an elevated position, whether that elevated position is on a pole, aerial manlift or otherwise. Tools and loose materials shall not be left on poles, crossarms, ladders or other elevated structures or positions.

(5) Employees shall report all injuries, regardless of severity, to the employer or designated representative. Report forms furnished by the employer should be used.

NEW SECTION

WAC 296-45-125 Medical services and first aid. The employer shall provide medical services and first aid as required in chapter 296-24 WAC. In addition to the requirements of chapter 296-24 WAC, the following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) shall be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons shall be available. However, only one trained person need be available if all new employees are trained in first aid, including CPR, within 3 months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available shall be sufficient to ensure that each employee exposed to electric shock can be reached within 4 minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location shall be trained.

(2) First-aid supplies. First-aid supplies required by chapter 296-24 WAC shall be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. Each first-aid kit shall be maintained, shall be readily available for use, and shall be inspected frequently enough to ensure that expended items are replaced but at least once per year.

NEW SECTION

WAC 296-45-135 Job briefing. The employer shall ensure that the leadworker conducts a job briefing with the employees involved before they start each job. The briefing shall cover at least the following subjects: Hazards associated with the job, work procedures involved, special precautions, energy source controls, and personal protective equipment requirements.

(1) Number of briefings. If the work or operations to be performed during the work day or shift are repetitive and similar, at least one job briefing shall be conducted before the start of the first job of each day or shift. Additional job brief-

PERMANENT

ings shall be held if significant changes, which might affect the safety of the employees, occur during the course of the work.

(2) Extent of briefing. A brief discussion is satisfactory if the work involved is routine and if the employee, by virtue of training and experience, can reasonably be expected to recognize and avoid the hazards involved in the job. A more extensive discussion shall be conducted:

- (a) If the work is complicated or particularly hazardous; or
- (b) If the employee cannot be expected to recognize and avoid the hazards involved in the job.

Note: The briefing is always required to touch on all the subjects listed in the introductory text to this section.

(3) Working alone. An employee working alone need not conduct a job briefing. However, the employer shall ensure that the tasks to be performed are planned as if a briefing were required.

NEW SECTION

WAC 296-45-175 Hazardous energy control (lockout/tagout) procedures. The provisions of this section apply to the use of lockout/tagout procedures for the control of energy sources in installations for the purpose of electric power generation, including related equipment for communication or metering. Locking and tagging procedures for the de-energizing of electric energy sources which are used exclusively for purposes of transmission and distribution are addressed by WAC 296-45-335

Note 1: Installations in electric power generation facilities that are not an integral part of, or inextricably commingled with, power generation processes or equipment are covered under chapter 296-24 WAC.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC will also be deemed to comply with this section if the procedures address the hazards covered by this section.

NEW SECTION

WAC 296-45-17505 Lockout/tagout (hazardous control) program. (1) The employer shall establish a program consisting of energy control procedures, employee training, and periodic inspections to ensure that, before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine or equipment is isolated from the energy source and rendered inoperative.

(2) The employer's energy control program under this section shall meet the following requirements:

- (a) If an energy isolating device is not capable of being locked out, the employer's program shall use a tagout system.
- (b) If an energy isolating device is capable of being locked out, the employer's program shall use lockout, unless the employer can demonstrate that the use of a tagout system will provide full employee protection as follows:
 - (i) When a tagout device is used on an energy isolating device which is capable of being locked out, the tagout

device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will provide a level of safety equivalent to that obtained by the use of a lockout program.

(ii) In demonstrating that a level of safety is achieved in the tagout program equivalent to the level of safety obtained by the use of a lockout program, the employer shall demonstrate full compliance with all tagout-related provisions of this standard together with such additional elements as are necessary to provide the equivalent safety available from the use of a lockout device. Additional means to be considered as part of the demonstration of full employee protection shall include the implementation of additional safety measures such as the removal of an isolating circuit element, blocking of a controlling switch, opening of an extra disconnecting device, or the removal of a valve handle to reduce the likelihood of inadvertent energizing.

(3) Whenever replacement or major repair, renovation, or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(4) Procedures shall be developed, documented, and used for the control of potentially hazardous energy covered by this section.

(5) The procedure shall clearly and specifically outline the scope, purpose, responsibility, authorization, rules, and techniques to be applied to the control of hazardous energy, and the measures to enforce compliance including, but not limited to, the following:

- (a) A specific statement of the intended use of this procedure;
 - (b) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
 - (c) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and
 - (d) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.
- (6) The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of this section are being followed.

(a) The periodic inspection shall be performed by an authorized employee who is not using the energy control procedure being inspected.

(b) The periodic inspection shall be designed to identify and correct any deviations or inadequacies.

(c) If lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

(d) Where tagout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized and affected employee, of that employee's responsibilities under the energy control procedure being inspected, and the elements set forth in this section.

(e) The employer shall certify that the inspections required by this section have been accomplished. The certification shall identify the machine or equipment on which the energy control procedure was being used, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

Note: If normal work schedule and operation records demonstrate adequate inspection activity and contain the required information, no additional certification is required.

(7) The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of energy controls are acquired by employees. The training shall include the following:

(a) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of energy available in the workplace, and in the methods and means necessary for energy isolation and control.

(b) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(c) All other employees whose work operations are or may be in an area where energy control procedures may be used shall be instructed about the procedures and about the prohibition relating to attempts to restart or reenergize machines or equipment that are locked out or tagged out.

(8) When tagout systems are used, employees shall also be trained in the following limitations of tags:

(a) Tags are essentially warning devices affixed to energy isolating devices and do not provide the physical restraint on those devices that is provided by a lock.

(b) When a tag is attached to an energy isolating means, it is not to be removed without authorization of the authorized person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.

(c) Tags must be legible and understandable by all authorized employees, affected employees, and all other employees whose work operations are or may be in the area, in order to be effective.

(d) Tags and their means of attachment must be made of materials which will withstand the environmental conditions encountered in the workplace.

(e) Tags may evoke a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(f) Tags must be securely attached to energy isolating devices so that they cannot be inadvertently or accidentally detached during use.

NEW SECTION

WAC 296-45-17510 Retraining. (1) Retraining shall be provided for all authorized and affected employees whenever there is a change in their job assignments, a change in machines, equipment, or processes that present a new hazard or whenever there is a change in the energy control procedures.

(2) Retraining shall also be conducted whenever a periodic inspection reveals, or whenever the employer has reason to believe, that there are deviations from or inadequacies in an employee's knowledge or use of the energy control procedures.

(3) The retraining shall reestablish employee proficiency and shall introduce new or revised control methods and procedures, as necessary.

(4) The employer shall certify that employee training has been accomplished and is being kept up to date. The certification shall contain each employee's name and dates of training.

NEW SECTION

WAC 296-45-17515 Protective materials and hardware. (1) Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources.

(2) Lockout devices and tagout devices shall be singularly identified; shall be the only devices used for controlling energy; may not be used for other purposes; and shall meet the following requirements:

(a) Lockout devices and tagout devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

(b) Tagout devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not cause the tag to deteriorate or the message on the tag to become illegible.

(c) Tagout devices shall be so constructed as not to deteriorate when used in corrosive environments.

(3) Lockout devices and tagout devices shall be standardized within the facility in at least one of the following criteria: Color, shape, size. Additionally, in the case of tagout devices, print and format shall be standardized.

(4) Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or metal cutting tools.

(5) Tagout devices, including their means of attachment, shall be substantial enough to prevent inadvertent or accidental removal. Tagout device attachment means shall be of a nonreusable type, attachable by hand, self-locking, and non-releasable with a minimum unlocking strength of no less than fifty pounds and shall have the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(6) Each lockout device or tagout device shall include provisions for the identification of the employee applying the device.

(7) Tagout devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as the following: Do Not Start, Do Not Open, Do Not Close, Do Not Energize, Do Not Operate.

Note: For specific provisions covering accident prevention tags, see chapter 296-24 WAC.

NEW SECTION

WAC 296-45-17520 Energy isolation. Lockout and tagout device application and removal may only be performed by the authorized employees who are performing the servicing or maintenance.

NEW SECTION

WAC 296-45-17525 Notification. Affected employees shall be notified by the employer or authorized employee of the application and removal of lockout or tagout devices. Notification shall be given before the controls are applied and after they are removed from the machine or equipment.

Note: This section requires that the second notification take place before the machine or equipment is reenergized.

NEW SECTION

WAC 296-45-17530 Lockout/tagout application. The established procedures for the application of energy control (the lockout or tagout procedures) shall include the following elements and actions, and these procedures shall be performed in the following sequence:

(1) Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(2) The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown shall be used to avoid any additional or increased hazards to employees as a result of the equipment stoppage.

(3) All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from energy sources.

(4) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(a) Lockout devices shall be attached in a manner that will hold the energy isolating devices in a "safe" or "off" position.

(b) Tagout devices shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

(5) Where tagout devices are used with energy isolating devices designed with the capability of being locked out, the tag attachment shall be fastened at the same point at which the lock would have been attached.

(6) Where a tag cannot be affixed directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

NEW SECTION

WAC 296-45-17535 Releasing stored energy. Following the application of lockout or tagout devices to energy iso-

lating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, or otherwise rendered safe.

(1) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed or until the possibility of such accumulation no longer exists.

(2) Before starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and de-energizing of the machine or equipment have been accomplished. If normally energized parts will be exposed to contact by an employee while the machine or equipment is de-energized, a test shall be performed to ensure that these parts are de-energized.

NEW SECTION

WAC 296-45-17540 Release from lockout/tagout. Before lockout or tagout devices are removed and energy is restored to the machine or equipment, procedures shall be followed and actions taken by the authorized employees to ensure the following:

(1) The work area shall be inspected to ensure that non-essential items have been removed and that machine or equipment components are operationally intact.

(2) The work area shall be checked to ensure that all employees have been safely positioned or removed.

(3) After lockout or tagout devices have been removed and before a machine or equipment is started, affected employees shall be notified that the lockout or tagout devices have been removed.

(4) Each lockout or tagout device shall be removed from each energy isolating device by the authorized employee who applied the lockout or tagout device. However, if that employee is not available to remove it, the device may be removed under the direction of the employer, provided that specific procedures and training for such removal have been developed, documented, and incorporated into the employer's energy control program. The employer shall demonstrate that the specific procedure provides a degree of safety equivalent to that provided by the removal of the device by the authorized employee who applied it. The specific procedure shall include at least the following elements:

(a) Verification by the employer that the authorized employee who applied the device is not at the facility;

(b) Making all reasonable efforts to contact the authorized employee to inform him or her that his or her lockout or tagout device has been removed; and

(c) Ensuring that the authorized employee has this knowledge before he or she resumes work at that facility.

NEW SECTION

WAC 296-45-17545 Temporary removal of lockout/tagout. If the lockout or tagout devices must be temporarily removed from energy isolating devices and the machine or equipment must be energized to test or position the machine, equipment, or component thereof, the following sequence of actions shall be followed:

- (1) Clear the machine or equipment of tools and materials in accordance with this section;
- (2) Remove employees from the machine or equipment area in accordance with this section;
- (3) Remove the lockout or tagout devices as specified in this section;
- (4) Energize and proceed with the testing or positioning; and
- (5) De-energize all systems and reapply energy control measures in accordance with this section to continue the servicing or maintenance.

NEW SECTION

WAC 296-45-17550 Servicing contractors. When servicing or maintenance is performed by a crew, craft, department, or other group, they shall use a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device. Group lockout or tagout devices shall be used in accordance with the procedures required by the following specific requirements:

- (1) Primary responsibility shall be vested in an authorized employee for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock);
- (2) Provision shall be made for the authorized employee to ascertain the exposure status of all individual group members with regard to the lockout or tagout of the machine or equipment;
- (3) When more than one crew, craft, department, or other group is involved, assignment of overall job-associated lockout or tagout control responsibility shall be given to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and
- (4) Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

NEW SECTION

WAC 296-45-17555 Shift changes. Procedures shall be used during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout device protection between off-going and on-coming employees, to minimize their exposure to hazards from the unexpected energizing or start-up of the machine or equipment or from the release of stored energy.

NEW SECTION

WAC 296-45-17560 Outside servicing personnel. Whenever outside servicing personnel are to be engaged in activities covered by this section, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures, and each employer shall ensure that his or her personnel understand and comply with

restrictions and prohibitions of the energy control procedures being used.

NEW SECTION

WAC 296-45-17565 Central system operator. If energy isolating devices are installed in a central location under the exclusive control of a system operator, the following requirements apply:

- (1) The employer shall use a procedure that affords employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.
- (2) The system operator shall place and remove lockout and tagout devices in place of the authorized employee.
- (3) Provisions shall be made to identify the authorized employee who is responsible for (that is, being protected by) the lockout or tagout device, to transfer responsibility for lockout and tagout devices, and to ensure that an authorized employee requesting removal or transfer of a lockout or tagout device is the one responsible for it before the device is removed or transferred.

NEW SECTION

WAC 296-45-195 Trenching and excavation. (1) During excavation or trenching, in order to prevent exposure of employees to the hazards created by damage to dangerous underground facilities, efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

- (2) Trenching and excavation operations shall comply with the provisions of Part N, chapter 296-155 WAC.

NEW SECTION

WAC 296-45-205 Enclosed spaces. This section covers enclosed spaces that may be entered by employees. It does not apply to vented vaults if a determination is made that the ventilation system is operating to protect employees before they enter the space. This paragraph applies to routine entry into enclosed spaces in lieu of the permit-space entry requirements contained in WAC 296-62-145. If, after the precautions given in WAC 296-45-205, 296-45-215, and 296-45-225 are taken, the hazards remaining in the enclosed space endanger the life of an entrant or could interfere with escape from the space, then entry into the enclosed space shall meet the permit-space entry requirements of WAC 296-62-145.

Note: Entries into enclosed spaces conducted in accordance with the permit-space entry requirements of WAC 296-62-145 are considered as complying with this section.

- (1) "Safe work practices." The employer shall ensure the use of safe work practices for entry into and work in enclosed spaces and for rescue of employees from such spaces.
- (2) "Training." Employees who enter enclosed spaces or who serve as attendants shall be trained in the hazards of enclosed space entry, in enclosed space entry procedures, and in enclosed space rescue procedures.

(3) "Rescue equipment." Employers shall provide equipment to ensure the prompt and safe rescue of employees from the enclosed space.

(4) "Evaluation of potential hazards." Before any entrance cover to an enclosed space is removed, the employer shall determine whether it is safe to do so by checking for the presence of any atmospheric pressure or temperature differences and by evaluating whether there might be a hazardous atmosphere in the space. Any conditions making it unsafe to remove the cover shall be eliminated before the cover is removed.

Note: The evaluation called for in this subsection may take the form of a check of the conditions expected to be in the enclosed space. For example, the cover could be checked to see if it is hot and, if it is fastened in place, could be loosened gradually to release any residual pressure. A determination must also be made of whether conditions at the site could cause a hazardous atmosphere, such as an oxygen deficient or flammable atmosphere, to develop within the space.

(5) "Removal of covers." When covers are removed from enclosed spaces, the opening shall be promptly guarded by a railing, temporary cover, or other barrier intended to prevent an accidental fall through the opening and to protect employees working in the space from objects entering the space.

(6) "Hazardous atmosphere." Employees may not enter any enclosed space while it contains a hazardous atmosphere, unless the entry conforms to the generic permit-required confined spaces standard in WAC 296-62-145 through 296-62-14543.

Note: The term "entry" is defined in WAC 296-62-14501.

(7) "Attendants." While work is being performed in the enclosed space, a person with first-aid training meeting WAC 296-45-125 shall be immediately available outside the enclosed space to render emergency assistance if there is reason to believe that a hazard may exist in the space or if a hazard exists because of traffic patterns in the area of the opening used for entry. That person is not precluded from performing other duties outside the enclosed space if these duties do not distract the attendant from monitoring employees within the space.

Note: See WAC 296-45-215(12) for additional requirements on attendants for work in manholes.

(8) "Calibration of test instruments." Test instruments used to monitor atmospheres in enclosed spaces shall be kept in calibration, with a minimum accuracy of + or - 10 percent.

(9) "Testing for oxygen deficiency." Before an employee enters an enclosed space, the internal atmosphere shall be tested for oxygen deficiency with a direct-reading meter or similar instrument, capable of collection and immediate analysis of data samples without the need for off-site evaluation. If continuous forced air ventilation is provided, testing is not required provided that the procedures used ensure that employees are not exposed to the hazards posed by oxygen deficiency.

(10) "Testing for flammable gases and vapors." Before an employee enters an enclosed space, the internal atmosphere shall be tested for flammable gases and vapors with a

direct-reading meter or similar instrument capable of collection and immediate analysis of data samples without the need for off-site evaluation. This test shall be performed after the oxygen testing and ventilation required by subsection (9) of this section demonstrate that there is sufficient oxygen to ensure the accuracy of the test for flammability.

(11) "Ventilation and monitoring." If flammable gases or vapors are detected or if an oxygen deficiency is found, forced air ventilation shall be used to maintain oxygen at a safe level and to prevent a hazardous concentration of flammable gases and vapors from accumulating. A continuous monitoring program to ensure that no increase in flammable gas or vapor concentration occurs may be followed in lieu of ventilation, if flammable gases or vapors are detected at safe levels.

Note: See the definition of hazardous atmosphere for guidance in determining whether or not a given concentration of a substance is considered to be hazardous.

(12) "Specific ventilation requirements." If continuous forced air ventilation is used, it shall begin before entry is made and shall be maintained long enough to ensure that a safe atmosphere exists before employees are allowed to enter the work area. The forced air ventilation shall be so directed as to ventilate the immediate area where employees are present within the enclosed space and shall continue until all employees leave the enclosed space.

(13) "Air supply." The air supply for the continuous forced air ventilation shall be from a clean source and may not increase the hazards in the enclosed space.

(14) "Open flames." If open flames are used in enclosed spaces, a test for flammable gases and vapors shall be made immediately before the open flame device is used and at least once per hour while the device is used in the space. Testing shall be conducted more frequently if conditions present in the enclosed space indicate that once per hour is insufficient to detect hazardous accumulations of flammable gases or vapors.

Note: See the definition of hazardous atmosphere for guidance in determining whether or not a given concentration of a substance is considered to be hazardous.

NEW SECTION

WAC 296-45-215 Underground electrical installations. This section provides additional requirements for work on underground electrical installations.

(1) Protective barriers, or approved guards and warning signs must be erected before removing manhole covers or making excavations in places accessible to vehicular or pedestrian traffic.

(2) Whenever an opening is made in the street, it shall be properly guarded or covered until same is closed and whenever an obstruction is left in the roadway after dark, it shall be marked with approved lights, flares or similar devices.

(3) Access. A ladder or other climbing device shall be used to enter and exit a manhole or subsurface vault exceeding 4 feet (122 cm) in depth. No employee may climb into or out of a manhole or vault by stepping on cables or hangers.

(4) When work is to be performed in a manhole or unvented vault:

(a) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found to be safe by testing for oxygen deficiency and the presence of explosive or potentially hazardous gases or fumes.

(b) When unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry.

(c) Provisions shall be made for a continuous supply of air as provided for in Part L, chapter 296-62 WAC.

(d) When forced ventilation is not used a method of monitoring said manhole or vault so as to prevent the occurrence of oxygen deficiency due to work being performed in said manhole or vault, and to detect the presence of any explosive gases or fumes which may occur while the employees are working in said manhole or vault.

(5) When open flames are used or smoking is permitted in manholes, adequate mechanical forced air ventilation shall be used.

(6) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids prior to the entry.

(7) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

(8) Care shall be taken to prevent the possibility of vehicles or pedestrians coming in contact with the wires and equipment.

(9) Lowering equipment into manholes. Equipment used to lower materials and tools into manholes or vaults shall be capable of supporting the weight to be lowered and shall be checked for defects before use. Before tools or materials are lowered into the opening for a manhole or vault, each employee working in the manhole or vault shall be clear of the area directly under the opening.

(10) Materials shall not be thrown into or out of manholes but shall be placed in the proper receptacle and hoisted in and out by means of a rope.

(11) Tools and materials shall not be left on the ground around or near the manhole opening where they might be pushed or otherwise fall into the hole.

(12) Attendants for manholes.

(a) An attendant shall be kept at the surface when there is any hazard to the employees in the manhole and the attendant should not leave the manhole unwatched until such time as all employees are out and the cover has been replaced.

(b) While work is being performed in a manhole containing energized electric equipment, an employee with first aid and CPR training meeting WAC 296-45-125(1) shall be available on the surface in the immediate vicinity to render emergency assistance.

Note 1: An attendant may also be required under WAC 296-45-205(7). One person may serve to fulfill both requirements. However, attendants required under WAC 296-45-205(7) are not permitted to enter the manhole.

Note 2: Employees entering manholes containing unguarded, uninsulated energized lines or parts of electric equipment operating at 50 volts or more are required to be qualified under WAC 296-45-325(1) through (4).

(c) No work shall be permitted to be done in any manhole or subway on any energized wire, cable or appliance carrying more than 300 volts of electricity by less than two qualified persons who shall at all times, while performing such work, be in the same manhole or subway in which work is being done. This rule shall not apply to work on telephone, telegraph or signal wires or cables.

(d) For the purpose of inspection, housekeeping, taking readings, or similar work, an employee working alone may enter, for brief periods of time, a manhole where energized cables or equipment are in service, if the employer can demonstrate that the employee will be protected from all electrical hazards.

(e) Reliable communications, through two-way radios or other equivalent means, shall be maintained among all employees involved in the job.

(13) Cable in manholes or underground vaults shall be accessible to employees and a clear working space shall be maintained at all times; and/or approved protective guards, barriers, etc., when installed shall be considered as providing adequate working clearance for cables over 5 k.v. If a manhole and/or underground vault is determined to have an electrical or structural hazard, no work shall be done in the manhole and/or vault until the unsafe condition is corrected or de-energized.

(14) No work shall be performed on cables or equipment unless they have been properly identified by an approved method.

(15) Duct rods. If duct rods are used, they shall be installed in the direction presenting the least hazard to employees. An employee shall be stationed at the far end of the duct line being rodded to ensure that the required minimum approach distances are maintained.

(16) Multiple cables. When multiple cables are present in a work area, the cable to be worked shall be identified by electrical means, unless its identity is obvious by reason of distinctive appearance or location or by other readily apparent means of identification. Cables other than the one being worked shall be protected from damage.

(17) Before cutting into a high voltage cable or opening a high voltage splice, the cable shall be de-energized then clearance obtained, tested and then grounded in an approved manner. The cable to be worked on shall be identified by tags or equivalent means.

(18) Moving cables. Energized cables that are to be moved shall be inspected for defects.

(19) Insulated platforms or other protective devices shall be provided when work is to be done on energized wires or equipment in manholes.

(20) Furnaces shall always be placed in a secure, level position on the downhill side of the manhole to avoid spillage of hot metals or compounds into the manhole.

(21) Pulling underground cable. When pulling cable(s) all employees shall be made aware of the hazard of being caught in the sheaves, lashings or winch gears. All employees shall stand clear of the pulling line when the pull is begun or

when the line is under tension. This rule applies to all work performed by means of a winch.

(22) Fishing conduit or ducts. When fishing conduit or ducts, it shall first be determined that the fish tape or wires will not contact any energized line or equipment.

(23) WAC 296-45-65023 on clearances and WAC 296-45-65026 on grounding shall be complied with.

(24) Defective cables. Where a cable in a manhole has one or more abnormalities that could lead to or be an indication of an impending fault, the defective cable shall be de-energized before any employee may work in the manhole, except when service load conditions and a lack of feasible alternatives require that the cable remain energized. In that case, employees may enter the manhole provided they are protected from the possible effects of a failure by shields or other devices that are capable of containing the adverse effects of a fault in the joint.

Note: Abnormalities such as oil or compound leaking from cables or joints, broken cable sheaths or joint sleeves, hot localized surface temperatures of cables or joints, or joints that are swollen beyond normal tolerance are presumed to lead to or be an indication of an impending fault.

(25) Sheath continuity. When work is performed on buried cable or on cable in manholes, metallic sheath continuity shall be maintained by bonding across the opening (or by equivalent means), or the cable sheath shall be treated as energized.

NEW SECTION

WAC 296-45-225 Underground residential distribution (URD). (1) General.

(a) Each employee shall be knowledgeable of the equipment provided for their use and shall at all times use this equipment only for the purpose intended.

(b) U.R.D. cables which are properly insulated for the voltages to which they are energized shall be considered as an effective barrier to protect the employees and table one need not apply.

(i) Workers will take adequate precautions to avoid physical contact with energized U.R.D. cable by using approved procedures and/or protective devices.

(ii) When handling energized U.R.D. primary cables, the work shall be done with approved tools and/or procedures by two qualified employees. Switching is exempt from this rule.

(iii) When energized terminators or load-break elbows are handled by a hot stick, there shall be two qualified employees at the scene.

(c) When energized pad-mounted transformers or similar equipment are to be left unlocked and open, they shall be attended by a qualified employee.

(d) Approved tools and procedures shall be used to remove any debris, vines, weeds, etc., from an underground system.

(e) A primary and secondary system neutral on any energized circuit shall not be opened under any circumstances except for testing.

(f) Primary and secondary neutrals shall be firmly connected and grounded before the circuit or equipment is energized.

(g) Where different phases are in the same vault, enclosures, or parked in some manner that they could be looped, these phases shall be marked or identified.

(h) Bayonet fuses:

(i) Bayonet fuses shall not be closed into suspected faults or overloads.

(ii) Submersible U.G. transformer installations will require other methods of energizing or de-energizing and bayonet fuses shall not be used for this purpose.

(iii) Bayonet fuses shall only be operated after pad-mount transformers have been properly vented.

(iv) Bayonet fuses shall only be operated in accordance with manufacturing design and rating capabilities.

(2) Working on cables.

(a) Before any work is to be performed on underground cables and apparatus carrying high voltage, they shall be de-energized with the following exceptions:

(i) Replacing fuses, operating switches, closing or opening load-break elbows, when approved protective devices are used.

(ii) Work in the high-voltage compartment of pad-mounted transformers and similar equipment installed above ground, provided the work is done by approved methods.

(b) Only one energized conductor shall be worked on at any one time, and protective means shall be used to insulate or isolate it from all others.

(c) When work is to be performed in manholes containing any wires or appliances carrying electrical current, they shall be in a sanitary condition.

NEW SECTION

WAC 296-45-255 Protective equipment. (1) Rubber protective equipment shall be in accordance and tested as follows:

Item	Standard
Rubber Insulating Gloves	(ASTM) D 120-87
Rubber Matting for Use Around Electrical Apparatus	(ASTM) D 178-88
Rubber Insulating Blankets	(ASTM) D 1046-88a
Rubber Insulating Hoods	(ASTM) D 1049-88
Rubber Insulating Line Hose	(ASTM) D 1050-90
Rubber Insulating Sleeves	(ASTM) D 1051-87

(2) No protective equipment or material other than rubber shall be used: *Provided*, That such other nonconductive equipment may be used if it provides equal or better (dielectric) electrical and mechanical protection than rubber protective equipment: *Provided*, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(3) Protective equipment shall not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(4) No protective equipment shall be modified, altered, or used for purposes other than those for which it is designed

unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(5) Each rubber glove before it is used shall be inspected for defects and an approved air test performed. If, upon inspection, rubber gloves are either defective or appear to be defective, they shall not be used.

(6) Before being placed in service, all rubber protective equipment shall be numbered and records kept for test purposes and assignment.

(7) Rubber protective equipment shall not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the test or the expiration date.

(8) Protector gloves must be worn over insulating gloves.

Exception: Protector gloves need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually high finger dexterity.

Note: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

(9) Rubber gloves when not in use shall be carried in an approved bag provided and designed for that purpose. It shall be provided by the employer and made available to the employees.

(10) Approved rubber gloves and carrying bag shall be assigned to each employee who works with, or is exposed to energized parts.

(11) Rubber protective equipment shall not be vulcanized or patched.

(12) A compartment or box shall be provided on each electric line truck, which box or compartment shall be used for storing rubber protective equipment. No equipment shall be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment shall be provided for rubber blankets.

(13) Line hose shall not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

(14) Protective line equipment of material other than rubber shall be kept clean and visually inspected before each use.

(15) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment shall not be used for personal protection of employees as may be required in Table 1 of this chapter. Said protective line equipment shall be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

NEW SECTION

WAC 296-45-25505 Personal protective equipment.

(1) General. Personal protective equipment shall meet the requirements of chapter 296-24 WAC, Part A-2.

(2) All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(3) Wearing apparel. Goggles, hearing protection, respirators, rubber gloves, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

NEW SECTION

WAC 296-45-25510 Fall protection. (1) Personal fall arrest equipment shall meet the requirements of WAC 296-155-245.

(2) Body belts and safety straps for work positioning shall meet the requirements of WAC 296-155-245.

(3) Body belts, safety straps, lanyards, lifelines, and body harnesses shall be inspected before use each day to determine that the equipment is in safe working condition. Defective equipment may not be used.

(4) Employees shall not wear climbers while doing work where they are not required. Employees shall not continue to wear their climbers while working on the ground; except for momentary or short periods of time on the ground.

(5) Employees, when working from a hook ladder, must either belt themselves securely to the ladder, attach themselves to the structures by means of a safety line, or belt themselves to ladder safety equipment, which shall consist of a safety rope or belting threaded through the rungs or secured to the ladder at intervals of not more than three feet.

(6) Before an employee throws his/her weight on a belt, the employee shall determine that the snap or fasteners are properly engaged.

(7) Safety straps shall not be placed around poles above the cross-arm except where it is not possible for the strap to slide or be slipped over the top of the pole by inadvertence of the employee. Neither end of the strap shall be allowed to hang loose or dangle while the employee is ascending or descending poles or other structures.

(8) Body belts and safety straps shall not be stored with sharp-edged tools or near sharp objects. When a body belt, safety strap and climbers are kept in the same container, they shall be stored in such a manner as to avoid cutting or puncturing the material of the body belt or safety strap with the gaffs or climbers.

(9) Employees shall not attach metal hooks or other metal devices to body belts. Leather straps or rawhide thongs shall have hardwood or fibre crossbars. Leather straps and rawhide thongs shall not have metal or other conductive crossbars on them.

(10) Climbing gaffs shall be kept properly sharpened and shall be at least 1-1/8 inches in length.

(11) Lifelines shall be protected against being cut or abraded.

(12) Fall arrest equipment, work positioning equipment, or travel restricting equipment shall be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided. Fall protection equipment

is not required to be used by a qualified employee climbing or changing location on poles, towers, or similar structures, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing.

Note 1: This subsection applies to structures that support overhead electric power generation, transmission, and distribution lines and equipment. It does not apply to portions of buildings, such as loading docks, to electric equipment, such as transformers and capacitors, nor to aerial lifts. Requirements for fall protection associated with walking and working surfaces are contained in WAC 296-155-245; requirements for fall protection associated with aerial lifts are contained in chapter 296-155 WAC, Part J-1.

Note 2: Employees undergoing training are not considered "qualified employees" for the purposes of this provision. Unqualified employees (including trainees) are required to use fall protection any time they are more than 4 feet (1.2 m) above the ground.

(13) The following requirements apply to personal fall arrest systems:

(a) When stopping or arresting a fall, personal fall arrest systems shall limit the maximum arresting force on an employee to 1800 pounds (8 kN) if used with a body harness.

(b) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m) nor contact any lower level.

(14) If vertical lifelines or droplines are used, not more than one employee may be attached to any one lifeline.

(15) Snaphooks may not be connected to loops made in webbing-type lanyards.

(16) Snaphooks may not be connected to each other.

NEW SECTION

WAC 296-45-275 Ladders, platforms, and manhole steps. (1) General. Requirements for ladders contained in chapter 296-24 WAC, Part J-1, apply, except as specifically noted in subsection (2) of this section.

(2) Special ladders and platforms. Portable ladders and platforms used on structures or conductors in conjunction with overhead line work need not meet chapter 296-24 WAC, Part J-1 or chapter 296-155 WAC, Part J. However, these ladders and platforms shall meet the following requirements:

(a) Ladders and platforms shall be secured to prevent their becoming accidentally dislodged.

(b) Ladders and platforms may not be loaded in excess of the working loads for which they are designed.

(c) Ladders and platforms may be used only in applications for which they were designed.

(d) In the configurations in which they are used, ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load.

(e) All ladders shall be handled and stored in such a manner as to prevent damage to the ladder.

(f) When ascending or descending a ladder, the employee shall face the ladder and have free use of both hands.

(g) All defective ladders shall be taken out of service and labeled as defective.

(h) When a ladder is being used which is not fixed or otherwise secured, there shall be an attendant to hold the ladder and watch traffic when the work is being done on streets, alleys, sidewalks, or in industrial plants or other places where there exists the possibility of accidental contact with the ladder by third persons or vehicles.

(i) When working on the ladder, employees shall, where possible, tie the top of the ladder to a substantial object to prevent falling unless the ladder is equipped with approved hooks which may be used for the same purpose.

(j) Portable ladders shall not be moved with employees on the ladder.

(k) No employee shall ascend or descend a rolling ladder while it is moving.

(l) No employee shall stand on the top two steps of a step ladder.

(m) No employee shall use a step ladder as a straight ladder.

(n) Ladders shall always be placed on a secure footing with both legs resting firmly on the lower surface.

(o) Ladders made by fastening cleats or similar devices across a single rail shall not be used.

(3) Conductive ladders. Portable metal ladders and other portable conductive ladders may not be used near exposed energized lines or equipment. However, in specialized high-voltage work, conductive ladders shall be used where the employer can demonstrate that nonconductive ladders would present a greater hazard than conductive ladders.

Note: A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(4) All conductive or metal ladders shall be prominently marked and identified as being conductive and shall be grounded when used near energized lines or equipment.

Note: See chapter 296-24 WAC for additional ladder requirements.

NEW SECTION

WAC 296-45-285 Hand, and portable powered tools.

(1) General requirements.

(a) The employer shall assure that each hand and portable powered tool, including any tool provided by an employee, is maintained in serviceable condition.

(b) The employer shall assure that each tool, including any tool provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection shall include the following:

(i) Handles and guards, to assure that they are sound, tight-fitting, properly shaped, free of splinters and sharp edges, and in place;

(ii) Controls, to assure proper function;

(iii) Heads of shock, impact-driven and driving tools, to assure that there is no mushrooming;

(iv) Cutting edges, to assure that they are sharp and properly shaped; and

(v) All other safety devices, to assure that they are in place and function properly.

(c) The employer shall assure that each tool is used only for purposes for which it has been designed.

(d) When the head of any shock, impact-driven or driving tool begins to chip, it shall be repaired or removed from service.

(e) The cutting edge of each tool shall be sharpened in accordance with manufacturer's specifications whenever it becomes dull during the workshift.

(f) Each tool shall be stored in the provided location when not being used at a work site.

(g) Racks, boxes, holsters or other means shall be provided, arranged and used for the transportation of tools so that a hazard is not created for any vehicle operator or passenger.

(2) Electric equipment connected by cord and plug must meet the following requirements:

(a) Cord- and plug-connected equipment supplied by premises wiring is covered by chapter 296-24 WAC, Part L.

(b) Any cord- and plug-connected equipment supplied by other than premises wiring shall comply with one of the following instead of chapter 296-24 WAC, Part L:

(i) It shall be equipped with a cord containing an equipment grounding conductor connected to the tool frame and to a means for grounding the other end (however, this option may not be used where the introduction of the ground into the work environment increases the hazard to an employee); or

(ii) It shall be of the double-insulated type conforming to 296-24 WAC, Part L; or

(iii) It shall be connected to the power supply through an isolating transformer with an ungrounded secondary.

(3) Portable and vehicle-mounted generators. Portable and vehicle-mounted generators used to supply cord- and plug-connected equipment shall meet the following requirements:

(a) The generator may only supply equipment located on the generator or the vehicle and cord- and plug-connected equipment through receptacles mounted on the generator or the vehicle.

(b) The non-current-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles shall be bonded to the generator frame.

(c) In the case of vehicle-mounted generators, the frame of the generator shall be bonded to the vehicle frame.

(d) Any neutral conductor shall be bonded to the generator frame.

(4) Hydraulic and pneumatic tools must meet the following requirements:

(a) Safe operating pressures for hydraulic and pneumatic tools, hoses, valves, pipes, filters, and fittings may not be exceeded.

Note: If any hazardous defects are present, no operating pressure would be safe, and the hydraulic or pneumatic equipment involved may not be used. In the absence of defects, the maximum rated operating pressure is the maximum safe pressure.

(b) A hydraulic or pneumatic tool used where it may contact exposed live parts shall (use non-conductive hoses and) be designed and maintained for such use.

(c) The hydraulic system supplying a hydraulic tool used where it may contact exposed live parts shall provide protec-

tion against loss of insulating value for the voltage involved due to the formation of a partial vacuum in the hydraulic line.

Note: Hydraulic lines without check valves having a separation of more than 35 feet (10.7 m) between the oil reservoir and the upper end of the hydraulic system promote the formation of a partial vacuum.

(d) A pneumatic tool used on energized electric lines or equipment or used where it may contact exposed live parts shall provide protection against the accumulation of moisture in the air supply.

(e) Pressure shall be released before connections are broken, unless quick acting, self-closing connectors are used. Hoses may not be kinked.

(f) Employees may not use any part of their bodies to locate or attempt to stop a hydraulic leak.

NEW SECTION

WAC 296-45-295 Gasoline engine power chain saws.

(1) Each chain saw placed into initial service after February 9, 1995, shall be equipped with a chain brake and shall otherwise meet the requirements of the ANSI B175.1-1991 "Safety Requirements for Gasoline-Powered Chain Saws." Each chain saw placed into service before February 9, 1995, shall be equipped with a protective device that minimizes chain saw kickback, i.e., reduced kickback bar, chains, bar tip guard or chain brake. No chain-saw kickback device shall be removed or otherwise disabled.

(2) Gasoline-engine power saw operations shall meet the requirements of WAC 296-54-515(10).

(3) The chain saw shall be operated and adjusted in accordance with the manufacturer's instructions.

(4) The employer must ensure that each chain saw, including any chain saw provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection shall include the following:

(a) Chain-saw chains, to assure proper adjustment;

(b) Chain-saw mufflers, to assure that they are operational and in place;

(c) Chain brakes and nose shielding devices, to assure that they are in place and function properly;

(5) The chain saw shall be fueled at least 10 feet (3 m) from any open flame or other source of ignition.

(6) The chain saw shall be started at least 10 feet (3 m) from the fueling area.

(7) The chain saw shall be started on the ground or where otherwise firmly supported. Drop-starting a chain saw is prohibited.

(8) The chain saw shall be started with the chain brake engaged.

(9) The chain saw shall be held with the thumbs and fingers of both hands encircling the handles during operation unless the employer demonstrates that a greater hazard is posed by keeping both hands on the chain saw in that particular situation.

(10) The chain-saw operator shall be certain of footing before starting to cut. The chain saw shall not be used in a position or at a distance that could cause the operator to

become off-balance, to have insecure footing, or to relinquish a firm grip on the saw.

(11) Prior to felling any tree, the chain saw operator shall clear away brush or other potential obstacles which might interfere with cutting the tree or using the retreat path.

(12) The chain saw shall not be used to cut directly overhead.

(13) The chain saw shall be carried in a manner that will prevent operator contact with the cutting chain and muffler.

(14) The chain saw shall be shut off or at idle before the feller starts their retreat.

(15) The chain saw shall be shut down or the chain brake shall be engaged whenever a saw is carried further than 50 feet (15.2 m). The chain saw shall be shut down or the chain brake shall be engaged when a saw is carried less than 50 feet if conditions such as, but not limited to, the terrain, underbrush and slippery surfaces, may create a hazard for an employee.

(16) Each power saw weighing more than 15 pounds (6.8 kilograms, service weight) that is used in trees shall be supported by a separate line, except when work is performed from an aerial lift and except during topping or removing operations where no supporting limb will be available, and the following:

(a) Each power saw shall be equipped with a control that will return the saw to idling speed when released;

(b) Each power saw shall be equipped with a clutch and shall be so adjusted that the clutch will not engage the chain drive at idling speed;

(c) Drop starting of saws over 15 pounds (6.8 kg) is permitted outside of the bucket of an aerial lift only if the area below the lift is clear of personnel;

(d) A power saw engine may be started and operated only when all employees other than the operator are clear of the saw;

(e) A power saw may not be running when the saw is being carried up into a tree by an employee; and

(f) Power saw engines shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

NEW SECTION

WAC 296-45-305 Live-line tools. (1) Design of tools. Live-line tool rods, tubes, and poles shall be designed and constructed to withstand the following minimum tests:

(a) 100,000 volts per foot (3281 volts per centimeter) of length for 5 minutes if the tool is made of fiberglass-reinforced plastic (FRP); or

(b) 75,000 volts per foot (2461 volts per centimeter) of length for 3 minutes if the tool is made of wood; or

(c) Other tests that the employer can demonstrate are equivalent.

Note: Live-line tools using rod and tube that meet ASTM F711-89, Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live-Line Tools, conform to subsection (1)(a) of this section.

(2) Condition of tools.

(a) Each live-line tool shall be wiped clean and visually inspected for defects before use each day.

(b) If any defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is present after wiping, the tool shall be removed from service and examined and tested according to this section before being returned to service.

(c) Live-line tools used for primary employee protection shall be removed from service every two years and whenever required under this subsection for examination, cleaning, repair, and testing as follows:

(i) Each tool shall be thoroughly examined for defects.

(ii) If a defect or contamination that could adversely affect the insulating qualities or mechanical integrity of the live-line tool is found, the tool shall be repaired and refinished or shall be permanently removed from service. If no such defect or contamination is found, the tool shall be cleaned and waxed.

(iii) The tool shall be tested in accordance with this section under the following conditions:

(A) After the tool has been repaired or refinished; and

(B) After the examination if repair or refinishing is not performed, unless the tool is made of FRP rod or foam-filled FRP tube and the employer can demonstrate that the tool has no defects that could cause it to fail in use.

(iv) The test method used shall be designed to verify the tool's integrity along its entire working length and, if the tool is made of fiberglass-reinforced plastic, its integrity under wet conditions.

(v) The voltage applied during the tests shall be as follows:

(A) 75,000 volts per foot (2461 volts per centimeter) of length for one minute if the tool is made of fiberglass; or

(B) 50,000 volts per foot (1640 volts per centimeter) of length for one minute if the tool is made of wood; or

(C) Other tests that the employer can demonstrate are equivalent.

Note: Guidelines for the examination, cleaning, repairing, and in-service testing of live-line tools are contained in the Institute of Electrical and Electronics Engineers Guide for In-Service Maintenance and Electrical Testing of Live-Line Tools, IEEE Std. 978-1984.

(d) Live-line tools and rope shall be stored and maintained and used in such a manner as to prevent damage. Live-line tools and ropes shall not be used for purposes other than line work.

NEW SECTION

WAC 296-45-315 Materials handling and storage. (1) General. Material handling and storage shall conform to the requirements of chapter 296-24 WAC, Part D.

(2) Materials storage near energized lines or equipment. In areas not restricted to qualified persons only, materials or equipment may not be stored closer to energized lines or exposed energized parts of equipment than the following distances plus an amount providing for the maximum sag and side swing of all conductors and providing for the height and movement of material handling equipment:

(a) For lines and equipment energized at 50 kV or less, the distance is 10 feet (305 cm).

(b) For lines and equipment energized at more than 50 kV, the distance is 10 feet (305 cm) plus 4 inches (10 cm) for every 10 kV over 50 kV.

(c) In areas restricted to qualified employees, material may not be stored within the working space about energized lines or equipment.

Note: Requirements for the size of the working space are contained in WAC 296-45-475(1) and 296-45-48515.

(3) Prior to unloading steel, poles, crossarms and similar materials, the load shall be thoroughly examined to determine if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees. The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

(4) Pole handling.

(a) During pole hauling operations, all loads shall be secured to prevent displacement, and a red flag shall be displayed at the trailing end of the longest pole.

(b) While loading and unloading materials, roadways shall not be blocked unless approved traffic control is used.

(c) When hauling poles during darkness, illuminated warning devices shall be attached to the trailing end of the longest pole in accordance with the state of Washington motor vehicle code.

(5) Tag lines. When necessary to control loads, tag lines or other approved devices shall be used.

(6) Oil filled equipment. During construction or repair of oil filled equipment, the oil may be stored in temporary containers other than those required by WAC 296-155-270, such as pillow tanks.

(7) Storage of tools and materials. All tools and materials shall be stored in a safe and orderly manner in yards for equipment and other areas.

NEW SECTION

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of de-energized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (e) of this section.

Note 1:

One employee shall serve principally as a standby person who shall be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick. The stand-by shall be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs shall employees work simultaneously on energized wires or parts of different phases or polarity;

Note 2:

In cases of necessity the stand-by person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on single phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

(d) When installing or removing by hotstick simple load metering devices provided the connection does not interrupt or pick up load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (7) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

Note 1:

WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

Note 2:

When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

1:

They shall wear approved rubber gloves during the time they are working on such conductor, or

- 2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
- 3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4)(a) of this section), insulating sleeves shall also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting de-energized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the de-energized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as de-energized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: *Provided*, That

the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance

Voltage in kilovolts phase to phase*	Distance to employee	
	Phase to ground (m) not specified avoid contact	Phase to Phase (m) (ft-in) not specified avoid contact
0 to 0.050		
0.051 to 0.300		

PERMANENT

0.301 to 0.750	0.31	1-0	0.31	1-0
0.0751 to 15	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

*For single-phase systems, use the highest voltage available.

For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.

**The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

- Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.
- Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.
- Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

NEW SECTION

WAC 296-45-335 De-energizing lines and equipment for employee protection. (1) Application. This section applies to the de-energizing of transmission and distribution lines and equipment for the purpose of protecting employees. Control of hazardous energy sources used in the generation of electric energy is covered in WAC 296-45-175. Conductors and parts of electric equipment that have been de-energized under procedures other than those required by WAC 296-45-175 or 296-45-335, as applicable, shall be treated as energized.

(2) "General."

(a) If a system operator is in charge of the lines or equipment and their means of disconnection, all of the requirements of subsection (3) of this section shall be observed, in the order given.

(b) If no system operator is in charge of the lines or equipment and their means of disconnection, one employee in the crew shall be designated as being in charge of the clearance. All of the requirements of subsection (3) of this section apply, in the order given, except as provided in subsection (2)(c) of this section. The employee in charge of the clearance shall take the place of the system operator, as necessary.

(c) If only one crew will be working on the lines or equipment and if the means of disconnection is accessible and visible to and under the sole control of the employee in charge of the clearance, subsection (3)(a), (c), and (d) of this section do not apply. Additionally, tags required by the remaining provisions of subsection (3) of this section need not be used.

(d) Any disconnecting means that are accessible to persons outside the employer's control (for example, the general public) shall be rendered inoperable while they are open for the purpose of protecting employees.

(3) De-energizing lines and equipment.

(a) In all cases, switching orders must be given directly to the employees in charge of operating the switches by the

system operator who has jurisdiction and such communications must be repeated back word for word to the speaker. When requesting clearance on lines under the control of the system operator, a person requesting the clearance shall obtain the name of the system operator to whom the request was made and the system operator shall obtain the name of the person requesting the clearance; and assure that the person is qualified to receive such a clearance. A designated employee shall make a request of the system operator to have the particular section of line or equipment de-energized. The designated employee becomes the employee in charge (as this term is used in subsection (2)(b) of this section) and is responsible for the clearance. In giving a clearance, the system operator shall make certain that the person to whom the clearance is given is fully aware of the extent or the limits of the clearance.

(b) All switches, disconnectors, jumpers, taps, and other means through which known sources of electric energy may be supplied to the particular lines and equipment to be de-energized shall be opened. Such means shall be rendered inoperable, unless its design does not so permit, and tagged to indicate that employees are at work.

(c) Automatically and remotely controlled switches that could cause the opened disconnecting means to close shall also be tagged at the point of control. The automatic or remote control feature shall be rendered inoperable, unless its design does not so permit.

(d) Tags shall prohibit operation of the disconnecting means and shall indicate that employees are at work.

(e) After the applicable requirements in subsection (3)(a) through (d) of this section have been followed and the employee in charge of the work has been given a clearance by the system operator, the lines and equipment to be worked shall be tested to ensure that they are de-energized.

(4) The system operator shall order clearance tags printed on red cardboard, or equivalent, not less than 2-1/4 inches by 4-1/2 inches, attached to all switches opened or checked open to provide clearance on any line or equipment for employees to work thereon.

(5) Clearance tags attached to substation control devices and to line switches beyond the switchyard of any substation; indicating the limits of the clearance involved; shall state the designation of the switch opened or checked open and tagged; the name of the person to whom the clearance is to be issued; the date and time the switch was opened or checked open; the name of the dispatcher ordering the switching and

PERMANENT

tagging; and the name of the person doing the switching and tagging.

(6) Protective grounds shall be installed as required by WAC 296-45-345.

(7) After the applicable requirements of subsection (3)(a) through (d) of this section have been followed, the lines and equipment involved may be worked as de-energized.

(8) If two or more independent crews will be working on the same lines or equipment, each crew shall independently comply with the requirements in subsection (3) of this section.

(9) To transfer the clearance, the employee in charge (or, if the employee in charge is forced to leave the worksite due to illness or other emergency, the employee's supervisor) shall inform the system operator; employees in the crew shall be informed of the transfer; and the new employee in charge shall be responsible for the clearance.

(10) To release a clearance, the employee in charge shall:

(a) Notify employees under his or her direction that the clearance is to be released;

(b) Determine that all employees in the crew are clear of the lines and equipment;

(c) Determine that all protective grounds installed by the crew have been removed; and

(d) Report this information to the system operator and release the clearance.

(11) The person releasing a clearance shall be the same person that requested the clearance, unless responsibility has been transferred under subsection (9) of this section.

(12) Tags may not be removed unless the associated clearance has been released under subsection (10) of this section.

(13) Only after all protective grounds have been removed, after all crews working on the lines or equipment have released their clearances, after all employees are clear of the lines and equipment, and after all protective tags have been removed from a given point of disconnection, may action be initiated to reenergize the lines or equipment at that point of disconnection.

(14) To meet unforeseen conditions, it will be permissible to tag isolated switches for the system operator and issue clearances against this tag. In tagging out inter-utility tie lines, the open switches on the foreign end of the line shall be tagged for the foreign system operator requesting the outage who will issue clearances to individuals of the organization against this tag.

(15) Metal-clad, draw-out switchgear of over 600 volts in which the physical separation of the disconnecting parts is not visible may be used to clear a line or equipment, provided the switchgear is equipped with:

(a) A positive positioning means to insure that the disconnecting contacts are separated;

(b) An isolating shutter which moves into place between the separated contact for circuit isolation; and

(c) A mechanically-connected indicating means to show that the shutter is in place.

(16) In all other cases, only a visible break of all phases shall be regarded as clearing a line or equipment.

(17) No person shall make contact with a circuit or equipment that has not been taken out of service to be worked on until he/she has the circuit or equipment cleared and tagged for themselves or is working directly under the supervision of one who has the circuit or equipment cleared and tagged for themselves.

NEW SECTION

WAC 296-45-345 Grounding for the protection of employees. (1) Application. This section applies to the grounding of transmission and distribution lines and equipment for the purpose of protecting employees. Subsection (4) of this section also applies to the protective grounding of other equipment as required elsewhere in this section.

(2) General. For the employee to work lines or equipment as de-energized, the lines or equipment shall be de-energized under the provisions of WAC 296-45-335 and shall be grounded as specified in subsections (3) through (9) of this section. However, if the employer can demonstrate that installation of a ground is impracticable or that the conditions resulting from the installation of a ground would present greater hazards than working without grounds, the lines and equipment may be treated as de-energized provided all of the following conditions are met:

(a) The lines and equipment have been de-energized under the provisions of WAC 296-45-335.

(b) There is no possibility of contact with another energized source.

(c) The hazard of induced voltage is not present.

(3) Equipotential zone. Temporary protective grounds shall be placed at such locations and arranged in such a manner as to prevent each employee from being exposed to hazardous differences in electrical potential.

(4) Protective grounding equipment.

(a) Protective grounding equipment shall be capable of conducting the maximum fault current that could flow at the point of grounding for the time necessary to clear the fault. This equipment shall have an ampacity greater than or equal to that of No. 2 AWG copper.

(b) Grounding jumpers shall have approved ferrules and grounding clamps that provide mechanical support for jumper cables independent of the electrical connection.

Note: Guidelines for protective grounding equipment are contained in American Society for Testing and Materials Standard Specifications for Temporary Grounding Systems to be Used on De-Energized Electric Power Lines and Equipment, ASTM F855-1990.

(c) Protective grounds shall have an impedance low enough to cause immediate operation of protective devices in case of accidental energizing of the lines or equipment.

(5) Testing. Before any ground is installed, lines and equipment shall be tested and found absent of nominal voltage, unless a previously installed ground is present.

(a) Inspection before use: Grounding equipment shall be given a visual inspection and all mechanical connections shall be checked for tightness before each use.

(b) Ground surface cleaning: The surface to which the ground is to be attached shall be clean before the grounding

clamp is installed; otherwise, a self-cleaning clamp shall be used.

(6) Order of connection. When a ground is to be attached to a line or to equipment, the ground-end connection shall be attached first, and then the other end shall be attached by means of a live-line tool.

(7) "Order of removal." When a ground is to be removed, the grounding device shall be removed from the line or equipment using a live-line tool before the ground-end connection is removed.

(8) "Additional precautions." When work is performed on a cable at a location remote from the cable terminal, the cable may not be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

(9) Removal of grounds for test. Grounds may be removed temporarily during tests. During the test procedure, the employer shall ensure that each employee uses insulating equipment and is isolated from any hazards involved, and the employer shall institute any additional measures as may be necessary to protect each exposed employee in case the previously grounded lines and equipment become energized.

(10) Conductor separation: In cases where the conductor separation at any pole or structure is so great as to make it impractical to apply shorts on all conductors, and where only one conductor is to be worked on, only that conductor which is to be worked on needs to be grounded.

(11) Ground personnel: In cases where ground rods or pole grounds are utilized for personal protective grounding, personnel working on the ground should maintain sufficient distance from such equipment or utilize other approved procedures designed to prevent "touch-and step potential" hazards.

Note: See the Appendix for tables.

NEW SECTION

WAC 296-45-355 Underground grounding. (1) Grounding. A capacitance charge can remain in the high voltage cables after it has been disconnected from the circuit and a static-type arc can occur when grounds are applied to such cables.

(2) When work is to be done on cables or equipment of a high-voltage underground system, precautions to prevent back-feed shall be taken. This shall include either isolating or grounding of the secondary conductors.

(3) After grounding the cable, if the worker is to work on cable between terminations, he/she must first spike the cable or use other approved methods of testing. If the cable is to be cut, it shall be cut only with approved hot cutters.

(4) Additional precautions. When work is performed on a cable at a location remote from the cable terminal, the cable may not be grounded at the cable terminal if there is a possibility of hazardous transfer of potential should a fault occur.

NEW SECTION

WAC 296-45-365 Testing and test facilities. (1) Application. This section provides for safe work practices for

high-voltage and high-power testing performed in laboratories, shops, and substations, and in the field and on electric transmission and distribution lines and equipment. It applies only to testing involving interim measurements utilizing high voltage, high power, or combinations of both, and not to testing involving continuous measurements as in routine metering, relaying, and normal line work.

Note: Routine inspection and maintenance measurements made by qualified employees are considered to be routine line work and are not included in the scope of this section, as long as the hazards related to the use of intrinsic high-voltage or high-power sources require only the normal precautions associated with routine operation and maintenance work required in the other subsections of this section. Two typical examples of such excluded test work procedures are "phasing-out" testing and testing for a "no-voltage" condition.

(2) General requirements.

(a) The employer shall establish and enforce work practices for the protection of each worker from the hazards of high-voltage or high-power testing at all test areas, temporary and permanent. Such work practices shall include, as a minimum, test area guarding, grounding, and the safe use of measuring and control circuits. A means providing for periodic safety checks of field test areas shall also be included.

(b) Employees shall be trained in safe work practices upon their initial assignment to the test area, with periodic reviews and updates provided as required by subsections of this section.

(3) Guarding of test areas.

(a) Permanent test areas shall be guarded by walls, fences, or barriers designed to keep employees out of the test areas.

(b) In field testing, or at a temporary test site where permanent fences and gates are not provided, one of the following means shall be used to prevent unauthorized employees from entering:

(i) The test area shall be guarded by the use of distinctively colored safety tape that is supported approximately waist high and to which safety signs are attached;

(ii) The test area shall be guarded by a barrier or barricade that limits access to the test area to a degree equivalent, physically and visually, to the barricade specified in this section; or

(iii) The test area shall be guarded by one or more test observers stationed so that the entire area can be monitored.

(c) The barriers required by this section shall be removed when the protection they provide is no longer needed.

(d) Guarding shall be provided within test areas to control access to test equipment or to apparatus under test that may become energized as part of the testing by either direct or inductive coupling, in order to prevent accidental employee contact with energized parts.

(4) Grounding practices.

(a) The employer shall establish and implement safe grounding practices for the test facility.

(i) All conductive parts accessible to the test operator during the time the equipment is operating at high voltage shall be maintained at ground potential except for portions of the equipment that are isolated from the test operator by guarding.

(ii) Wherever ungrounded terminals of test equipment or apparatus under test may be present, they shall be treated as energized until determined by tests to be de-energized.

(b) Visible grounds shall be applied, either automatically or manually with properly insulated tools, to the high-voltage circuits after they are de-energized and before work is performed on the circuit or item or apparatus under test. Common ground connections shall be solidly connected to the test equipment and the apparatus under test.

(c) In high-power testing, an isolated ground-return conductor system shall be provided so that no intentional passage of current, with its attendant voltage rise, can occur in the ground grid or in the earth. However, an isolated ground-return conductor need not be provided if the employer can demonstrate that both the following conditions are met:

(i) An isolated ground-return conductor cannot be provided due to the distance of the test site from the electric energy source; and

(ii) Employees are protected from any hazardous step and touch potentials that may develop during the test.

Note: See Appendix B for information on measures that can be taken to protect employees from hazardous step and touch potentials.

(d) In tests in which grounding of test equipment by means of the equipment grounding conductor located in the equipment power cord cannot be used due to increased hazards to test personnel or the prevention of satisfactory measurements, a ground that the employer can demonstrate affords equivalent safety shall be provided, and the safety ground shall be clearly indicated in the test set up.

(e) When the test area is entered after equipment is de-energized, a ground shall be placed on the high-voltage terminal and any other exposed terminals.

(i) High capacitance equipment or apparatus shall be discharged through a resistor rated for the available energy.

(ii) A direct ground shall be applied to the exposed terminals when the stored energy drops to a level at which it is safe to do so.

(f) If a test trailer or test vehicle is used in field testing, its chassis shall be grounded. Protection against hazardous touch potentials with respect to the vehicle, instrument panels, and other conductive parts accessible to employees shall be provided by bonding, insulation, or isolation.

(5) Control and measuring circuits.

(a) Control wiring, meter connections, test leads and cables may not be run from a test area unless they are contained in a grounded metallic sheath and terminated in a grounded metallic enclosure or unless other precautions are taken that the employer can demonstrate as ensuring equivalent safety.

(b) Meters and other instruments with accessible terminals or parts shall be isolated from test personnel to protect against hazards arising from such terminals and parts becoming energized during testing. If this isolation is provided by locating test equipment in metal compartments with viewing windows, interlocks shall be provided to interrupt the power supply if the compartment cover is opened.

(c) The routing and connections of temporary wiring shall be made secure against damage, accidental interruptions

and other hazards. To the maximum extent possible, signal, control, ground, and power cables shall be kept separate.

(d) If employees will be present in the test area during testing, a test observer shall be present. The test observer shall be capable of implementing the immediate de-energizing of test circuits for safety purposes.

(6) Safety check.

(a) Safety practices governing employee work at temporary or field test areas shall provide for a routine check of such test areas for safety at the beginning of each series of tests.

(b) The test operator in charge shall conduct these routine safety checks before each series of tests and shall verify at least the following conditions:

(i) That barriers and guards are in workable condition and are properly placed to isolate hazardous areas;

(ii) That system test status signals, if used, are in operable condition;

(iii) That test power disconnects are clearly marked and readily available in an emergency;

(iv) That ground connections are clearly identifiable;

(v) That personal protective equipment is provided and used;

(vi) That signal, ground, and power cables are properly separated.

NEW SECTION

WAC 296-45-375 Mechanical equipment, including aerial manlift equipment. (1) General requirements.

(a) The critical safety components of mechanical elevating and rotating equipment shall receive a thorough visual inspection and operational test before use on each shift.

Note: Critical safety components of mechanical elevating and rotating equipment are components whose failure would result in a free fall or free rotation of the boom.

(b) No vehicular equipment having an obstructed view to the rear may be operated on off-highway jobsites where any employee is exposed to the hazards created by the moving vehicle, unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level; or

(ii) The vehicle is backed up only when a designated employee signals that it is safe to do so.

(c) The operator of an electric line truck may not leave his or her position at the controls while a load is suspended, unless the employer can demonstrate that no employee (including the operator) might be endangered.

(d) Rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler-type tractors, crawler-type loaders, and motor graders, with or without attachments, shall have rollover protective structures that meet the requirements of chapter 296-155 WAC, Part V.

(2) Outriggers.

(a) Vehicular equipment, if provided with outriggers, shall be operated with the outriggers extended and firmly set as necessary for the stability of the specific configuration of the equipment. Outriggers may not be extended or retracted

outside of clear view of the operator unless all employees are outside the range of possible equipment motion.

(b) If the work area or the terrain precludes the use of outriggers, the equipment may be operated only within its maximum load ratings for the particular configuration of the equipment without outriggers.

(3) Applied loads. Mechanical equipment used to lift or move lines or other material shall be used within its maximum load rating and other design limitations for the conditions under which the work is being performed.

(4) Hydraulic fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline.

(8) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(9) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(10) Operations near energized lines or equipment.

(a) Mechanical equipment shall be operated so that the minimum approach distances of Table 1 through Table 4 are maintained from exposed energized lines and equipment. However, the insulated upper portion excluding the basket/bucket of an aerial lift operated by a qualified employee in the lift is exempt from this requirement.

(b) A designated employee other than the equipment operator shall observe the approach distance to exposed lines and equipment and give timely warnings before the minimum approach distance required by subsection (10)(a) of this section is reached, unless the employer can demonstrate that the operator can accurately determine that the minimum approach distance is being maintained.

(c) If, during operation of the mechanical equipment, the equipment could become energized, the operation shall also comply with at least one of the following:

(i) The energized lines exposed to contact shall be covered with insulating protective material that will withstand the type of contact that might be made during the operation.

(ii) The equipment shall be insulated for the voltage involved. The equipment shall be positioned so that its uninsulated portions cannot approach the lines or equipment any closer than the minimum approach distances specified in Table 1 through 4.

(iii) Each employee shall be protected from hazards that might arise from equipment contact with the energized lines.

The measures used shall ensure that employees will not be exposed to hazardous differences in potential. Unless the employer can demonstrate that the methods in use protect each employee from the hazards that might arise if the equipment contacts the energized line, the measures used shall include all of the following techniques:

(A) Using the best available ground to minimize the time the lines remain energized;

(B) Bonding equipment together to minimize potential differences;

(C) Providing ground mats to extend areas of equipotential; and

(D) Employing insulating protective equipment or barricades to guard against any remaining hazardous potential differences.

Note: Appendix B contains information on hazardous step and touch potentials and on methods of protecting employees from hazards resulting from such potentials.

(11) While working in aerial equipment, employees shall wear a full body harness and a lanyard attached to the boom or basket, in a secure manner.

(12) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(13) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(14) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(15) Existing safety rules governing the use of hot line tools, rubber and other protective equipment and safe work practices while performing work from poles or structures shall also apply to work done from aerial manlift equipment.

(16) The basket shall be kept clean and all tools not in use shall be secured or removed.

(17) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(18) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure. If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure: *Provided*, That no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure; or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

Note: This section shall not be interpreted as an exception to any other rule in this chapter.

(19) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(20) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(21) The manufacturer's operator's instructional manual shall be kept on the vehicle.

(22) Operating instructions, proper sequence and maintenance procedures prescribed by the manufacturer for operation of the equipment shall be followed.

NEW SECTION

WAC 296-45-385 Overhead lines. This section provides additional requirements for work performed on or near overhead lines and equipment.

(1) General.

(a) Before elevated structures and adjacent structures, such as poles or towers of the adjacent supporting poles, structures, and conductor supporting hardware, are subjected to such stresses as climbing or the installation or removal of equipment may impose, the employer shall ascertain that the structures are capable of sustaining the additional or unbalanced stresses. If the pole or other structure cannot withstand the loads which will be imposed, it shall be braced or otherwise supported so as to prevent failure.

Note: Appendix C contains test methods that can be used in ascertaining whether a wood pole is capable of sustaining the forces that would be imposed by an employee climbing the pole. This paragraph also requires the employer to ascertain that the pole can sustain all other forces that will be imposed by the work to be performed.

(b) When poles are set, moved, or removed near exposed energized overhead conductors, the pole may not contact the conductors.

(c) When a pole is set, moved, or removed near an exposed energized overhead conductor, the employer shall ensure that each employee wears electrical protective equipment or uses insulated devices when handling the pole and that no employee contacts the pole with uninsulated parts of his or her body.

(d) To protect employees from falling into holes into which poles are to be placed, the holes shall be attended by employees or physically guarded whenever anyone is working nearby.

(2) Installing and removing overhead lines. The following provisions apply to the installation and removal of overhead conductors or cable.

(a) The employer shall use the tension stringing method, barriers, or other equivalent measures to minimize the possibility that conductors and cables being installed or removed will contact energized power lines or equipment.

(b) When conductors are being strung in or removed, they shall be kept under positive control to prevent accidental contact with energized circuit.

(c) The protective measures required by WAC 296-45-375(10)(c) for mechanical equipment shall also be provided for conductors, cables, and pulling and tensioning equipment when the conductor or cable is being installed or removed close enough to energized conductors that any of the following failures could energize the pulling or tensioning equipment or the wire or cable being installed or removed:

- (i) Failure of the pulling or tensioning equipment;
- (ii) Failure of the wire or cable being pulled; or
- (iii) Failure of the previously installed lines or equipment.

(d) If the conductors being installed or removed cross over energized conductors in excess of 600 volts and if the design of the circuit-interrupting devices protecting the lines so permits, the automatic-reclosing feature of these devices shall be made inoperative.

(e) Before lines are installed parallel to existing energized lines, the employer shall make a determination of the approximate voltage to be induced in the new lines, or work shall proceed on the assumption that the induced voltage is hazardous. Unless the employer can demonstrate that the lines being installed are not subject to the induction of a hazardous voltage or unless the lines are treated as energized, the following requirements also apply:

(i) Each bare conductor shall be grounded in increments so that no point along the conductor is more than 2 miles (3.22 km) from a ground.

(ii) The grounds required in subsection (2)(e)(i) of this section shall be left in place until the conductor installation is completed between dead ends.

(iii) The grounds required in subsection (2)(e)(i) of this section shall be removed as the last phase of aerial cleanup.

(iv) If employees are working on bare conductors, grounds shall also be installed at each location where these employees are working, and grounds shall be installed at all open dead-end or catch-off points or the next adjacent structure.

(v) If two bare conductors are to be spliced, the conductors shall be bonded and grounded before being spliced.

(f) Reel handling equipment, including pulling and tensioning devices, shall be in safe operating condition and shall be leveled and aligned.

(g) Load ratings of stringing lines, pulling lines, conductor grips, load-bearing hardware and accessories, rigging, and hoists may not be exceeded.

(3) Pulling lines and accessories shall be inspected prior to each use and replaced or repaired when damaged or when there is a reasonable basis to doubt the dependability of such lines or accessories.

(4) Conductor grips may not be used on wire rope, unless the grip is specifically designed for this application.

(5) Reliable communications, through two-way radios or other equivalent means, shall be maintained between the reel tender and the pulling rig operator.

(6) The pulling rig may only be operated when it is safe to do so.

Note: Examples of unsafe conditions include employees in locations prohibited by subsection (7) of this section, conductor and pulling line hang-ups, and slipping of the conductor grip.

(7) While the conductor or pulling line is being pulled (in motion) with a power-driven device, employees are not permitted directly under overhead operations or on the cross arm, except as necessary to guide the stringing sock or board over or through the stringing sheave.

(8) Live-line bare-hand work is prohibited.

(9) When winches, trucks, or tractors are being used to raise poles, materials, to pull in wires, to pull slack or in any other operation, there shall be an operator at the controls unless the machinery or process is stopped.

(10) Leadworkers shall designate an employee to give signals when required.

(11) Raising poles, towers or fixtures in the close proximity of high voltage conductors shall be done under the supervision of a qualified employee.

(12) Employees shall not crawl over insulator strings but shall use a platform or other approved device to work from when making dead ends or doing other work beyond strings of insulators, at such distance that they cannot reach the work from the pole or fixture. While working on the platform or other device, they shall be secured with safety straps or a rope to prevent falling. The provision of this subsection does not apply to extra high voltage bundle conductors when the use of such equipment may produce additional hazard. Climbing over dead end assemblies is permissible only after they have been completed and pinned in the final position.

(13) Towers and structures. The following requirements apply to work performed on towers or other structures which support overhead lines.

(a) The employer shall ensure that no employee is under a tower or structure while work is in progress, except where the employer can demonstrate that such a working position is necessary to assist employees working above.

(b) Tag lines or other similar devices shall be used to maintain control of tower sections being raised or positioned, unless the employer can demonstrate that the use of such devices would create a greater hazard.

(c) The loadline may not be detached from a member or section until the load is safely secured.

(14) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged.

(15) While on patrol at night and operating a motor vehicle on public highways, there shall be two employees, at least one of whom shall be a journey level lineworker or otherwise qualified employee. If repair to line or equipment is found to be of such nature as to require two lineworkers, work shall not proceed until additional help has been obtained provided that in cases of emergency where delay would increase the danger to life, limb, or substantial property, one employee may clear the hazard without assistance.

(16) Except during emergency restoration procedures, work shall be discontinued when adverse weather conditions would make the work hazardous in spite of the work practices required by this section.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make this work too hazardous to perform, except under emergency conditions.

NEW SECTION

WAC 296-45-455 Line-clearance tree-trimming operations. This section provides additional requirements for line-clearance tree-trimming operations and for equipment used in these operations.

This section does not apply to qualified employees.

(1) Before an employee climbs, enters, or works around any tree, a determination shall be made of the nominal voltage of electric power lines posing a hazard to employees. However, a determination of the maximum nominal voltage to which an employee will be exposed may be made instead, if all lines are considered as energized at this maximum voltage.

(2) There shall be a second line-clearance tree trimmer within normal (that is, unassisted) voice communication under any of the following conditions:

(a) If a line-clearance tree trimmer is to approach more closely than 10 feet (305 cm) any conductor or electrical apparatus energized at more than 600 volts; or

(b) If branches or limbs being removed are closer to lines energized at more than 600 volts than the distances listed in Table 1, Table 4, and Table 5; or

(c) If roping is necessary to remove branches or limbs from such conductors or apparatus.

(3) Line-clearance tree trimmers shall maintain the minimum approach distances from energized conductors given in Table 1, Table 4, and Table 5.

(4) Branches that are contacting exposed energized conductors or equipment or that are within the distances specified in Table 1, Table 4, and Table 5 may be removed only through the use of insulating equipment.

Note: A tool constructed of a material that the employer can demonstrate has insulating qualities meeting WAC 296-45-305(1) are considered as insulated under this section if the tool is clean and dry.

(5) Ladders, platforms, and aerial devices may not be brought closer to an energized part than the distances listed in Table 1, Table 4, and Table 5.

(6) Line-clearance tree-trimming work may not be performed when adverse weather conditions make the work hazardous in spite of the work practices required by this section. Each employee performing line-clearance tree-trimming work in the aftermath of a storm or under similar emergency conditions shall be trained in the special hazards related to this type of work.

Note: Thunderstorms in the immediate vicinity, high winds, snow storms, and ice storms are examples of adverse weather conditions that are presumed to make line-clearance tree-trimming work too hazardous to perform safely.

(7) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

NEW SECTION

WAC 296-45-45505 Brush chippers. (1) Brush chippers shall be equipped with a locking device in the ignition system.

(2) Access panels for maintenance and adjustment of the chipper blades and associated drive train shall be in place and secure during operation of the equipment.

(3) Brush chippers not equipped with a mechanical infeed system shall be equipped with an infeed hopper of length sufficient to prevent employees from contacting the blades or knives of the machine during operation.

(4) Trailer chippers detached from trucks shall be chocked or otherwise secured.

(5) Each employee in the immediate area of an operating chipper feed table shall wear personal protective equipment as required by Subpart I of this Part.

NEW SECTION

WAC 296-45-45510 Sprayers and related equipment. (1) Walking and working surfaces of sprayers and related equipment shall be covered with slip-resistant material. If slipping hazards cannot be eliminated, slip-resistant footwear or handrails and stair rails meeting the requirements of chapter 296-24 WAC, Part J-1, may be used instead of slip-resistant material.

(2) Equipment on which employees stand to spray while the vehicle is in motion shall be equipped with guardrails around the working area. The guardrail shall be constructed in accordance with chapter 296-24 WAC, Part J-1.

NEW SECTION

WAC 296-45-45515 Stump cutters. (1) Stump cutters shall be equipped with enclosures or guards to protect employees.

(2) Each employee in the immediate area of stump grinding operations (including the stump cutter operator) shall wear personal protective equipment as required by WAC 296-45-25505.

NEW SECTION

WAC 296-45-45520 Backpack power units for use in pruning and clearing. (1) While a backpack power unit is running, no one other than the operator may be within 10 feet (305 cm) of the cutting head of a brush saw.

(2) A backpack power unit shall be equipped with a quick shutoff switch readily accessible to the operator.

(3) Backpack power unit engines shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor, except as the manufacturer's servicing procedures require otherwise.

NEW SECTION

WAC 296-45-45525 Rope. (1) Climbing ropes shall be used by employees working aloft in trees. These ropes shall have a minimum diameter of 0.5 inch (1.2 cm) with a mini-

mum breaking strength of 2300 pounds (10.2 kN). Synthetic rope shall have elasticity of not more than 7 percent.

(2) Rope shall be inspected before each use and, if unsafe (for example, because of damage or defect), may not be used.

(3) Rope shall be stored away from cutting edges and sharp tools. Rope contact with corrosive chemicals, gas, and oil shall be avoided.

(4) When stored, rope shall be coiled and piled, or shall be suspended, so that air can circulate through the coils.

(5) Rope ends shall be secured to prevent their unraveling.

(6) Climbing rope may not be spliced to effect repair.

(7) A rope that is wet, that is contaminated to the extent that its insulating capacity is impaired, or that is otherwise not considered to be insulated for the voltage involved may not be used near exposed energized lines.

NEW SECTION

WAC 296-45-45530 Fall protection. Each employee shall be tied in with a climbing rope and safety saddle when the employee is working above the ground in a tree, unless he or she is ascending into the tree.

NEW SECTION

WAC 296-45-465 Communication facilities. (1) Microwave transmission. The employer shall ensure that no employee looks into an open waveguide or antenna that is connected to an energized microwave source.

(2) If the electromagnetic radiation level within an accessible area associated with microwave communications systems exceeds the radiation protection guide given in chapter 296-62 WAC, Part J-1. The area shall be posted with the warning symbol described in chapter 296-62 WAC, Part J-1. The lower half of the warning symbol shall include the following statements or ones that the employer can demonstrate are equivalent:

Radiation in this area may exceed hazard limitations and special precautions are required. Obtain specific instruction before entering.

(3) When an employee works in an area where the electromagnetic radiation could exceed the radiation protection guide, the employer shall institute measures that ensure that the employee's exposure is not greater than that permitted by that guide. Such measures may include administrative and engineering controls and personal protective equipment.

(4) Power line carrier. Power line carrier work, including work on equipment used for coupling carrier current to power line conductors, shall be performed in accordance with the requirements of this section pertaining to work on energized lines.

NEW SECTION

WAC 296-45-475 Substations. This section provides additional requirements for substations and for work performed in them.

(1) Access and working space. Sufficient access and working space shall be provided and maintained about elec-

tric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and working space about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with WAC 296-45-475(1). An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with WAC 296-45-475(1) if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

(a) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(b) That the configuration of the installation enables employees to maintain the minimum approach distances required by WAC 296-45-325(5) while they are working on exposed, energized parts; and

(c) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1997.

(2) Draw-out-type circuit breakers. When draw-out-type circuit breakers are removed or inserted, the breaker shall be in the open position. The control circuit shall also be rendered inoperative, if the design of the equipment permits.

(3) Substation fences. Conductive fences around substations shall be grounded. When a substation fence is expanded or a section is removed, fence grounding continuity shall be maintained, and bonding shall be used to prevent electrical discontinuity.

(4) Guarding of rooms containing electric supply equipment.

(a) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of subsection (4)(b) through (e) of this section under the following conditions:

(i) If exposed live parts operating at 50 to 150 volts to ground are located within 8 feet of the ground or other working surface inside the room or space;

(ii) If live parts operating at 151 to 600 volts and located within 8 feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under subsection (5)(a) of this section; or

(iii) If live parts operating at more than 600 volts are located within the room or space, unless:

(A) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

(B) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an 8-foot height at 50 volts.

(b) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(c) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(d) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(e) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

(5) Guarding of energized parts.

(a) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in substations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with subsection (5)(a) of this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with subsection (5)(a) of this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

(i) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(ii) That each employee is isolated from energized parts at the point of closest approach; and

(iii) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1997.

(b) Except for fuse replacement and other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(c) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

(6) Substation entry.

(a) Upon entering an attended substation, each employee other than those regularly working in the station shall report his or her presence to the employee in charge in order to receive information on special system conditions affecting employee safety.

(b) The job briefing required by WAC 296-45-135 shall cover such additional subjects as the location of energized equipment in or adjacent to the work area and the limits of any de-energized work area.

NEW SECTION

WAC 296-45-485 Power generation. This section provides additional requirements and related work practices for power generating plants.

NEW SECTION

WAC 296-45-48505 Interlocks and other safety devices. (1) Interlocks and other safety devices shall be maintained in a safe, operable condition.

(2) No interlock or other safety device may be modified to defeat its function, except for test, repair, or adjustment of the device.

NEW SECTION

WAC 296-45-48510 Changing brushes. Before exciter or generator brushes are changed while the generator is in service, the exciter or generator field shall be checked to determine whether a ground condition exists. The brushes may not be changed while the generator is energized if a ground condition exists.

NEW SECTION

WAC 296-45-48515 Access and working space. Sufficient access and working space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment.

Note: Guidelines for the dimensions of access and workspace about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides ready and safe access based on the following evidence:

(1) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(2) That the configuration of the installation enables employees to maintain the minimum approach distances required by this section while they work on exposed, energized parts; and

(3) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by access and working space meeting ANSI C2-1997.

NEW SECTION

WAC 296-45-48520 Guarding of rooms containing electric supply equipment. (1) Rooms and spaces in which electric supply lines or equipment are installed shall meet the requirements of this section under the following conditions:

(a) If exposed live parts operating at 50 to 150 volts to ground are located within eight feet of the ground or other working surface inside the room or space;

(b) If live parts operating at 151 to 600 volts and located within eight feet of the ground or other working surface inside the room or space are guarded only by location, as permitted under this section; or

(c) If live parts operating at more than 600 volts are located within the room or space; unless:

(i) The live parts are enclosed within grounded, metal-enclosed equipment whose only openings are designed so that foreign objects inserted in these openings will be deflected from energized parts; or

(ii) The live parts are installed at a height above ground and any other working surface that provides protection at the voltage to which they are energized corresponding to the protection provided by an eight-foot height at 50 volts.

(2) The rooms and spaces shall be so enclosed within fences, screens, partitions, or walls as to minimize the possibility that unqualified persons will enter.

(3) Signs warning unqualified persons to keep out shall be displayed at entrances to the rooms and spaces.

(4) Entrances to rooms and spaces that are not under the observation of an attendant shall be kept locked.

(5) Unqualified persons may not enter the rooms or spaces while the electric supply lines or equipment are energized.

NEW SECTION

WAC 296-45-48525 Guarding of energized parts. (1) Guards shall be provided around all live parts operating at more than 150 volts to ground without an insulating covering, unless the location of the live parts gives sufficient horizontal or vertical or a combination of these clearances to minimize the possibility of accidental employee contact.

Note: Guidelines for the dimensions of clearance distances about electric equipment in generating stations are contained in American National Standard-National Electrical Safety Code, ANSI C2-1997. Installations meeting the ANSI provisions comply with this section. An installation that does not conform to this ANSI standard will, nonetheless, be considered as complying with this section if the employer can demonstrate that the installation provides sufficient clearance based on the following evidence:

(a) That the installation conforms to the edition of ANSI C2 that was in effect at the time the installation was made;

(b) That each employee is isolated from energized parts at the point of closest approach; and

(c) That the precautions taken when work is performed on the installation provide protection equivalent to the protection that would be provided by horizontal and vertical clearances meeting ANSI C2-1997.

(2) Except for fuse replacement or other necessary access by qualified persons, the guarding of energized parts within a compartment shall be maintained during operation and maintenance functions to prevent accidental contact with energized parts and to prevent tools or other equipment from being dropped on energized parts.

(3) When guards are removed from energized equipment, barriers shall be installed around the work area to prevent employees who are not working on the equipment, but who are in the area, from contacting the exposed live parts.

NEW SECTION

WAC 296-45-48530 Water or steam spaces. The following requirements apply to work in water and steam spaces associated with boilers:

(1) A designated employee shall inspect conditions before work is permitted and after its completion. Eye protection, or full face protection if necessary, shall be worn at all times when condenser, heater, or boiler tubes are being cleaned.

(2) Where it is necessary for employees to work near tube ends during cleaning, shielding shall be installed at the tube ends.

NEW SECTION

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

(a) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(3) There shall be ready access to water or showers for emergency use.

Note: See chapter 296-24 WAC, Part B for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

NEW SECTION

WAC 296-45-48540 Chlorine systems. (1) Chlorine system enclosures shall be posted with signs restricting entry and warning of the hazard to health and the hazards of fire and explosion.

Note: See chapter 296-62 WAC for requirements necessary to protect the health of employees from the effects of chlorine.

(2) Only designated employees may enter the restricted area. Additionally, the number of personnel shall be limited to those necessary to accomplish the task safely.

(3) Emergency repair kits shall be available near the shelter or enclosure to allow for the prompt repair of leaks in chlorine lines, equipment, or containers.

(4) Before repair procedures are started, chlorine tanks, pipes, and equipment shall be purged with dry air and isolated from other sources of chlorine.

(5) The employer shall ensure that chlorine is not mixed with materials that would react with the chlorine in a dangerously exothermic or other hazardous manner.

NEW SECTION

WAC 296-45-48545 Boilers. (1) Before internal furnace or ash hopper repair work is started, overhead areas shall be inspected for possible falling objects. If the hazard of falling objects exists, overhead protection such as planking or nets shall be provided.

(2) When opening an operating boiler door, employees shall stand clear of the opening of the door to avoid the heat blast and gases which may escape from the boiler.

NEW SECTION

WAC 296-45-48550 Turbine generators. (1) Smoking and other ignition sources are prohibited near hydrogen or hydrogen sealing systems, and signs warning of the danger of explosion and fire shall be posted.

(2) Excessive hydrogen makeup or abnormal loss of pressure shall be considered as an emergency and shall be corrected immediately.

(3) A sufficient quantity of inert gas shall be available to purge the hydrogen from the largest generator.

NEW SECTION

WAC 296-45-48555 Coal and ash handling. (1) Only designated persons may operate railroad equipment.

(2) Before a locomotive or locomotive crane is moved, a warning shall be given to employees in the area.

(3) Employees engaged in switching or dumping cars may not use their feet to line up drawheads.

(4) Drawheads and knuckles may not be shifted while locomotives or cars are in motion.

(5) When a railroad car is stopped for unloading, the car shall be secured from displacement that could endanger employees.

(6) An emergency means of stopping dump operations shall be provided at railcar dumps.

(7) The employer shall ensure that employees who work in coal- or ash-handling conveyor areas are trained and knowledgeable in conveyor operation and in the requirements of this section.

(8) Employees may not ride a coal- or ash-handling conveyor belt at any time. Employees may not cross over the conveyor belt, except at walkways, unless the conveyor's energy source has been de-energized and has been locked out or tagged in accordance with WAC 296-45-175.

(9) A conveyor that could cause injury when started may not be started until personnel in the area are alerted by a signal or by a designated person that the conveyor is about to start.

(10) If a conveyor that could cause injury when started is automatically controlled or is controlled from a remote location, an audible device shall be provided that sounds an alarm that will be recognized by each employee as a warning that the conveyor will start and that can be clearly heard at all points along the conveyor where personnel may be present. The warning device shall be actuated by the device starting the conveyor and shall continue for a period of time before the conveyor starts that is long enough to allow employees to

move clear of the conveyor system. A visual warning may be used in place of the audible device if the employer can demonstrate that it will provide an equally effective warning in the particular circumstances involved.

Exception: If the employer can demonstrate that the system's function would be seriously hindered by the required time delay, warning signs may be provided in place of the audible warning device. If the system was installed before November 20, 1995, warning signs may be provided in place of the audible warning device until such time as the conveyor or its control system is rebuilt or rewired. These warning signs shall be clear, concise, and legible and shall indicate that conveyors and allied equipment may be started at any time, that danger exists, and that personnel must keep clear. These warning signs shall be provided along the conveyor at areas not guarded by position or location.

(11) Remotely and automatically controlled conveyors, and conveyors that have operating stations which are not manned or which are beyond voice and visual contact from drive areas, loading areas, transfer points, and other locations on the conveyor path not guarded by location, position, or guards shall be furnished with emergency stop buttons, pull cords, limit switches, or similar emergency stop devices. However, if the employer can demonstrate that the design, function, and operation of the conveyor do not expose an employee to hazards, an emergency stop device is not required.

(a) Emergency stop devices shall be easily identifiable in the immediate vicinity of such locations.

(b) An emergency stop device shall act directly on the control of the conveyor involved and may not depend on the stopping of any other equipment.

(c) Emergency stop devices shall be installed so that they cannot be overridden from other locations.

(12) Where coal-handling operations may produce a combustible atmosphere from fuel sources or from flammable gases or dust, sources of ignition shall be eliminated or safely controlled to prevent ignition of the combustible atmosphere.

Note: Locations that are hazardous because of the presence of combustible dust are classified as Class II hazardous locations. See chapter 296-24 WAC, Part L.

(13) An employee may not work on or beneath overhanging coal in coal bunkers, coal silos, or coal storage areas, unless the employee is protected from all hazards posed by shifting coal.

(14) An employee entering a bunker or silo to dislodge the contents shall wear a body harness with lifeline attached. The lifeline shall be secured to a fixed support outside the bunker and shall be attended at all times by an employee located outside the bunker or facility.

NEW SECTION

WAC 296-45-48560 Hydroplants and equipment.

Employees working on or close to water gates, valves, intakes, forebays, flumes, or other locations where increased or decreased water flow or levels may pose a significant hazard shall be warned and shall vacate such dangerous areas before water flow changes are made.

NEW SECTION

WAC 296-45-525 Special conditions.

NEW SECTION

WAC 296-45-52505 Capacitors. The following additional requirements apply to work on capacitors and on lines connected to capacitors.

Note: See WAC 296-45-335 through 296-45-345 for requirements pertaining to the de-energizing and grounding of capacitor installations.

(1) Before employees work on capacitors, the capacitors shall be disconnected from energized sources and, after a wait of at least 5 minutes from the time of disconnection, short-circuited.

(2) Before the units are handled, each unit in series-parallel capacitor banks shall be short-circuited between all terminals and the capacitor case or its rack. If the cases of capacitors are on ungrounded substation racks, the racks shall be bonded to ground.

(3) Any line to which capacitors are connected shall be short-circuited before it is considered de-energized.

(4) After removal from service, short circuits shall remain on capacitors in storage until returned to service.

NEW SECTION

WAC 296-45-52510 Current transformer secondaries. The secondary of a current transformer may not be opened while the transformer is energized. If the primary of the current transformer cannot be de-energized before work is performed on an instrument, a relay, or other section of a current transformer secondary circuit, the circuit shall be bridged so that the current transformer secondary will not be opened.

NEW SECTION

WAC 296-45-52515 Series streetlighting. (1) If the open-circuit voltage exceeds 600 volts, the series streetlighting circuit shall be worked in accordance with WAC 296-45-215 or 296-45-385, as appropriate.

(2) A series loop may only be opened after the streetlighting transformer has been de-energized and isolated from the source of supply or after the loop is bridged to avoid an open-circuit condition.

NEW SECTION

WAC 296-45-52520 Illumination. Sufficient illumination shall be provided to enable the employee to perform the work safely.

NEW SECTION

WAC 296-45-52525 Protection against drowning. (1) Whenever an employee may be pulled or pushed or may fall into water where the danger of drowning exists, the employee

shall be provided with and shall use U.S. Coast Guard approved personal flotation devices.

(2) Each personal flotation device shall be maintained in safe condition and shall be inspected frequently enough to ensure that it does not have rot, mildew, water saturation, or any other condition that could render the device unsuitable for use.

(3) An employee may cross streams or other bodies of water only if a safe means of passage, such as a bridge, is provided.

NEW SECTION

WAC 296-45-52530 Employee protection in public work areas. (1) Traffic control signs and traffic control devices used for the protection of employees shall meet the requirements of chapter 296-155 WAC, Part E.

(2) Before work is begun in the vicinity of vehicular or pedestrian traffic that may endanger employees, warning signs or flags and other traffic control devices shall be placed in conspicuous locations to alert and channel approaching traffic.

(3) Where additional employee protection is necessary, barricades shall be used.

(4) Excavated areas shall be protected with barricades.

(5) At night, warning lights shall be prominently displayed.

NEW SECTION

WAC 296-45-52535 Backfeed. If there is a possibility of voltage backfeed from sources of cogeneration or from the secondary system (for example, backfeed from more than one energized phase feeding a common load), the requirements of WAC 296-45-325 apply if the lines or equipment are to be worked as energized, and the requirements of WAC 296-45-335 and 296-45-345 apply if the lines or equipment are to be worked as de-energized.

NEW SECTION

WAC 296-45-52540 Lasers. Laser equipment shall be installed, adjusted, and operated in accordance with WAC 296-155-155.

NEW SECTION

WAC 296-45-52545 Hydraulic fluids. Hydraulic fluids used for the insulated sections of equipment shall provide insulation for the voltage involved.

NEW SECTION

WAC 296-45-52550 Foreign attachments and placards. Nails and unauthorized attachments should be removed before climbing above such attachments. When through bolts present a hazard to climbing, they shall be trimmed to a safe length.

NEW SECTION

WAC 296-45-545 Trolley maintenance, jumpering or bypassing. (1) Energized trolley wire shall be jumpered when it is to be opened or cut.

(2) Reaching over trolley wire(s) or system(s). Lineworkers shall not reach over trolley wire(s) unless properly protected by line hose or rubber blanket.

(3) Reaching across sectional insulators. Lineworkers shall not reach across section insulator(s), insulated spacer(s) or insulated approach.

(4) Polarity on either side of sectionalizing breakers. Since the polarity on both sides of a sectionalizing insulator may be different, it is required that prior to performance of work, tests be performed with approved testing equipment to determine whether or not the polarity is the same or different on one side of the sectional insulator as compared with the other.

(5) Working on hangers. More than one truck crew shall not work on hangers attached to the same span at the same time, without rubber protection.

(6) Workers on hangers of opposite polarity. Trolley hangers and ears of opposite polarity shall not be worked on at the same time when trolley wire is energized.

(7) Checking electric switches. When electric switches are checked for operation, making it necessary to short circuit the contactor to each trolley wire, tools with insulated handles shall be used.

(8) Short circuit due to use of noninsulated or conductive long handled tools. When a hazard of short circuit exists, due to use of noninsulated or conductive long handled tools, approved protective rubber equipment shall be used as provided in this chapter.

(9) Trolley feeders. When work is to be performed on street railway trolley feeders where it is necessary for workers to work from metal or other grounded poles or fixtures or on poles or fixtures on which grounds are maintained, the feeders shall be de-energized unless the poles or fixtures are insulated before the work is started with approved protective devices in such manner that employees cannot become grounded while working on the feeders, and employees shall wear approved rubber gloves.

(10) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(11) Working on truck towers. Employees shall not stand on tower gates or railings. Work shall not be done from plank(s) placed on tower railings.

(12) Tower truck railings. Towers shall have standard railings and toeboards around the tower and all railings shall be constructed of wood, fiberglass or other nonmetallic material. All railings shall be a vertical height of not less than 36 inches or more than 42 inches from the floor of the platform to the upper surface of the top rail. Intermediate railings shall be midway between the floor and the underside of the top rail. Tower gates shall be so constructed as to prevent accidental opening.

(13) Tower truck decks shall be kept clear of tools, wire and other materials and tools shall be kept in proper storage area when not in use.

(14) Lineworkers shall not wear climbers or spurs while working on a tower truck.

NEW SECTION

WAC 296-45-900 Appendices. Nonmandatory.

NEW SECTION

WAC 296-45-901 Appendix A—Nonmandatory.

TABLE 2
AC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air, and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						6-0	9-8
1.6						6-6	10-3
1.7						7-0	11-8
1.8						7-7	12-8
1.9						8-1	13-9
2.0	2-5	2-9	3-0	3-10	5-3	8-9	14-11
2.1	2-6	2-10	3-2	4-0	5-5	9-4	
2.2	2-7	2-11	3-3	4-1	5-9	9-11	
2.3	2-8	3-0	3-4	4-3	6-1	10-6	
2.4	2-9	3-1	3-5	4-5	6-4	11-3	
2.5	2-9	3-2	3-6	4-6	6-8		
2.6	2-10	3-3	3-8	4-8	7-1		
2.7	2-11	3-4	3-9	4-10	7-5		
2.8	3-0	3-5	3-10	4-11	7-9		
2.9	3-1	3-6	3-11	5-1	8-2		
3.0	3-2	3-7	4-0	5-3	8-6		

PERMANENT

TABLE 3
AC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet-inches, phase to ground						
	Air, and clear live-line tool						
	Maximum phase-to-phase voltage in kilovolts						
	121	145	169	242	362	550	800
1.5						7-4	12-1
1.6						8-9	14-6
1.7						10-2	17-2
1.8						11-7	19-11
1.9						13-2	22-11
2.0	3-7	4-1	4-8	6-1	8-7	14-10	26-0
2.1	3-7	4-2	4-9	6-3	8-10	15-7	
2.2	3-8	4-3	4-10	6-4	9-2	16-4	
2.3	3-9	4-4	4-11	6-6	9-6	17-2	
2.4	3-10	4-5	5-0	6-7	9-11	18-1	
2.5	3-11	4-6	5-2	6-9	10-4		
2.6	4-0	4-7	5-3	6-11	10-9		
2.7	4-1	4-8	5-4	7-0	11-2		
2.8	4-1	4-9	5-5	7-2	11-7		
2.9	4-2	4-10	5-6	7-4	12-1		
3.0	4-3	4-11	5-8	7-6	12-6		

PERMANENT

TABLE 4
DC Live Work Minimum Approach Distance With Transient Overvoltage Factor

Maximum anticipated per-unit transient overvoltage	Distance to employee in feet, conductor to ground				
	Air, and clear live-line tool				
	Maximum phase-to-phase voltage in kilovolts				
	250	400	500	600	750
1.5 or lower	3-8	5-3	6-9	8-7	10-11
1.6	3-10	5-7	7-4	9-5	13-1
1.7	4-1	6-0	7-11	10-3	14-4
1.8	4-3	6-5	8-7	11-2	15-9

TABLE 5
Altitude Correction Factor

Altitude		Correction factor
(m)	(ft)	
900	3000	1.00
1200	4000	1.02
1500	5000	1.05
1800	6000	1.08
2100	7000	1.11
2400	8000	1.14
2700	9000	1.17
3000	10,000	1.20
3600	12,000	1.25
4200	14,000	1.30
4800	16,000	1.35
5400	18,000	1.39
6000	20,000	1.44

PERMANENT

NEW SECTION**WAC 296-45-903 Appendix B - Protection from Step and Touch Potentials—Nonmandatory.****I. "Introduction"**

When a ground fault occurs on a power line, voltage is impressed on the "grounded" object faulting the line. The voltage to which this object rises depends largely on the voltage on the line, on the impedance of the faulted conductor, and on the impedance to "true," or "absolute," ground represented by the object. If the object causing the fault represents a relatively large impedance, the voltage impressed on it is essentially the phase-to-ground system voltage. However, even faults to well grounded transmission towers or substation structures can result in hazardous voltages.⁽¹⁾ The degree of the hazard depends upon the magnitude of the fault current and the time of exposure.

Footnote⁽¹⁾ This appendix provides information primarily with respect to employee protection from contact between equipment being used and an energized power line. The information presented is also relevant to ground faults to transmission towers and substation structures; however, grounding systems for these structures should be designed to minimize the step and touch potentials involved.

II. "Voltage-Gradient Distribution"**A. Voltage-Gradient Distribution Curve**

The dissipation of voltage from a grounding electrode (or from the grounded end of an energized grounded object) is called the ground potential gradient. Voltage drops associated with this dissipation of voltage are called ground potentials. Figure A is a typical voltage-gradient distribution curve (assuming a uniform soil texture). This graph shows that voltage decreases rapidly with increasing distance from the grounding electrode.

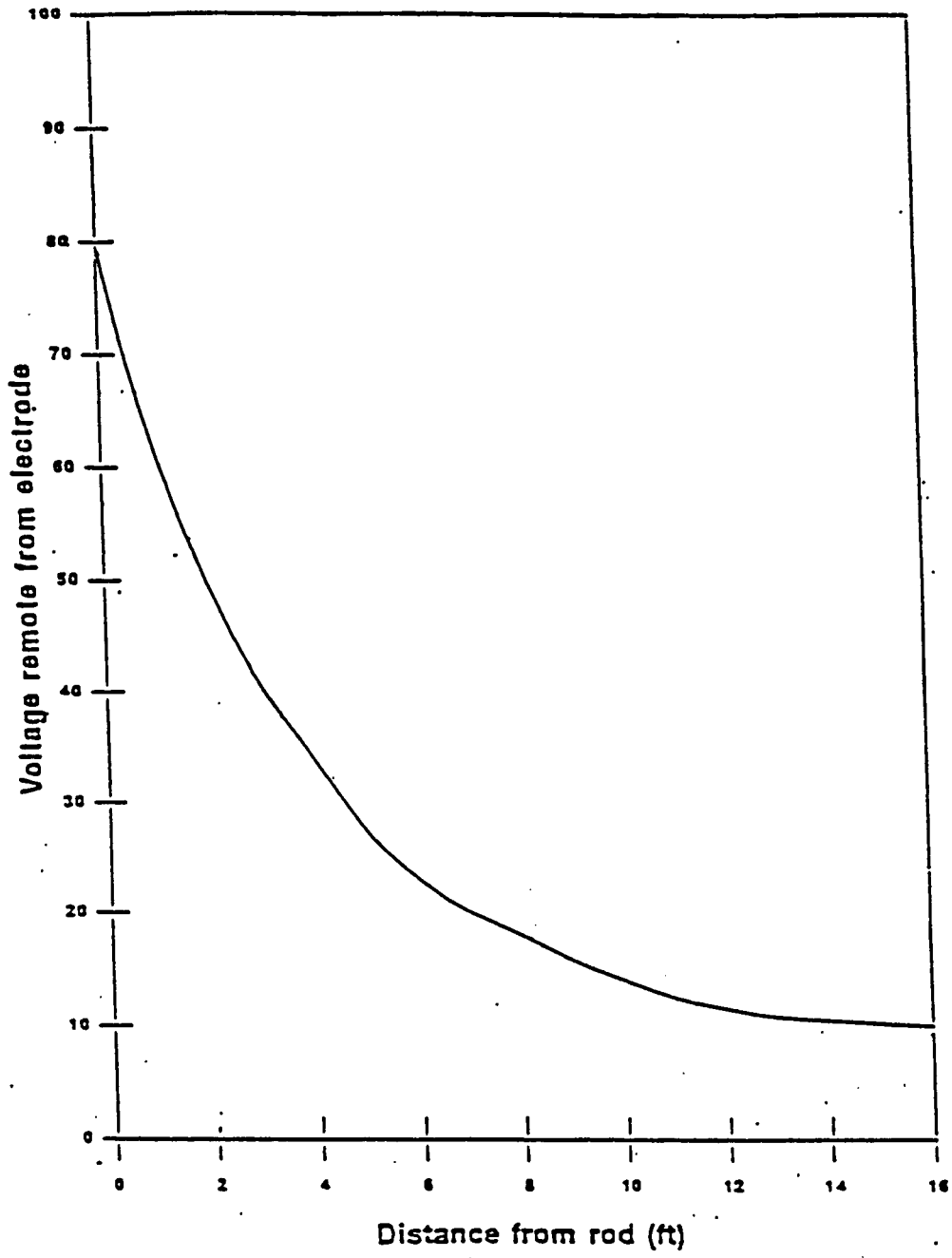


Figure A - Typical Voltage-Gradient Distribution Curve

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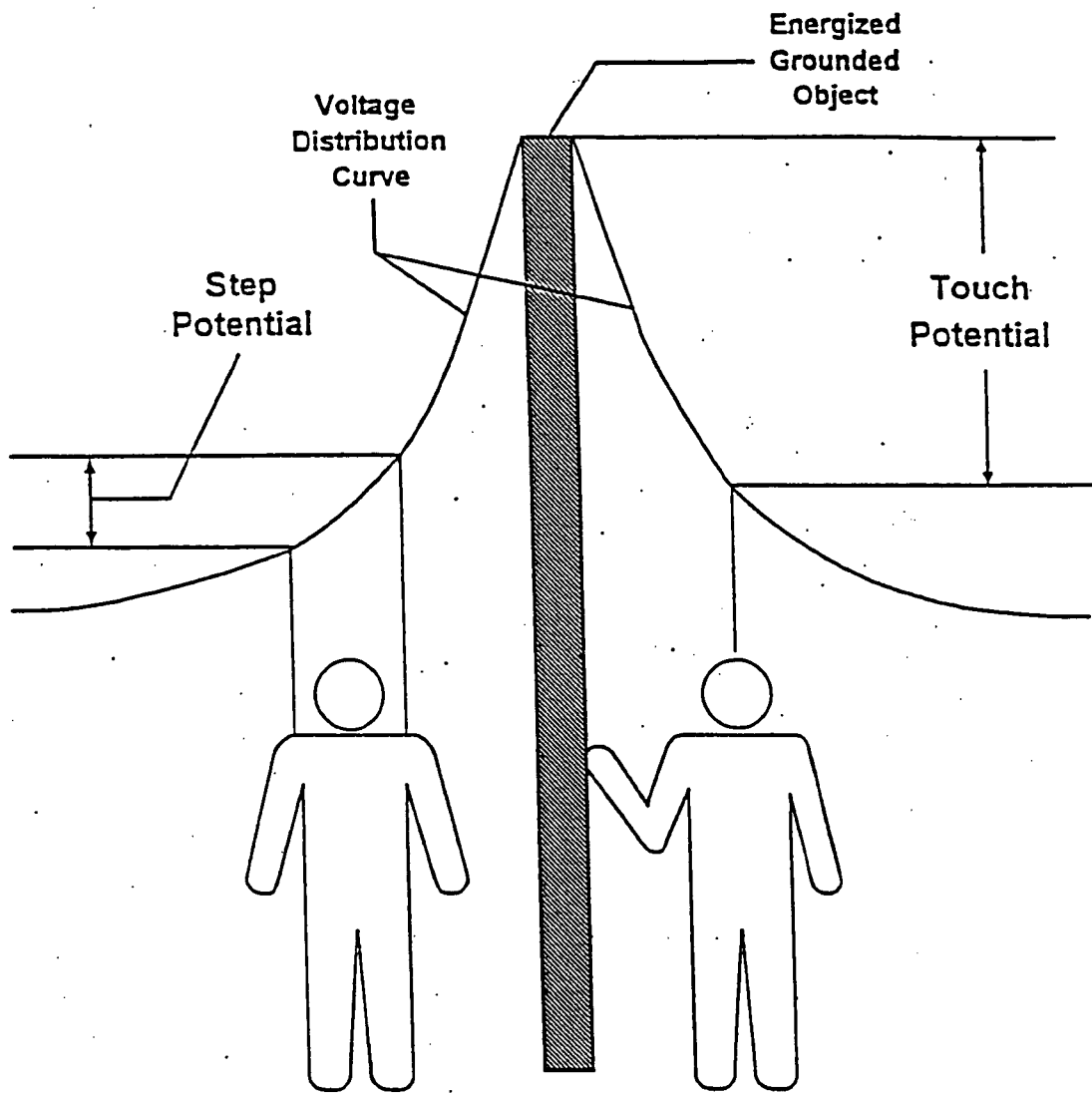


Figure B - Step and Touch Potentials

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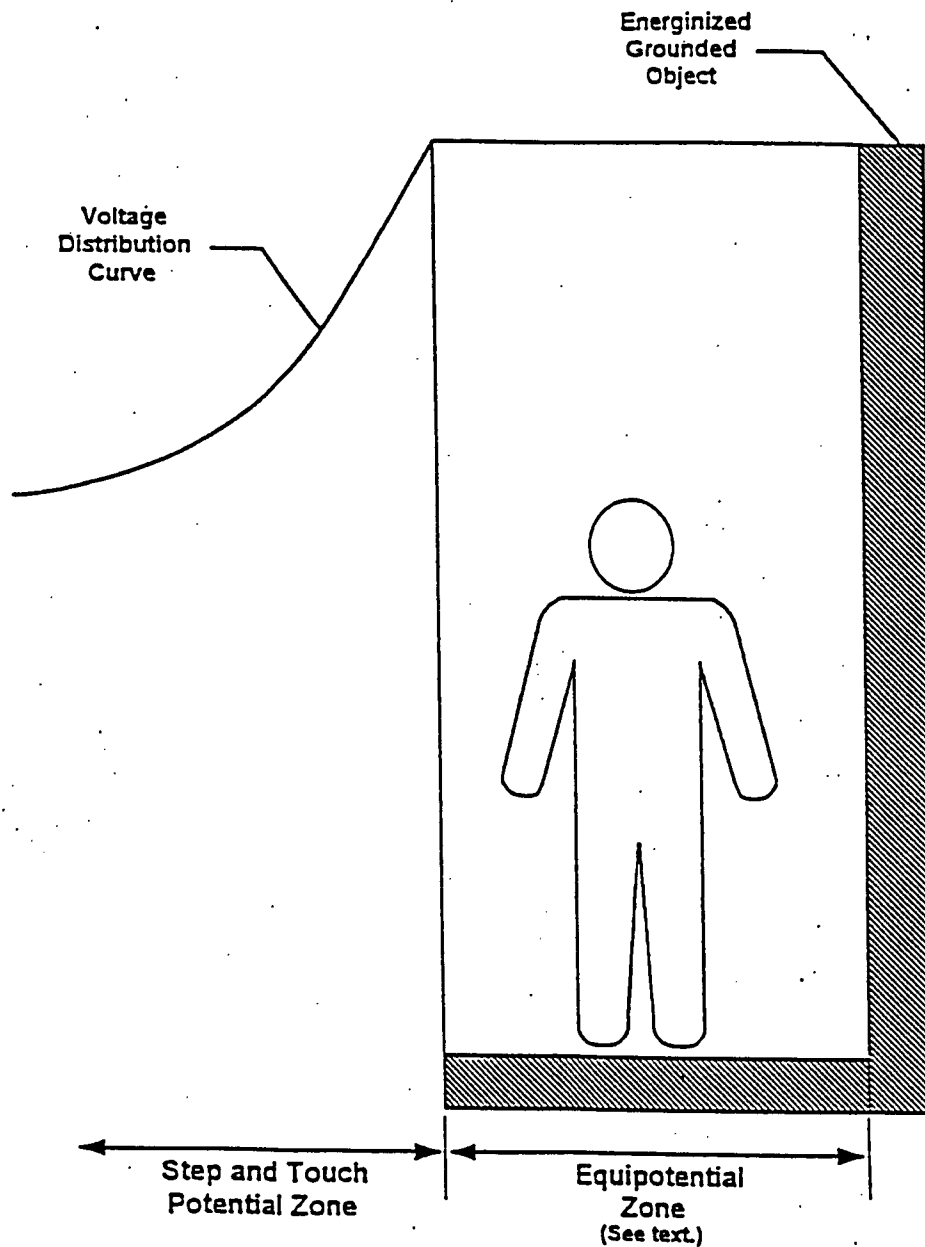


Figure C – Protection from Ground-Potential Gradients

NEW SECTION

WAC 296-45-905 Appendix C - Methods of Inspecting and Testing Wood Poles—Nonmandatory.

I. "Introduction"

When work is to be performed on a wood pole, it is important to determine the condition of the pole before it is climbed. The weight of the employee, the weight of equipment being installed, and other working stresses (such as the removal or retensioning of conductors) can lead to the failure of a defec-

tive pole or one that is not designed to handle the additional stresses.⁽¹⁾ For these reasons, it is essential that an inspection and test of the condition of a wood pole be performed before it is climbed.

Footnote⁽¹⁾

A properly guyed pole in good condition should, at a minimum, be able to handle the weight of an employee climbing it. If the pole is found to be unsafe to climb or to work from, it must be secured so that it does not fail while an employee is on it.

The pole can be secured by a line truck boom, by ropes or guys, or by lashing a new pole alongside it. If

a new one is lashed alongside the defective pole, work should be performed from the new one.

II. "Inspection of Wood Poles"

Wood poles should be inspected by a qualified employee for the following conditions:⁽²⁾

Footnote⁽²⁾ The presence of any of these conditions is an indication that the pole may not be safe to climb or to work from. The employee performing the inspection must be qualified to make a determination as to whether or not it is safe to perform the work without taking additional precautions.

A. General Condition

The pole should be inspected for buckling at the ground line and for an unusual angle with respect to the ground. Buckling and odd angles may indicate that the pole has rotted or is broken.

B. Cracks

The pole should be inspected for cracks. Horizontal cracks perpendicular to the grain of the wood may weaken the pole. Vertical ones, although not considered to be a sign of a defective pole, can pose a hazard to the climber, and the employee should keep his or her gaffs away from them while climbing.

C. Holes

Hollow spots and woodpecker holes can reduce the strength of a wood pole.

D. Shell Rot and Decay

Rotting and decay are cutout hazards and are possible indications of the age and internal condition of the pole.

E. Knots

One large knot or several smaller ones at the same height on the pole may be evidence of a weak point on the pole.

F. Depth of Setting

Evidence of the existence of a former ground line substantially above the existing ground level may be an indication that the pole is no longer buried to a sufficient extent.

G. Soil Conditions

Soft, wet, or loose soil may not support any changes of stress on the pole.

H. Burn Marks

Burning from transformer failures or conductor faults could damage the pole so that it cannot withstand mechanical stress changes.

III. "Testing of Wood Poles"

The following tests are recognized as acceptable methods of testing wood poles:

A. Hammer Test

Rap the pole sharply with a hammer weighing about 3 pounds, starting near the ground line and continuing upwards circumferentially around the pole to a height of approximately 6 feet. The hammer will produce a clear sound and rebound sharply when striking sound wood. Decay pockets will be indicated by a dull sound or a less pronounced hammer rebound. Also, prod the pole as near the ground line as possible using a pole prod or a screwdriver with a blade at least 5 inches long. If substantial decay is encountered, the pole is considered unsafe.

B. Rocking Test

Apply a horizontal force to the pole and attempt to rock it back and forth in a direction perpendicular to the line. Cau-

tion must be exercised to avoid causing power lines to swing together. The force may be applied either by pushing with a pike pole or pulling with a rope. If the pole cracks during the test, it shall be considered unsafe.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-45-60013	Hand and portable powered tools.
WAC 296-45-650	Electrical workers safety rules—Foreword.
WAC 296-45-65003	Scope and application.
WAC 296-45-65005	Definitions.
WAC 296-45-65009	Employer's responsibility.
WAC 296-45-65011	Leadworker's responsibility.
WAC 296-45-65013	Leadworker-employee responsibility.
WAC 296-45-65015	Work required of leadworkers.
WAC 296-45-65017	Employee's responsibility.
WAC 296-45-65019	First aid.
WAC 296-45-65021	Tools and protective equipment.
WAC 296-45-65023	Clearances, operating power lines and equipment.
WAC 296-45-65026	Personal protective grounding.
WAC 296-45-65027	General requirements.
WAC 296-45-65029	Overhead lines.
WAC 296-45-65031	Poles and pole settings.
WAC 296-45-65033	Transmission line construction.
WAC 296-45-65035	Substations.
WAC 296-45-65037	Underground.
WAC 296-45-65038	Underground residential distribution (URD).
WAC 296-45-65039	Trolley maintenance, jumpering or bypassing.
WAC 296-45-65041	Aerial manlift equipment.
WAC 296-45-65043	All motor vehicle and trailer operations.
WAC 296-45-65045	Material handling.
WAC 296-45-65047	Specification for lineworker's belts and similar equipment.
WAC 296-45-660	Tree trimming.
WAC 296-45-66001	Electrical hazards.
WAC 296-45-66003	Tools and protective equipment.
WAC 296-45-66005	Insulated tools used for tree trimming.
WAC 296-45-66007	Aerial manlift equipment.
WAC 296-45-66009	All motor vehicle and trailer operations.
WAC 296-45-66011	Working in proximity to electrical hazards.
WAC 296-45-680	Communication facilities.
WAC 296-45-690	Power generation.
WAC 296-45-695	Hazardous energy control (lock-out/tagout) procedures.
WAC 296-45-700	Testing and test facilities.

WSR 98-07-021

PERMANENT RULES

PARKS AND RECREATION
COMMISSION

[Filed March 10, 1998, 11:15 a.m.]

Date of Adoption: March 6, 1998.

Purpose: Provides information on applying for funding for boat disposal facilities and environmental education projects targeting recreational boaters.

Citation of Existing Rules Affected by this Order: Amending chapter 352-76 WAC.

Statutory Authority for Adoption: RCW 88.12.235.

Adopted under notice filed as WSR 98-03-090 on January 21, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 352-76-010, the first sentence is changed to avoid duplication, as follows: "The purpose of this program is to provide funds for the purchase, construction, and renovation of pumpout and boater boat sewage disposal facilities and to provide funds for"

WAC 352-76-040, subparagraph (a) is changed to avoid duplication, as follows: "Construction/renovation of boat sewage disposal facilities in the water not connected to land, and used solely by boaters. The exception is facilities used for dumping waste from portable toilets, which may be placed on shore."

WAC 352-76-080, subsection (8), the last sentence changed to correct a typographical error: "State parks reserves the right to terminate its participation in any program project which fails to perform according to the requirements of this chapter."

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 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 9, 1998

Jim French

Senior Policy Analyst

Chapter 352-76 WAC

CLEAN VESSEL **PROGRAM** FUNDING (**PRO-
GRAM**)

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-010 ((Purpose.)) What is the purpose of clean vessel program funding? ~~((Sewage discharged by recreational boaters is a contributor to localized degradation of water quality in Washington state. The discharge of untreated sewage by boaters is prohibited under federal law in all areas within the navigable waters of the United States and under state law in all waters of the state. Many boaters have Type III marine sanitation devices (holding tanks), or portable toilets for sewage. However, there is currently an inadequate number of pumpout stations and dump stations for boaters to dispose of their sewage. The purpose of this chapter is to provide funds to public and private marinas for the purchase, construction, and renovation of pumpout and boater waste reception facilities and to provide funds to educational institutions, public agencies and boating organizations for boater environmental education activities.~~

Funding for this program will come from the federal "Clean Vessel Act of 1992," Pub.L. 102-587, Subtitle F, and state funds appropriated by the legislature for such purposes. This chapter establishes the procedures by which the commission will award funds for clean vessel projects and the conditions related to the use of funds.)) The purpose of this program is to provide funds for the purchase, construction, and renovation of boat sewage disposal facilities and to provide funds for boater environmental education activities. Funding for this program will come from federal and state funds. This chapter establishes the procedures by which state parks will award funds for clean vessel projects and the conditions related to the use of the funds.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-020 ((Definitions.)) How are the words and phrases used in this chapter? ~~((When used in this chapter, the following words and phrases shall have the meaning designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise:~~

"Boater" means any person on a recreational vessel on waters of the state of Washington.

"Boater sewage" or "boat sewage" means liquid and solid human waste material generated by boaters while using recreational vessels.

"Boating environmental committee" means a committee of the boating safety council, the volunteer advisory body created by the commission to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests.

"Clean Vessel Act" or "act" means the federal Clean Vessel Act, Pub.L. 102-587, Subtitle F.

~~"Commission" means the Washington state parks and recreation commission.~~

~~"Construction" means activities which produce new capital improvements and increase the value or usefulness of existing property.~~

~~"Director" means the director of the Washington state parks and recreation commission.~~

~~"Education/information" means the education/information program designed to make recreational boaters and others aware of the environmental pollution problem resulting from sewage discharges from vessels, to inform them of facility locations, and to encourage environmentally responsible behavior.~~

~~"Eligible cost" for sewage pumpout and sewage dump stations means that portion of the cost of the facility that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.~~

~~"Facility" means a pumpout station, dump station or other device for the disposal, holding and/or transport of boater sewage.~~

~~"Funding recipient" is the entity which has been awarded a contract with state parks to receive funding for activities identified in WAC 352-76-040.~~

~~"Maintenance" means those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is nonroutine cyclical maintenance to keep facilities fully functional.~~

~~"Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial service includes, but is not limited to, overnight or live aboard boating accommodations.~~

~~"Operation" means those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.~~

~~"Plan" is the plan identified in the technical guidelines as published in the *Federal Register*, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the state titled *Comprehensive Plan for Boat Sewage Disposal for Washington State*.~~

~~"Private entities" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity which operates or has the potential to operate a facility or a boater education program.~~

~~"Project" means a facility or a boater environmental education program for which a public or private entity applies for and receives funding.~~

~~"Public entities" means all elected or appointed bodies and agencies of government, including tribal governments, responsible for collecting and spending public funds.~~

~~"Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.~~

~~"Renovation" means major rehabilitation of a facility to restore it to its original intended purpose.~~

~~"Sewage dump station" means a facility specifically designed to receive sewage from portable toilets carried on vessels. Sewage dump stations do not include lavatories or restrooms.~~

~~"Sewage pumpout station" means a mechanical device, fixed or portable, generally stationed on a dock, pier, float, barge, vessel or other location convenient to boaters, designed to remove sewage waste from Type III marine sanitation devices (holding tanks) installed onboard vessels.~~

~~"State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.~~

~~"Type III marine sanitation device" (holding tank) means any equipment for installation onboard a vessel which is specifically designed to receive, retain, and discharge sewage.))~~
~~(1) "Boat sewage disposal facility" means a mechanical or static device, fixed or portable, generally stationed on a dock, pier, float, barge, vessel or other location convenient to boaters, designed to remove sewage waste from recreational vessels, including pumpouts, dump stations, and floating restrooms.~~

~~(2) "Boater" means any person on a recreational vessel on waters of the state of Washington.~~

~~(3) "Commission" means the Washington state parks and recreation commission.~~

~~(4) "Director" means the director of the Washington state parks and recreation commission or designee.~~

~~(5) "Plan" is the comprehensive plan for boat sewage disposal for Washington state.~~

~~(6) "Recreational vessel" means a watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.~~

~~(7) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.~~

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-030 ((Eligible applicants)) **Who is eligible for clean vessel program funding?** ((The commission may award funding to the owner(s) of public, tribal or private marinas, boat launches, boater destination sites, marine service enterprises, and to schools, public agencies, and boating and environmental organizations.)) Owner(s) of public, tribal or private marinas, boat launches, state, local or municipal park districts, boater destination sites, marine service enterprises, schools, public agencies, nonprofit or not-for-profit organizations, and boating and environmental organizations are eligible to apply for the funds.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-040 ((Eligible activities.)) What activities are eligible for clean vessel program funding? ((1) Subject to any limitations imposed by the director pursuant to WAC 352-76-050(2), eligible activities may include:

(a) Construction/renovation of facilities including floating restrooms in the water, not connected to land or structures connected to the land used solely by boaters.

(b) Any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, and haulage costs.

(c) Any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(d) Education/information program to educate/inform the following audiences about the environmental pollution problems resulting from sewage discharges from recreational vessels, to inform them of the location of pumpout and dump stations, and to encourage environmentally responsible behaviors:

(i) Boat owners and operators;

(ii) Marina owners and operators;

(iii) Sewage treatment plant owners and operators;

(iv) Federal, state and local governmental authorities and organizations;

(v) Boating supply and retailers; and

(vi) The general public.

(2) The following activities are ineligible:

(a) Activities that do not provide public benefits.

(b) Enforcement activities.

(c) Construction/renovation of upland restroom facilities.

(d) Construction/renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment:)) (1) The director will select those activities that are eligible for funding from the following list and publish them in the current application package:

(a) Construction/renovation of boat sewage disposal facilities used solely by boaters.

(b) Any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, and haulage costs.

(c) Any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(d) Any education/information project to educate/inform boaters about environmental pollution problems including those resulting from sewage discharges from recreational vessels or other boater practices, to inform them of the location of pumpout and dump stations, and to encourage environmentally responsible behavior.

(2) The following activities are ineligible:

(a) Activities that do not provide public benefits.

(b) Enforcement activities.

(c) Construction/renovation of upland restroom facilities.

(d) Construction/renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment

plants for primary and secondary treatment unless approved by U.S. Fish and Wildlife Service.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-050 ((Limitations on the availability and use of funds.)) Are there any limitations on the availability and use of funds? ((1) The director may establish limitations on the availability and use of clean vessel project funds for a funding application period when the director believes that doing so would assist the commission in providing for an efficient network of boater sewage disposal facilities and/or an effective boater education and information program. Any limitations shall be defined in the application package for each funding period. The director shall establish such limitations only after considering the following:

(a) Consistency with the *Comprehensive Plan for Boat Sewage Disposal for Washington State.*

(b) Availability of funds.

(c) Advice from the commission's "boating environmental committee."

(d) Information which identifies emerging technology, user trends, public education opportunities or other studies or data which can direct the proper disposal of boater sewage.

Limitations established by the director shall be confined to those set forth in subsections (2) through (5) of this section.

(2) Eligible activities. For each funding period the director shall determine which activities specified in WAC 352-76-040 shall be eligible for project funding, and shall determine the amount of project funding to be allocated to each category of activity.

(3) Cost sharing. The director may determine that applicants be required to make a matching contribution to be eligible for funding.

(4) Allowable costs. The director may limit the amount of funding available for any element(s) of a project including but not limited to; design, engineering and consultant fees, construction, equipment, floats or other related appurtenances, and applicant staff costs.

(5) Fees charged. A maximum of a five-dollar fee may be charged per use, with no justification, for use of pumpout facilities constructed with grant funds. If higher fees are charged, they must be justified to the director before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation each year.)

(1) The director may establish limitations on the availability and use of clean vessel program funds for a funding application period when the director believes that doing so would assist the commission in providing for an efficient network of boater sewage disposal facilities or specific environmental education projects. Any limitations shall be defined in the current application package. The director shall establish such limitations only after considering the following:

(a) Consistency with the plan.

(b) Availability of funds.

(2) The director may determine that applicants be required to make a matching contribution to be eligible for funding.

(3) The director may limit the amount of funding available for any element(s) of a project.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-060 ((Application process)) How does one apply for funding? In order to be considered ((by the commission)) for receipt of ((clean vessel project funding an eligible applicant must:

(1) Complete an application form prescribed by the director and file the application on or before the filing date set by the director in the application package.

(2) Provide a statement of intent from the governing body of the requesting public entity or private entity that the necessary matching funds will be made available for the project as described in the application and that project funding will be accepted on a reimbursement basis.

(3) Agree to all the terms and conditions established in this chapter and as specified in the project contract)) a boat sewage disposal or educational grant, an eligible applicant must complete and submit an application form provided by state parks following the instructions provided in the form.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-070 ((Project selection)) What criteria will be used to evaluate applications? ((The selection criteria and the selection process which will be used by the commission in the review and disbursement of clean vessel project funds are as follows:

(1) Selection criteria. The director shall select any or all of the following criteria in evaluating applications for project funding. The appropriate criteria shall be identified in the application packet. Each proposal must be compatible with the comprehensive plan for boat sewage disposal for Washington state:

(a) Proposals that provide for public/private partnership efforts to develop and operate sewage pumpout and dump stations;

(b) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;

(c) Proposals that include an education/information component;

(d) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the *Federal Register*, 59 *Federal Register* 11299;

(e) Proposals in areas with high vessel/pumpout or dump station ratios;

(f) Proposals which show consideration for the economics of installation or implementation to provide greatest cost benefit ratio;

(g) Proposals which can demonstrate their feasibility for construction or implementation;

(h) Proposals which contribute to the statewide network of facilities or programs in terms of proximity to existing facilities and geographic balance.

(2) Selection process:

(a) Applications will be reviewed by state parks staff to determine eligibility and consistency with the requirements of this chapter.

(b) The director will receive and consider the recommendations of the boating environmental committee and will present final recommendations to the commission.

(c) The commission retains the authority and the responsibility to make the final decision concerning the funding of a project.) The following criteria are used to evaluate applications:

(1) For boat sewage disposal facility applications:

(a) Proposals that provide for public/private partnerships;

(b) Proposals that provide for innovative ways to increase the availability and use of boat sewage disposal facilities;

(c) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels;

(d) Proposals in areas with a high vessel/boat sewage disposal facility ratio;

(e) Proposals which show consideration for the economics of installation or implementation to provide greatest cost benefit ratio, e.g., where private parties put in more than the minimum amount;

(f) Proposals which contribute to the state-wide network of facilities or programs in terms of proximity to existing facilities and geographic balance;

(g) Proposals which demonstrate their compatibility with the plan.

(2) For education or information applications:

(a) Proposals which encourage sound environmental practices through changing boater behavior.

(b) Proposals which target sensitive areas as defined in the plan;

(c) Proposals which encourage community involvement;

(d) Proposals targeted to areas of high boater use;

(e) Proposals which demonstrate innovative approaches to education or information;

(f) Proposals which provide for public/private partnerships.

NEW SECTION

WAC 352-76-075 How will projects be selected for funding? (1) Applications will be reviewed by state parks staff to determine eligibility and will be evaluated against the criteria in this chapter.

(2) Staff will consult with and consider the recommendations of the boating environmental committee of the state parks boating safety council and will present final recommendations to the director.

(3) The director shall make the final decision on funding a project.

AMENDATORY SECTION (Amending WSR 94-13-082, filed 6/13/94, effective 7/14/94)

WAC 352-76-080 What conditions are placed on the use of funds((s))? ((The following conditions apply to the use of clean vessel project funds:

(1) Project contract. For every funded project a contract must be executed by the director or designee on behalf of the commission and by the funding recipient. The funding recipient may not proceed with the project until the contract has been executed by both parties.

(2) Design criteria. The funding recipient shall ensure that design and installation of the facilities are in accordance with the technical standards provided by state parks.

(3) Signage. A state or national symbol provided by state parks shall be installed to be clearly visible to direct boaters entering the facility to sewage pumpout and dump stations. Appropriate information shall be installed at sewage pumpout and dump stations. Such information shall indicate fees, restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable. State parks will identify required wording.

(4) Public access. All recreational vessels must have access to sewage pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

(5) Operation and maintenance. All facilities funded under this program shall be operated and maintained by the funding recipient for the full period of their useful life. All structures and related assets are to be used for their stated purpose.

(6) Reporting requirements. The funding recipient shall submit the reports required by state parks as directed in the funding contract.

(7) Compliance with state and federal laws, regulations, and policies. In accepting project funding, the funding recipient must agree to and certify compliance with all applicable federal and state laws, regulations and policies.

(8) Accountability. Funding recipients shall maintain accurate accounting records on the expenditure of project funds, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards. State parks reserves the right to terminate its participation in any program which fails to perform according to the requirements of this chapter.) The following conditions apply to the use of the funds:

(1) Project contract. For every funded project a contract must be executed by the director on behalf of the commission and by the funding recipient. Generally, the funding recipient will not be reimbursed for costs incurred prior to the execution of the contract by both parties.

(2) Technical standards. The funding recipient for boat sewage disposal facilities shall ensure that design and installation of the facilities are in accordance with the technical standards provided by state parks.

(3) Signage.

(a) Boat sewage disposal facilities. A national symbol provided by state parks shall be installed to be clearly visible to direct boaters entering the boat sewage disposal facility.

Appropriate information shall be provided indicating fees, restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable.

(b) Educational/information projects. Signage must be appropriate to local conditions and address local environmental needs. The clean vessel symbol provided by state parks shall be used in all signage.

(4) Public access. All recreational vessels must have access to boat sewage disposal facilities funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

(5) Operation and maintenance. All facilities funded under this program shall be operated and maintained by the funding recipient for the full period of their useful life. All structures and related assets are to be used for their stated purpose.

(6) Reporting requirements. The funding recipient shall submit the reports required by state parks as directed in the funding contract.

(7) Compliance with state and federal laws, regulations, and policies. In accepting project funding, the funding recipient must agree to and certify compliance with all applicable federal and state laws, regulations and policies.

(8) Accountability. Funding recipients shall maintain accurate accounting records on the expenditure of project funds, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards. State parks reserves the right to terminate its participation in any project which fails to perform according to the requirements of this chapter.

(9) Fees charged. A maximum five-dollar fee may be charged, with no justification, for use of boat sewage disposal facilities constructed, operated or maintained with grant funds. If higher fees are charged, they must be justified and approved by the director prior to charging a higher fee. Proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation as determined by the director.

WSR 98-07-022

PERMANENT RULES

**PARKS AND RECREATION
COMMISSION**

[Filed March 10, 1998, 11:18 a.m.]

Date of Adoption: March 6, 1998.

Purpose: To designate those sections of river throughout the state, as whitewater rivers upon which commercial whitewater river outfitters must comply with such licensing requirements adopted by the Department of Licensing.

Citation of Existing Rules Affected by this Order: Amending chapter 352-60 WAC.

Statutory Authority for Adoption: RCW 88.12.279, 43.51.400.

Adopted under notice filed as WSR 98-03-086 on January 21, 1998.

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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 9, 1998

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 94-16-027, filed 7/25/94, effective 8/25/94)

WAC 352-60-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

"Coastal waters" means those waters (i.e., bays, sounds, harbors, rivers, inlets, etc.) directly connected to the territorial seas of the state of Washington where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"International waters" means the high seas within the territorial limits of Washington state seaward of the demarcation lines dividing the high seas from the harbors; rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, and are governed by the International Regulations for Preventing Colli-

sions at Sea, 1972, (72 COLREGS), Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Inland waters" means the waters within the territorial limits of Washington state shoreward of the demarcation lines dividing the high seas from harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.

"Observer" means an individual riding in a vessel who is responsible for observing a water skier at all times.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity located within or outside this state.

"Personal flotation device" means a wearable Type I offshore life jacket, Type II wearable near-shore buoyant vest, Type III wearable flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160.

"PFD" means a personal flotation device.

"Power-driven vessel" means any vessel propelled by machinery.

"Sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Use" means to operate, navigate, moor or employ.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

"Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which

restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

"Vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel.

"Vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel. Vessels restricted in their ability to maneuver include, but are not limited to:

- A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable, or pipeline;
- A vessel engaged in dredging, surveying, or underwater operations;
- A vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;
- A vessel engaged in the launching or recovery of aircraft;
- A vessel engaged in mineclearance operations; and
- A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

"Visual distress signal" means any signalling device approved by the United States Coast Guard for use on recreational vessels.

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

"Waters of the state" means any waters within the territorial limits of Washington state.

"Whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications found in Title 33, Code of Federal Regulations, Part 81, Appendix A.

"Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as

listed in RCW 88.12.265 or as designated by the commission in WAC 352-60-140(2).

"Whitewater river outfitter" means any person who is advertising to carry or carries passengers for hire on any whitewater river of the state, but does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

NEW SECTION

WAC 352-60-140 Designation of whitewater rivers and river sections. Whitewater river outfitters must comply with the provisions found in RCW 88.12.245 through 88.12.275 when operating on whitewater rivers or sections of rivers of the state as set forth in this section.

(1) As provided by RCW 88.12.265, whitewater rivers of the state include the following rivers and sections of rivers:

- (a) Green River above Flaming Geyser state park;
- (b) Klickitat River above the confluence with Summit Creek;
- (c) Methow River below the town of Carlton;
- (d) Sauk River above the town of Darrington;
- (e) Skagit River above Bacon Creek;
- (f) Suiattle River;
- (g) Tieton River below Rimrock Dam;
- (h) Skykomish River below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;
- (i) Wenatchee River above the Wenatchee County park at the town of Monitor;
- (j) White Salmon River.

(2) Additionally, the commission designates the following sections of rivers as having at least one class III rapid or greater, as described in the *Safety Code* of the American Whitewater Affiliation. River sections designated in this section are based on information published in the American Whitewater Affiliation's *Nationwide Whitewater Inventory*, 1990 edition:

WASHINGTON RIVER SECTIONS—CLASS III OR GREATER

River	Section(s)	Miles	Class	County
American	Hells Crossing (Victory Hall Creek)	4.5	IV	Yakima
Baker	North Cascades National Park to Baker Lake	2.7	IV	Whatcom
Beckler	Rapid River to mouth	7.7	III	King/Snohomish
Boulder	Boulder Falls to mouth	5.0	III	Snohomish
Canyon Creek	10 mi. upstream of mouth to mouth	10.0	V	Snohomish
Carbon	Fairfax Bridge to 0.5 mi. below Lily Creek	4.0	V	Pierce
Cascade	Marble Creek Campground to bridge above mouth	8.1	V	Skagit
Chehalis	Bridge at Fisk Falls to Pe Ell	12.6	III	Lewis
Chiwawa	Huckleberry Campground to Wenatchee River	11.0	III	Chelan
Cispus	F.R. 23 Bridge/Doe Creek to F.R. 28 Bridge	11.9	IV	Lewis
Cispus	F.R. 28 Bridge to Cowlitz River	17.2	III	Lewis
Cle Elum	Big Boulder Creek to Salmon la Sac Creek	6.9	IV-V	Kittitas
Clearwater	Bridge to Confluence with White River	4.0	III	Pierce
Deer Creek	Bridge at Rick Creek to mouth	11.0	IV	Snohomish/Skagit
Dosewallips	Elkhorn Campground to Six Mile Bridge	5.0	III	Jefferson
Duckabush	Wilderness area boundary to mouth	7.2	IV	Jefferson
Dungeness	Dungeness Forks Camp hatchery	5.1	IV	Clallam
Entiat	Entiat Falls to Brief	9.0	III	Chelan
Finney Creek	Finney Creek Rd. Bridge to bridge at mouth	16.5	IV	Skagit
Foss	Bridge 3.2 mi. upstream of mouth to mouth	3.2	IV	King
Grande Ronde	Troy (OR) to Snake River at Heller Bar	39.0	II-III	Asotin

PERMANENT

River	Section(s)	Miles	Class	County
Graywolf	Wilderness area to lower Graywolf River trailhead	15.0	IV	Clallam/Jefferson
Hamma Hamma	7.5 mi. above guard station to mouth/Hood Canal	14.4	I-III	Mason
Hangman/Latah Creek	3 mi. below Rattler Run Creek to California Creek	10.0	IV	Spokane/Whitman
Humtuplups/E. Fork	Flatbottom Creek to Boise Bridge	16.7	III	Grays Harbor
Icicle Creek	Josephine Lake to Wenatchee River	18.0	IV-VI	Chelan
Kalama	Elk Creek to Indian Creek	19.0	III	Cowlitz
Lewis	Lower Falls to Rush Creek	3.3	IV	Skamania
Lewis	Rush Creek to bridge above Swift Reservoir	7.4	III	Skamania
Lost	Pasayaten Wilderness Area to mouth	5.6	II-V	Okanogan
Mashel	Eatonville to bridge above mouth	4.6	IV	Pierce
Miller	Confluence of E. and W. Forks to S. Fork Skykomish	3.7	IV	Snohomish
Nisqually	McKenna to Tank crossing 1 mi. above Muck Creek	7.0	III	Thurston
Nooksack N. Fork	Nooksack Falls to Douglas Fir Campground	4.9	III	Whatcom
Nooksack N. Fork	Mt. Baker Wilderness to Nooksack Falls	12.3	IV	Whatcom
Nooksack N. Fork	Douglas Fir Forest Campground to Mt. Baker Highway			
	Mile Post 27	9.6	II-III	Whatcom
Peshastin Creek	Confluence Trosen Creek to Wenatchee	13.5	III-V	Chelan
Pilchuck Creek	Lake Creek to above falls	5.1	IV	Snohomish
Pilchuck Creek	Falls to Highway 9	4.7	IV	Snohomish
Raging	I-90 to mouth	4.0	III-IV	King
Rapid	Road end to mouth	5.0	IV	Snohomish
Ruby and Granite Creek	Confluence with Beebe Creek to Ross Lake	5.4	IV	Whatcom/Skagit
Satsop/Middle Fork	Kelly Hall Rd. to Turnow Rd.	16.0	III	Grays Harbor
Sitkum	Bridge 0.2 mi. below Rainbow Creek to mouth	2.5	III	Clallam
Skykomish N.	Bear Creek to mouth	12.7	IV	Snohomish
Skykomish S.	Commonwealth Creek to 0.5 mi. below Boxley Creek	4.0	II-III	Snohomish
Snoqualmie/Middle Fork	2.5 mi. below Pratt River to Sallal Prairie	8.5	IV	King
Snoqualmie/Middle Fork	Cripple Creek to Taylor River	4.5	IV	King
Spokane	People Parks to Seven Mile Rd.	10.8	III	Spokane
Stillaguamish N.	Confluence/S. Branch to bridge below Moose Creek	8.0	V	Snohomish
Stillaguamish S.	Mallardy Creek to Verlot	9.0	III	Snohomish
Stillaguamish S.	Verlot to Granite Falls	12.3	V	Snohomish
Sultan	1 mi. below Culmback Dam to mouth	15.5	IV	Snohomish
Taylor	Bridge to mouth	1.0	III	King
Tolt S. Fork	Bridge to Confluence/N. Fork Tolt	5.9	V	King
Toutle	State Route 504 Bridge to Tower Rd. Bridge/Cline Creek	9.5	III	Cowlitz
Twisp	Confluence N. Fork and S. Fork to mouth	28.2	III	Okanogan
Tye	Carroll Creek to Confluence/Foss River and Beckler River	3.0	IV	King
White	Bridge 1.5 mi. above W. Fork to Old Pond Creek	22.1	III	Pierce
White Chuck	Glacier Peak Wilderness Boundary to mouth 6 mi. below bridge	10.9	IV	Snohomish
Wind	Ranger Station near Stabler to High Bridge	7.5	V	Skamania
Wynoochee	End of road 0.5 mi. above Falls Creek to Geisler Creek	48.3	II-III	Grays Harbor

WSR 98-07-026**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 97-41—Filed March 10, 1998, 2:29 p.m.]

Date of Adoption: March 9, 1998.

Purpose: To make nonsubstantial, editorial corrections to chapter 173-202 WAC consistent with Title 222 WAC corrections adopted by the Forest Practices Board.

Citation of Existing Rules Affected by this Order: Amending chapter 173-202 WAC.

Statutory Authority for Adoption: RCW 90.48.420, 76.09.040, [76.09.]050 and chapter 34.05 RCW.

Adopted under notice filed as WSR 98-01-219 on December 24, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 9, 1998

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending WSR 94-17-011, filed 8/8/94, effective 9/8/94)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on ~~((September 15, 1994))~~ December 3, 1997, are hereby adopted by reference as part of

this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-046—Cumulative effect
- WAC 222-12-070—Enforcement policy.
- WAC 222-12-090—Forest practices board manual.
- WAC 222-16-010—General definitions.
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- WAC 222-22-010—Policy.
- WAC 222-22-020—Watershed administrative units.
- WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.
- WAC 222-22-040—Watershed prioritization.
- WAC 222-22-050—Level 1 watershed resource assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.
- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.

- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

WSR 98-07-028

PERMANENT RULES

MILITARY DEPARTMENT

(Emergency Management Division)

[Filed March 11, 1998, 9:40 a.m.]

Date of Adoption: March 2, 1998.

Purpose: The purpose of this revision is to bring chapter 118-40 WAC into compliance with chapter 38.52 RCW and accurately reflect the interagency restructuring between the Military Department, Department of Ecology and the Washington State Patrol.

Citation of Existing Rules Affected by this Order: Amending chapter 118-40 WAC.

Statutory Authority for Adoption: Chapter 38.52 RCW.

Other Authority: Public Law 99-499.

Adopted under notice filed as WSR 97-23-066 on November 19, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 14, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 9, 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 10, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 3.

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 14, Repealed 3.

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

March 2, 1998

Gregory P. Barlow

Major General

The Adjutant General

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-010 Introduction. On October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law (P.L. 99-499). One part of the SARA provisions is Title III: "The Emergency Planning and Community Right-to-Know Act of 1986" hereafter referred to as "EPCRA." (~~(Title III)~~) EPCRA establishes requirements for federal, state, and local governments, and industry

regarding emergency response planning and community right-to-know on hazardous chemicals.

The emergency planning provisions of ((Title III)) EPCRA (Sections 301-305) are designed to develop state and local government hazardous chemical emergency preparedness and response capabilities through better coordination and planning, especially at the local level.

Other community right-to-know provisions of ((Title III (Sections 311, 312, and 313))) EPCRA require the owners and/or operators of facilities to provide information about the nature, quantity, and location of reportable chemicals manufactured, processed, stored, or used at their facility sites. The purpose of these provisions is to increase public knowledge of the presence of hazardous chemicals in communities and to better prepare for potential emergencies.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-020 Purpose and scope. It is the purpose of this chapter to implement the provisions of ((Title III)) EPCRA in the state of Washington to establish a mechanism for compliance by state and local governmental agencies and industry ((with the provisions of Title III)). This chapter is promulgated under the general policy and rule-making authority of the military department ((of community development)) as established by RCW 38.52.030(2); 38.52.050 (1) and (3); and 43.63A.060.

Compliance with the requirements of ((Title III)) EPCRA, as recognized by the United States Environmental Protection Agency, is regarded as compliance with the provisions of this chapter. Where federal regulations are duplicated or referred to in this chapter, ((Title III)) EPCRA citations are provided. This chapter is not intended to mandate any new compliance requirements beyond those required by ((Title III)) EPCRA.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-030 Definitions. ("SARA" means the Superfund Amendments and Reauthorization Act of 1986, as amended.

"CERCLA" means the Comprehensive Emergency Response, Compensation and Liability Act of 1980, as amended.

"Commission" means the emergency response commission for Washington state.

"Local committee" means the local emergency planning committee established for each state emergency planning district established by the commission.

"Title III" means Title III of the Superfund Amendments and Reauthorization Act of 1986; also titled the Emergency Planning and Community Right-to-Know Act of 1986, as amended.

"Administrator" means the administrator of the Environmental Protection Agency (EPA).

"Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

"Extremely hazardous substances" means a substance described in Section 302 (a)(2) of Title III as now authorized or hereafter amended.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). For the purpose of Section 304, Title III, the term includes motor vehicles, rolling stock and aircraft, shipping, and pipelines.

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard as defined by OSHA Hazard Communication Standard (29 CFR 1910.1200). Exceptions to the definition of "hazardous chemical" in Title III and in 29 CFR 1910.1200 shall also apply in this chapter.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed individuals. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membrane.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

"Material Safety Data Sheet (MSDS)" means the sheet required to be developed under Section 1910.1200(g) of Title 29 CFR, as that section may be amended from time to time.

"NRT-1 guidebook" means the *Hazardous Materials Emergency Planning Guide* published by the National Response Team, March 1987.

"NRT-1 guidelines" means the guidance outlined in the *Hazardous Materials Emergency Planning Guide*.

"OSHA" means Occupational Safety and Health Act of 1970.

"Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of state, or interstate body.

"Release" means any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing to the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.) "Administrator" means the administrator of the Environmental Protection Agency (EPA).

"CERCLA" means the Comprehensive Emergency Response, Compensation and Liability Act of 1980, as adopted.

"EMC" means the emergency management council for Washington state. (RCW 38.52.040(1).)

"Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

"EPCRA" means Emergency Planning and Community Right-to-Know Act of 1986 as adopted, which is synonymous with SARA Title III.

"Extremely hazardous substances" means a substance described in Section 302 (a)(2) of EPCRA as now authorized or hereafter adopted.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). For the purpose of Section 304, EPCRA, the term includes motor vehicles, rolling stock and aircraft, shipping, and pipelines.

"First responder" means fire fighters, law enforcement and emergency medical personnel as defined in chapter 296-62 WAC, Part P.

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard as defined by OSHA Hazard Communication Standard (29 CFR 1910.1200). Exceptions to the definition of "hazardous chemical" in EPCRA and in 29 CFR 1910.1200 shall also apply in this chapter.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed individuals. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membrane.

"LEPC" means the local emergency planning committee established for each state emergency planning district established by the state emergency response commission (P.L. 99-499).

"Material Safety Data Sheet (MSDS)" means the sheet required to be developed under Section 1910.1200(g) of Title 29 CFR, as that section may be adopted from time to time.

"NRT-I guidebook" means the *Hazardous Materials Emergency Planning Guide* published by the National Response Team, March 1987.

"NRT-1A guidelines" means the criteria for review of hazardous materials emergency plans.

"OSHA" means Occupational Safety and Health Act of 1970.

"Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of state, or interstate body.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

"Release" means any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing to the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.

"SARA" means the Superfund Amendments and Reauthorization Act of 1986, as adopted.

"SERC" means the state emergency response commission for Washington state. (RCW 38.52.040(2) and P.L. 99-499.)

"TERC" means tribal emergency response commission.

"Title III" means Title III of the Superfund Amendments and Reauthorization Act of 1986; also titled the Emergency Planning and Community Right-to-Know Act of 1986, as amended.

"Toxic chemical" means a substance described in Section 313(c) of ((Title III)) EPCRA, as now authorized or hereafter ((amended)) adopted.

"WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-040 State emergency response commission—Establishment, membership, chairperson. (1) In keeping with the provisions of Section 301(a) of ((Title III, the governor of Washington state has established a)) EPCRA the EMC appoints the state emergency response commission membership composed of a representative from the following ((members or their designees:

(a) ~~Director of the department of community development;~~

(b) ~~Director of the department of ecology;~~

(c) ~~Chief of the Washington state patrol;~~

(2) The director of the department of community development shall be the chairperson of the commission.

(3) The assistant director, division of emergency management, department of community development, shall serve as alternate chairperson of the commission in the absence of the chairperson.)) agencies and organizations:

(a) Military department.

(b) Department of ecology.

(c) Washington state patrol.

(d) Department of transportation.

(e) Department of health.

(f) Department of labor and industries.

(g) Local emergency manager.

(h) Washington state association of fire chiefs.

(i) Private industry.

(j) Local emergency planning committee (eastern Washington representative).

(k) Local emergency planning committee (western Washington representative).

(l) Transportation industry.

(2) The chairperson and vice-chairperson for the state emergency response commission members shall be appointed by the emergency management council.

(3) The state emergency response commission shall seek the attendance and active participation of representatives of the following agencies and organizations at all commission meetings:

(a) Tribal Emergency Response Commission(s).

(b) Federal Emergency Management Agency.

(c) Environmental Protection Agency.

(d) U.S. Department of Transportation.

(e) Washington state attorney general.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-050 Commission—Purpose, responsibilities. The purpose of the state emergency response commission is to coordinate hazardous material issues and carry out the mandate of ~~((Title III))~~ EPCRA (P.L. 99-499), as now authorized or hereafter ~~((amended))~~ adopted.

The state emergency response commission shall be responsible for the establishment of a state hazardous materials emergency preparedness, response, and community right-to-know program as required by ~~((Title III))~~ EPCRA. Specific ~~((duties))~~ responsibilities of the commission include, but are not limited to the following duties:

~~((Establishment of a state level hazardous materials advisory committee.))~~ Appointment of such ad hoc committees and working groups as required.

(2) Designation of local emergency planning districts.

~~((Appointment of members to local committees established for each of the local emergency planning districts designated by the commission.))~~

~~((Reception))~~ Receive and record initial appointment of and subsequent revisions to local emergency planning committee membership.

(4) Review and evaluation of local emergency response plans.

~~((Delegation of responsibilities between the department of ecology, the Washington state patrol, and the department of community development in))~~ Administer and coordinate responsibilities for representative state emergency response commission members for implementing the ((Title III)) EPCRA program in Washington state.

(6) Establishment of ~~((a single address, telephone number and the))~~ procedures for the receipt of, management and access to all notifications, reports, plans and all other information required by ~~((Title III))~~ EPCRA.

(7) Coordination with the Environmental Protection Agency on EPCRA implementation.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-060 Military department ~~((of community development— Title III))~~ EPCRA responsibilities. Specific responsibilities of the military department ~~((of community development))~~ include, but are not limited to, the following duties:

(1) Receive and record verbal emergency toxic chemical release reports through the twenty-four-hour duty officer system and make appropriate notifications. Track and maintain records of ~~((events annually))~~ such notifications.

(2) Develop emergency planning guidance and provide assistance to ~~((local committees))~~ LEPCs in the development of an emergency response plan for their district. ~~((Advise and assist industry in the planning process.))~~

(3) Coordinate the review of each LEPC emergency plan as it is submitted.

(4) Serve as repository agency for ~~((the local))~~ LEPC emergency response plans.

(5) Set up community ~~((right-to-know))~~ EPCRA education and training program ~~((to allow citizens to view emergency response plans, upon request))~~ addressing mitigation, emergency preparedness, disaster response, and long-term disaster recovery.

(6) Provide ~~((staff to commission and hazardous material advisory committee))~~ adequate staff support for the state emergency response commission to develop agendas, prepare minutes, coordinate meeting places, draft policy letters, and carry out other support functions as needed.

(7) Prepare and respond to correspondence for signature by the chairperson of the state emergency response commission.

(8) Receive and coordinate the distribution of correspondence, information, and written reports to offices ~~((in the departments of community development and ecology and the Washington state patrol, and local committees))~~ of representative state emergency response commission agencies and organizations, TERC's and LEPC's, as well as other ((state)) governmental and nongovernmental agencies when appropriate or as requested.

(9) ~~((Serve as chairperson of the training subcommittee of the hazardous materials advisory committee.))~~

~~((10))~~ Develop ((and)), apply for and administer training, exercise, and planning grants, as authorized and provided under Section 305 of ((Title III)) EPCRA.

~~((11))~~ (10) Provide nonfirst responder training and maintain ((training)) related records for the state hazardous materials training, exercise, and planning programs as authorized and funded through Section 305 of ((Title III)) EPCRA.

(a) Training may be attended by emergency first responders, including fire fighters, law enforcement, environmental, and emergency medical personnel. Other constituencies to be trained include federal, state, and local governmental employees who may directly or indirectly involve themselves in a hazardous materials incident. Such personnel may include health officials, public works personnel, elected officials, emergency and city managers, and personnel employed by private industry.

(b) Emergency training programs for nonfirst responders shall be designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies and responsibilities associated with hazardous materials and EPCRA.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-070 Department of ecology—~~((Title III))~~ EPCRA responsibilities. Specific responsibilities of the department of ecology include, but are not limited to, the following duties:

(1) Serve as advisor to the commission on emergency spill response and environmental restoration issues.

(2) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

(3) Serve as advisor for on-scene spill response and environmental needs at the state and local levels.

(4) Serve as advisor to the commission on community right-to-know issues.

(5) ~~((Develop, implement, and maintain a Title III))~~ As required under subsection 301(a) of EPCRA, coordinate development, implementation, and maintenance of an EPCRA Community Right-to-Know Program which may include, but is not limited to:

(a) Data management of reports and notifications submitted by businesses. Such reports and notifications shall be retained for a minimum of three years.

(b) Technical assistance to businesses regarding compliance with ~~((Title III))~~ EPCRA.

(c) Accessing and communicating information to the public.

(d) Outreach to businesses and the public about ~~((Title III))~~ EPCRA.

~~((6) Serve as chairperson or member of the community right-to-know subcommittee of the hazardous materials advisory committee.~~

~~(7) Serve as liaison between the commission and the Environmental Protection Agency on community right-to-know issues.~~

~~(8) Provide training for hazardous substances spill response and cleanup.)~~

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-080 Washington state patrol—~~((Title III))~~ EPCRA responsibilities. Specific responsibilities of the Washington state patrol include, but are not limited to, the following duties:

(1) Serve as advisor to the state emergency response commission on emergency response and coordination of on-scene activities on state and interstate highways and other areas where it has been designated incident command agency.

(2) ~~((Serve as chairperson of the emergency response subcommittee of the hazardous materials advisory committee.))~~ Provide first responder training and maintain related records for state hazardous materials training as authorized through Section 305 of EPCRA.

(a) Training may be attended by emergency first responders, including fire fighters, law enforcement, environmental, and emergency medical personnel. Other constituencies to be trained include federal, state, and local governmental employees who may directly or indirectly involve themselves in a hazardous materials incident. Such personnel may include health officials, public works personnel, elected officials, emergency and city managers, and personnel employed by private industry.

(b) Emergency training programs for first responders shall be designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies and responsibilities associated with hazardous materials and EPCRA.

(3) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

~~((4) Serve as a member of the training subcommittee of the hazardous materials advisory committee.))~~

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-150 Emergency planning districts—Designation. (1) ~~((Emergency planning districts shall be based on the statutory requirement set forth in RCW 38.52.070 which authorizes local emergency management organizations.))~~ The chief elected official of the local emergency planning district shall appoint the local emergency planning committee.

(2) Cities and towns that do not have active emergency management organizations as required by chapter 38.52 RCW are considered part of the county planning district in which they are located for the purposes of ~~((Title III))~~ EPCRA emergency response planning.

(3) ~~((If the provision in WAC 118-40-150(2) is unacceptable to a jurisdiction, the presiding official or officials of that jurisdiction may request that the commission designate that jurisdiction as a Title III emergency planning district.))~~ Any town, city or political jurisdiction identified in RCW 38.52.070 may petition the state emergency response commission to be designated as a local emergency planning district. Prior to the approval of such designation the proposed local emergency planning district must have selected the membership of the proposed local emergency planning committee and be in full compliance with the requirements of EPCRA.

(4) Any local emergency planning district and the respective local emergency planning committee existing prior to the effective date of this rule change shall be recognized.

(5) An existing local emergency planning district may petition the state emergency response commission to dissolve its independent status and either join the jurisdiction of the county in which it is included or join with an adjacent local emergency planning committee.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-160 Local emergency planning committee—Organization, membership. (1) Each local committee shall include, at a minimum, ~~((representatives))~~ representation from each of the following groups or types of organizations as specified by Section 301(c) of ~~((Title III))~~ EPCRA:

- (a) State and local officials.
- (b) Law enforcement.
- (c) Emergency management.
- (d) Fire fighting.
- (e) First aid.
- (f) Health profession.
- (g) Local ~~((environment))~~ environmental.
- (h) Hospital.
- (i) Transportation personnel.
- (j) Broadcast and print media.
- (k) Community groups.

(1) Owners and operators of facilities subject to the requirements of Section 302(b) of ~~((Title III))~~ EPCRA.

(2) Each local emergency planning committee shall appoint a chairperson and establish rules by which the committee shall operate.

(3) Committee rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of emergency response plans to the general public.

(4) Each local emergency planning committee shall submit annually to the state emergency response commission a list of their membership and the organizations they represent.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-170 Local emergency planning committee—Responsibilities. (1) ~~((Not later than October 17, 1988,))~~ Each local emergency planning committee shall complete the preparation of a hazardous materials emergency response plan. In the development of the plan, as specified by Sections 303 (a), (b), (c) and 324 (a), (b), ((Title III)) EPCRA, committee duties include, but are not limited to:

- (a) Forming a local planning team.
- (b) Designating a team leader.
- (c) Evaluating the resources needed to develop, implement, and exercise the emergency plan.
- (d) Identifying existing emergency response equipment and personnel.
- (e) Conducting a needs assessment of emergency response equipment and personnel requirements.
- (f) Providing oversight for preparation of the plan by the local planning team.

(2) Each local committee shall establish procedures for receiving and processing requests from the general public for information under Section 324 (including Tier II information under Section 312) ~~((Title III))~~ EPCRA. Such procedures shall include the designation of an official to serve as committee coordinator for all information requests.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-180 Hazardous material emergency response plan—Content, guidelines, evaluation process.

(1) Each local emergency planning committee shall complete a hazardous materials emergency response plan as required by Section 303 (a), (b), (c), ~~((Title III))~~ EPCRA.

(2) The local emergency planning committee shall transmit three copies of the completed plan to:

~~((Chairperson))~~
Washington State Emergency Response
Commission
~~((Department of Community Development~~
9th and Columbia Building, GH-51
Olympia, Washington 98504-4151)
Washington Military Department
Emergency Management Division

(3) At a minimum, the plan shall include the requirements of ~~((Title III))~~ EPCRA, the standards of the NRT-1 guidelines, and the concepts of the Washington state comprehensive emergency management plan as it is written.

(4) Upon receipt of a local emergency planning committee hazardous material emergency response plan, the state emergency response commission shall:

(a) Send a letter to the local emergency planning committee formally acknowledging the receipt of the plan and informing them of the review process.

(b) Copies of the plan will then be ~~((sent to the following organizations for review and comment:~~

~~((i) The state division of emergency management, department of community development, to review it against required federal criteria and the state comprehensive emergency management plan.~~

~~((ii) The hazardous materials advisory committee's subcommittee for contingency planning.~~

~~((iii) The hazardous materials advisory committee's subcommittee for emergency response.~~

~~((e) The above organizations shall review the plan and within ninety days submit their comments and recommendations, if any, to the state emergency response commission on whether the plan meets the requirements of Title III, the recommendations of the NRT-1 guidelines and the concepts of the Washington state comprehensive emergency management plan.~~

~~In the event that there are significant differences in the recommendations of the committees, the full state hazardous materials advisory committee will be asked to resolve the differences and make its recommendation to the emergency response commission within forty five days of the date of referral to the state hazardous materials advisory committee))~~ reviewed for comment within ninety days of receipt as required by EPCRA.

(d) ~~((Within forty five days of the receipt of the recommendations, the state emergency response commission will review the recommendations.))~~ Upon completion of this review the state emergency response commission shall, as appropriate, send a letter to the submitting local emergency planning committee ~~((stating one of the following alternative evaluations of the local committee's plan:~~

~~((i) The plan has been reviewed and is considered to meet the requirements of Title III, the standards of the NRT-1 guidelines, and the concepts of the state comprehensive emergency management plan as it is written.~~

~~((ii) The plan has been reviewed and is considered to meet the standards of the NRT-1 guidelines, Title III requirements and the comprehensive emergency management plan concept, but suggestions are included on how it may be improved at its next revision.~~

~~((iii) Serious omissions are apparent in the plan. Please note the following suggestions on the changes that are needed to meet the Title III requirements, the guidelines of the NRT-1 guidebook and the concept of the Washington state comprehensive emergency management plan))~~ acknowledging receipt and providing reviewer's comments as appropriate in meeting the intent of EPCRA.

(5) The local emergency planning committees shall review and update, as appropriate, their plans annually ~~((and~~

submit them)) changes to the plan shall be submitted to the state emergency response commission ((for review under the procedures and guidelines prescribed in this section)). If there are no changes to the local plan, the local emergency planning committee shall provide written notification to the state emergency response commission within thirty days of the review's completion.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-300 ((Title III)) EPCRA—Facilities compliance. The owner or operator of a facility shall meet all of the applicable requirements of ((Title III)) EPCRA, or of rules adopted by the administrator to implement ((Title III)) EPCRA, as now authorized or hereafter amended, including the planning, notification, reporting, access, and information availability requirements as specified by Sections 301, 302, 303, 304, 311, 312, 313, and 324 of ((Title III)) EPCRA.

AMENDATORY SECTION (Amending Order 88-05, filed 9/12/88)

WAC 118-40-400 ((Title III)) EPCRA—Enforcement, penalties. Enforcement of all ((Title III)) EPCRA provisions and the administration of penalties for violations of the provisions shall be pursuant to Section 325 of ((Title III)) EPCRA, as now authorized or hereafter amended.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 118-40-090 Hazardous materials advisory committee—Establishment, membership.
- WAC 118-40-100 Hazardous materials advisory committee—Purpose, responsibilities.
- WAC 118-40-190 Emergency response training.

WSR 98-07-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 12, 1998, 1:52 p.m.]

Date of Adoption: March 11, 1998.
 Purpose: To correct a typographical error in citing RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 388-61-001.

Statutory Authority for Adoption: Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii) and HB 3901, section 103(4), RCW 74.08A.010, 74.04.050, 74.08.090.

Adopted under notice filed as WSR 97-24-080 on December 2, 1997.

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 0, Repealed 0.

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

March 11, 1998

Edith M. Rice, Chief
 Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 97-20-124, filed 10/1/97, effective 11/1/97)

WAC 388-61-001 What does the Family Violence Amendment mean for TANF recipients? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, gave every state the option to have a program to address issues of family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF, it is family violence when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010 ((+)) (2) to one of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
 - (b) Sexual abuse;
 - (c) Sexual activity involving a dependent child;
 - (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
 - (e) Threats of or attempts at, physical sexual abuse;
 - (f) Mental abuse;
 - (g) Neglect or deprivation of medical care((:)); or
 - (h) Stalking.
- (2) DSHS shall:

- (a) Screen and identify TANF recipients for a history of family violence;
- (b) Notify TANF recipients about the Family Violence Amendment both verbally and in writing;
- (c) Maintain confidentiality as stated in RCW 74.04.060;
- (d) Refer individuals needing counseling to supportive services;
- (e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or

PERMANENT

place victims at further risk of family violence. Requirements to be waived may include:

- (i) Time limits for TANF recipients, for as long as necessary (after fifty-two months of receiving TANF);
- (ii) Cooperation with the division of child support.
- (f) Develop specialized work activities for clients meeting the definition of family violence in instances where participation in work activities would place the recipients at further risk of family violence.

WSR 98-07-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
 [Filed March 12, 1998, 1:58 p.m.]

Date of Adoption: March 11, 1998.

Purpose: To repeal an obsolete and duplicative rule. The generic rule for identifying rights of applicants for services, to request fair hearings, to provide adequate notice, and other matters related to the social services block grant is proposed for repeal. Where such matters are necessary and required, individual programs have adopted rules that are program specific to accomplish the same goals. Such matters are also covered under chapter 34.05 RCW, Administrative Procedure Act, and chapter 388-08 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-030.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Section 209, chapter 409, Laws of 1997 (E2SHB 1032).

Adopted under notice filed as WSR 98-03-082 on January 21, 1998.

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 11, 1998
 Edith M. Rice, Chief
 Office of Legal Affairs

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-030 Rights of applicant for services.

WSR 98-07-047
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed March 13, 1998, 8:35 a.m., effective May 1, 1998]

Date of Adoption: February 24, 1998.

Purpose: To adopt forest practices rules implementing the Gorge management plan in the special management areas of the Columbia River Gorge National Scenic Area. These rules provide a regulatory process for forest practices in the special management area of the Columbia River Gorge National Scenic Area. This is a negotiated rule making proposal developed by key stakeholders interested in this issue.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010, 222-16-050, 222-20-010, 222-20-040; and new sections WAC 222-20-130 and 222-46-015.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Adopted under notice filed as WSR 98-01-222 on December 24, 1997.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 1998.

February 24, 1998
 Jennifer M. Belcher
 Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the depart-

ment information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA Special Management Area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the Special Management Area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA Special Management Area Guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA Management Plan developed pursuant to 15 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6

months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation,

reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history;

or
Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet

detection was made and the eight sections of land immediately adjacent to that section.

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be 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, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repel-

lents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar

forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"**Watershed administrative unit (WAU)**" means an area shown on the map specified in WAC 222-22-020(1).

"**Watershed analysis**" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

"**Western Washington**" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"**Wetland functions**" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"**Wetland management zone**" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"**Wildlife**" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"**Wildlife reserve trees**" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"**Young forest marginal habitat**" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF

within any developed park recreation area and park managed salvage of merchantable forest products.

*(d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(i) Filling or draining of more than 0.5 acre of a wetland.

(2) "Class IV - general." Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030(2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has

determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone (or within), a wetland, or the CRGNSA Special Management Area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone (or within), a wetland, or the CRGNSA Special Management Area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA Special Management Area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA Special Management Area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a

wetland management zone (~~or within~~), a wetland, or the CRGNSA Special Management Area.

*(o) Ground application of chemicals, if not within the CRGNSA Special Management Area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA Special Management Area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, (~~or within~~) the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, or within the CRGNSA Special Management Area and the operation does not involve off-road use of tractor or wheeled skidding systems on a side-slope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone (~~or~~), within a wetland, or within the CRGNSA Special Management Area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone (~~or~~), within a wetland, or within the CRGNSA Special Management Area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(4) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(5) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(6) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(7) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA Special Management Area Guidelines is necessary information for an application or notification within the CRGNSA Special Management Area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is deliv-

ered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

AMENDATORY SECTION (Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)

WAC 222-20-040 Approval conditions. (1) **Whenever an approved application** authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) **Local government entity conditions.**

(a) RCW 76.09.240(1) allows a local government entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local government entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that will be converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960.

(c) The department shall transmit the applications to the appropriate local government entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local government entity if:

(i) The local government entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local government entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local government entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local government entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local government entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business

days of the transmittal of the application to the local government entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local government entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local government entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) **Lead agency mitigation measures.**

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local government entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

(5) **CRGNSA Special Management Area.**

(a) Policy. The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§544, et seq. chapter 43.97 RCW, 16 U.S.C. §544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1), 16 U.S.C. §544a.

The forest practices rules addressing forest practices in the CRGNSA Special Management Area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and regulations for forest practices in the CRGNSA Special

Management Area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA Management Plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA Special Management Area Guidelines shall apply to all forest practices within the CRGNSA Special Management Area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department Southeast and Southwest regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA Special Management Area.

NEW SECTION

WAC 222-20-130 Notice and administration in CRGNSA Special Management Area. The department shall administer the permitting process for all forest practices on forest land in the CRGNSA Special Management Area. For all applications and notifications within the CRGNSA Special Management Area, the department shall send copies of a satisfactorily completed application or notification, including the U.S. Forest Service review statement, to the county in which the forest practices are to be commenced, the Columbia River Gorge commission, the U.S. Forest Service, the Yakama Indian Nation, and any interested parties that have requested to receive copies.

NEW SECTION

WAC 222-46-015 Enforcement within the CRGNSA Special Management Area. The department shall administer and enforce the forest practices regulations, including the requirement that the CRGNSA guidelines apply to all forest practices in the SMA, in cooperation with the U.S. Forest Service and the Columbia River Gorge commission.

WSR 98-07-060

PERMANENT RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 98-03—Filed March 17, 1998, 11:02 a.m.]

Date of Adoption: March 16, 1998.

Purpose: To implement monthly reporting of vocational enrollments as required by the State Operating Appropriations Act.

Citation of Existing Rules Affected by this Order:
Amending WAC 392-121-138.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 98-03-066 on January 20, 1998.

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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 16, 1998

Dr. Terry Bergeson
Superintendent of
Public Instruction

NEW SECTION

WAC 392-121-124 Full-time equivalent enrollment for work based learning. For work based learning provided pursuant to WAC 180-50-315, a student's full-time equivalent shall be determined as follows:

(1) Divide the student's hours of work experience for the month by two hundred twenty-five; for example: Forty-five hours of work experience equals two tenths of a full-time equivalent ($45 \div 225 = 0.20$).

(2) Estimated or scheduled hours of work experience may be used in determining a student's full-time equivalent on an enrollment count date: *Provided*, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of work experience documented on the student's work records and maintained by the school district for audit purposes. Work experience during June of the regular school year shall be included in the May enrollment count.

(3) Work based learning provided as part of a state-approved vocational education program qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-138 Full-time equivalent enrollment of vocational education students. For the purpose of enhanced funding for vocational education, full-time equivalent enrollment (~~of students enrolled~~) in vocational second-

ary and skills center((s)) programs shall be based upon the actual hours of enrollment in state approved vocational courses. ~~((Nine hundred hours of approved vocational instruction shall equal one annual average full-time equivalent student.))~~ Vocational full-time equivalent enrollment shall be determined pursuant to WAC 392-121-122 and shall be reported on the same monthly basis as the enrollment for students eligible for basic support.

WSR 98-07-061
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 98-04—Filed March 17, 1998, 11:04 a.m.]

Date of Adoption: March 16, 1998.

Purpose: To reinstate rules governing state funding ratios for school district kindergarten through third grade.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 98-03-067 on January 20, 1998.

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.

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

March 16, 1998

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

K-3 STAFF
ENHANCEMENT

NEW SECTION

WAC 392-140-700 K-3 Staff enhancement—Applicable provisions. The provisions of WAC 392-140-700 through 392-140-747 apply to the determination of staff/student ratios used in apportionment of state basic education moneys to school districts based on the district's kindergarten through third grade (K-3) staff and students. Compliance with these sections does not assure compliance with:

(1) RCW 28A.150.100(2), which requires each school district to maintain a ratio of at least forty-six basic education

certificated instructional staff per thousand annual average full-time equivalent students; or

(2) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

NEW SECTION

WAC 392-140-701 K-3 Staff enhancement—Authority. The authority for WAC 392-140-700 through 392-140-747 is:

(1) The Biennial Operating Appropriations Act established by the legislature for each school year; and

(2) RCW 28A.150.290(1).

NEW SECTION

WAC 392-140-702 K-3 Staff enhancement—Purpose. The purpose of WAC 392-140-700 through 392-140-747 is to set forth the policies and procedures used by the superintendent of public instruction to determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW 28A.150.260 (2)(c).

NEW SECTION

WAC 392-140-710 K-3 Staff enhancement—Definition—Academic year. As used in WAC 392-140-700 through 392-140-747 "academic year" means any nine-month period within the school year in which the minimum one hundred eighty school days required by law is conducted.

NEW SECTION

WAC 392-140-711 K-3 Staff enhancement—Definition—S-275. "S-275" means the S-275 reporting process defined in WAC 392-121-220.

NEW SECTION

WAC 392-140-712 K-3 Staff enhancement—Definition—SPI Form S-277. "SPI Form S-277" means the form provided, for school years through 1994-95 by the superintendent of public instruction on which school districts report information about each classified employee of the school district as of October 1 of the school year including the employee's name, Social Security number, working hours, assignments, rate of pay, and benefits.

NEW SECTION

WAC 392-140-713 K-3 Staff enhancement—Definition—SPI Form 1158. "SPI Form 1158" means the form provided by the superintendent of public instruction on which school districts report supplemental full-time equivalent (FTE) staff and/or supplemental K-3 FTE staff for the school year.

NEW SECTION

WAC 392-140-714 K-3 Staff enhancement—Definition—SPI Report 1159. "SPI Report 1159" means the report produced by the superintendent of public instruction displaying the calculations of K-3 certificated instructional staffing and K-3 apportionment ratios and other information as necessary.

NEW SECTION

WAC 392-140-715 K-3 Staff enhancement—Definition—SPI Form 1160. "SPI Form 1160" means the form provided by the superintendent of public instruction on which school districts may select the period of enrollment the superintendent of public instruction shall use to calculate staffing ratios.

NEW SECTION

WAC 392-140-716 K-3 Staff enhancement—Definition—SPI Form 1230. "SPI Form 1230" means the form provided by the superintendent of public instruction on which school districts report 1989-90 FTE K-3 basic education classified instructional assistants.

NEW SECTION

WAC 392-140-720 K-3 Staff enhancement—Definition—FTE K-3 basic education enrollment. "FTE K-3 basic education enrollment" means the school district's enrollment for October or for such other period selected by the school district on SPI Form 1160 determined as follows:

- (1) Sum FTE K-3 students reported by a school district pursuant to WAC 392-121-122 (1) and (2); and
- (2) For school years through 1994-95 subtract special education FTE students of ages six through eight calculated pursuant to WAC 392-122-131 based on enrollment reported by a school district pursuant to WAC 392-122-106.

NEW SECTION

WAC 392-140-721 K-3 Staff enhancement—Definition—FTE basic education certificated instructional employee. "FTE basic education certificated instructional employee" means the FTE calculated pursuant to WAC 392-121-215 for a basic education certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

- (1) Basic education, program 01;
- (2) Vocational, basic, state, program 31;
- (3) Skills center, basic, state, program 45;
- (4) Instruction support, program 94; and
- (5) District-wide support, program 97.

NEW SECTION

WAC 392-140-722 K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional

employee. "FTE K-3 basic education certificated instructional employee" means for a FTE basic education certificated instructional employee the following:

- (1) If the basic education certificated instructional employees serves only K-3 students, one hundred percent of the FTE assigned to basic education; or
- (2) If the basic education certificated instructional employee serves K-3 students and students of one or more other grades, multiply the FTE assigned to basic education by:
 - (a) The proportion of time spent serving K-3 students to all time serving students;
 - (b) The proportion of K-3 students served to all students served; or
 - (c) Any combination of (a) or (b) of this subsection as appropriate.

NEW SECTION

WAC 392-140-723 K-3 Staff enhancement—Definition—FTE K-3 basic education certificated instructional staff. "FTE K-3 basic education certificated instructional staff" means the sum of FTE K-3 basic education certificated instructional employees for a school district.

NEW SECTION

WAC 392-140-724 K-3 Staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. "Average basic education certificated instructional staff salary for purpose of apportionment" means the average salary allocation amount for basic education certificated instructional staff determined by the superintendent of public instruction for general apportionment of state basic education moneys to a school district pursuant to WAC 392-121-299.

NEW SECTION

WAC 392-140-725 K-3 Staff enhancement—Definition—Basic education classified instructional assistant. "Basic education classified instructional assistant" means a person who is assigned in whole or in part to:

- (1) Program 01-basic education, 31-vocational, basic, state, or 45-skills center, basic, state; and
- (2) Activity 27-teaching; and
- (3) Duty 910-aide.

NEW SECTION

WAC 392-140-726 K-3 Staff enhancement—Definition—Basic education classified instructional assistant FTE. "Basic education classified instructional assistant FTE" means the number determined for a basic education classified instructional assistant as follows:

- (1) Determine the hours per year that the employee is assigned as a basic education classified instructional assistant; and
- (2) Divide by 2080.

NEW SECTION

WAC 392-140-727 K-3 Staff enhancement—Definition—FTE K-3 basic education classified instructional assistants. "FTE K-3 basic education classified instructional assistants" means the number determined for a school district as follows:

(1) For each basic education classified instructional assistant serving K-3 students determine an FTE as follows:

(a) If the basic education classified instructional assistant serves only K-3 students, one hundred percent of the FTE determined pursuant to WAC 392-140-726.

(b) If the basic education classified instructional assistant serves K-3 students and students of one or more other grades, multiply the FTE determined pursuant to WAC 392-140-726 by:

(i) The proportion of time spent serving K-3 students to all time serving students;

(ii) The proportion of K-3 students served to all students served; or

(iii) Any combination of (b)(i) or (ii) of this subsection as appropriate.

(2) Sum the FTEs determined pursuant to subsection (1) of this section for all basic education classified instructional assistants of the school district.

NEW SECTION

WAC 392-140-728 K-3 Staff enhancement—Definition—Instructional FTE. As used in WAC 392-140-700 through 392-140-747, "instructional FTE" means:

(1) For basic education certificated instructional employee, the FTE determined pursuant to WAC 392-140-721.

(2) For a basic education classified instructional assistant, the FTE determined pursuant to WAC 392-140-726.

NEW SECTION

WAC 392-140-730 K-3 Staff enhancement—Definition—K-3 addition FTE. "K-3 addition FTE" means the increase in FTE calculated pursuant to WAC 392-140-733 for a K-3 basic education certificated instructional employee or a K-3 basic education classified instructional assistant who is not reported on the S-275 or for school years through 1994-95 on SPI Form S-277 (for a classified employee), or whose instructional FTE increases after October 1 of the school year.

NEW SECTION

WAC 392-140-731 K-3 Staff enhancement—Definition—K-3 reduction FTE. "K-3 reduction FTE" means the decrease in K-3 FTE calculated pursuant to WAC 392-140-733 for a basic education certificated instructional employee or a basic education classified instructional assistant who is no longer employed or whose instructional FTE decreases after October 1 of the school year.

NEW SECTION

WAC 392-140-732 K-3 Staff enhancement—Definition—K-3 reassignment FTE. "K-3 reassignment FTE" means the change in K-3 FTE calculated pursuant to WAC 392-140-733 for a basic education certificated instructional employee or a basic education classified instructional assistant after October 1 whose K-3 FTE changes as a result of reassignment but whose total instructional FTE does not change.

NEW SECTION

WAC 392-140-733 K-3 Staff enhancement—Calculation of addition, reduction, and reassignment FTE. Addition, reduction, and reassignment FTE shall be calculated as follows:

(1) Determine the K-3 basic education FTE that would have been reported for the employee:

(a) In school years through 1994-95 on the S-275 (for a certificated instructional employee) or SPI Form S-277 (for a classified instructional assistant) if the employee had served the full academic year at the level of service after the change in service;

(b) In the 1995-96 school year and thereafter, on the S-275 if the employee had served the full academic year at the level of service after the change in service;

(2) Subtract the K-3 basic education FTE as of October 1 as reported for the employee on SPI Form S-275 (for a certificated instructional employee) or on SPI Form S-277 (for a classified instructional assistant) from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the change in service, including the month of the change; and

(4) Divide the result obtained in subsection (3) of this section by nine.

NEW SECTION

WAC 392-140-735 K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff. "Supplemental FTE K-3 basic education certificated instructional staff" means the sum of school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education certificated instructional staff.

NEW SECTION

WAC 392-140-736 K-3 Staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants. "Supplemental FTE K-3 basic education classified instructional assistants" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education classified instructional assistants.

NEW SECTION

WAC 392-140-740 K-3 Staff enhancement—Definition—K-3 certificated instructional staffing ratio. "K-3 certificated instructional staffing ratio" means the ratio calculated for a school district for a school year as follows:

- (1) Add FTE K-3 basic education certificated instructional staff as reported on the S-275 and any supplemental FTE K-3 basic education certificated instructional staff as reported on SPI Form 1158;
- (2) Divide the result of subsection (1) of this section by FTE K-3 basic education enrollment; and
- (3) Multiply the result obtained in subsection (2) of this section by 1000.

NEW SECTION

WAC 392-140-741 K-3 Staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. "Actual average salary for basic education classified instructional assistants" means the dollar amount determined for a school district for a school year as follows:

- (1) For each basic education classified instructional assistant reported:
 - (a) On SPI Form S-277 for school years through 1994-95 multiply the hours per day times the days per year times the hourly rate as reported on Form S-277;
 - (b) On the S-275 for a school year during the period 1995-96 and thereafter, determine the assignment salary as reported on the S-275;
- (2) Sum the dollar amounts determined pursuant to subsection (1) of this section; and
- (3) Divide the result of subsection (2) of this section by the sum of the school district's FTE basic education classified instructional assistants for the school year as reported on Form S-277 or the S-275.

NEW SECTION

WAC 392-140-742 K-3 Staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. "Increase in K-3 basic education classified instructional assistants from 1989-90" means the greater of zero and the number calculated for a school district as follows:

- (1) Sum FTE K-3 basic education classified instructional assistants reported for school years through 1994-95 on SPI Form S-277 or for the 1995-96 school year and thereafter on the S-275, and any supplemental FTE K-3 basic education classified instructional assistants as reported on SPI Form 1158; and subtract
- (2) 1989-90 K-3 basic education classified instructional assistants as reported on SPI Form 1230.

NEW SECTION

WAC 392-140-743 K-3 Staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants. "Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants" means the number calculated for a school district with a K-3 certificated instructional staffing ratio of 51.00 or greater and an increase in K-3 basic education classified instructional assistants from 1989-90 as follows:

(1) Divide the increase in K-3 basic education classified instructional assistants from 1989-90 by FTE K-3 basic education enrollment;

(2) Multiply the result of subsection (1) of this section by 1000;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average basic education certificated instructional staff salary for the purpose of apportionment;

(4) The lesser of 1.30 and the result of subsection (3) of this section is the school district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

(1) Divide the increase in K-3 basic education classified instructional assistants from 1989-90 by FTE K-3 basic education enrollment;

(2) Multiply the result of subsection (1) of this section by 1000;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average basic education certificated instructional staff salary for the purpose of apportionment;

(4) The lesser of 1.30 and the result of subsection (3) of this section is the school district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

NEW SECTION

WAC 392-140-744 K-3 Staff enhancement—School district reporting—Required reports. Each school district shall report to the superintendent of public instruction on the S-275 and for school years through 1994-95 on SPI Form S-277 the school district's FTE K-3 basic education certificated instructional staff and FTE K-3 basic education classified instructional assistants as of October 1 of the school year. School districts shall report pursuant to instructions provided by the superintendent of public instruction.

NEW SECTION

WAC 392-140-745 K-3 Staff enhancement—School district reporting—Optional reports. At any time prior to September 30 of the following school year school districts may report to the superintendent of public instruction:

- (1) Supplemental FTE K-3 staff for the school year on SPI Form 1158;
- (2) One of the following optional periods of enrollment on SPI Form 1160:
 - (a) Enrollment for any month of the school year; or
 - (b) Annual average enrollment for the school year; and
- (3) 1989-90 FTE K-3 classified instructional assistants on SPI Form 1230.

NEW SECTION

WAC 392-140-746 K-3 Staff enhancement—Calculation of K-3 apportionment ratios. The superintendent of public instruction shall calculate each school district's ratio of state allocated certificated instructional staff units per one thousand K-3 students for state basic education apportionment as follows:

- (1) If the school district's K-3 certificated instructional staffing ratio is 49.00 or less, the district's K-3 apportionment ratio shall be 49.00.

(2) If the school district's K-3 certificated instructional staffing ratio is greater than 49.00, and less than 51.00, the district's K-3 apportionment ratio shall be the same as the district's K-3 certificated instructional staffing ratio.

(3) If the school district's K-3 certificated instructional staffing ratio is 51.00 or greater, the district's K-3 apportionment ratio shall be the lesser of:

(a) 54.30; and

(b) The sum of the district's K-3 certificated instructional staffing ratio and, if applicable, the district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

NEW SECTION

WAC 392-140-747 K-3 Staff enhancement—Reporting by the superintendent of public instruction. The superintendent of public instruction shall report to school districts as follows:

(1) Prior to January 31 of each school year the superintendent of public instruction shall provide each school district an initial SPI Report 1159. The report shall include any supplemental data received from the school district prior to January 1 of the school year.

(2) Within thirty days of receiving any of the following data from a school district the superintendent of public instruction shall provide the school district with an interim SPI Report 1159:

(a) Supplemental FTE K-3 staff on SPI Form 1158;

(b) Selection of optional enrollment on SPI Form 1160;

(c) Corrections to FTE K-3 basic education certificated instructional staff on the S-275; or

(d) Corrections to FTE K-3 basic education classified instructional assistants on SPI Form S-277 or on the S-275.

(3) Prior to January 1 of the following school year, the superintendent of public instruction shall provide each school district a final SPI Report 1159. The report shall include supplemental data for the school year received from the school district prior to September 30 of the following school year.

(4) Reports shall show the school district's K-3 certificated instructional staffing ratio, recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants, and K-3 apportionment ratio for the school year.

WSR 98-07-070

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 17, 1998, 1:46 p.m.]

Date of Adoption: March 13, 1998.

Purpose: Dealing with fees associated with riders, pay-thereof. When a rider first selected to ride then is replaced at the last moment.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-32-360.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 98-01-147 on December 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: Added proper gender reference and added additional clarifying language.

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 1, Amended 0, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 1.

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 0, Repealed 0.

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

March 17, 1998

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending Order 4, filed 12/24/69)

WAC 260-32-180 Fees. (1) Jockey's riding fees, for a meeting must be approved by the commission.

(a) If any owner or trainer engages two or more jockeys for the same race, he/she shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee to the jockey who does ride. In the event an owner or trainer elects to remove a jockey from his/her mount after scratch time or such other time as designated by the stewards, the stewards may require a double jockey fee to be paid. The double jockey fee to be paid may be equal to that earned by the jockey who rode the race or a losing fee, as determined by the board of stewards.

(b) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his/her own free will, takes himself/herself off his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(2) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

WSR 98-07-071

PERMANENT RULES

WASHINGTON STATE HISTORICAL SOCIETY

[Filed March 17, 1998, 3:20 p.m.]

Date of Adoption: March 17, 1998.

Purpose: Public WAC procedures regarding inspection and copying of public records.

Statutory Authority for Adoption: RCW 43.17.250.

Adopted under notice filed as WSR 98-04-060 on February 2, 1998.

Changes Other than Editing from Proposed to Adopted Version: Inclusion of text that allows for additional charges above \$.10 per copy for oversized documents or those that require special handling.

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 13, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 17, 1998

Marie DeLong

Administrative Officer

Title 255 WAC

WASHINGTON STATE HISTORICAL SOCIETY

Chapter 255-01 WAC

PUBLIC RECORDS

NEW SECTION

WAC 255-01-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state historical society with the provisions of chapter 27.34 RCW and RCW 42.17.250 through 42.17.348.

NEW SECTION

WAC 255-01-020 Authority. The Washington state historical society is authorized by chapter 27.34 RCW to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 255-01-030 Description of society's purpose. The society is a state-wide membership organization that provides leadership in public historical education. It collects, preserves, and interprets materials exemplifying the history of the state. The society's mission guides its acquisitions, collections management, exhibitions and publications. To serve

the citizens of Washington, the geographic emphasis for the society is the entire state, but for contextual purposes, the history of the northern American West and north Pacific regions, broadly conceived, fall within the scope of the society's concerns. Chronologically, the full sweep of human history in Washington is the society's arena, from initial habitation by the native peoples to the modern era.

NEW SECTION

WAC 255-01-040 Organization. The governing board of the society is its board of trustees which consists of officers, trustees and ex-officio members. The elective officers of the society shall be president, vice-president for eastern Washington, vice-president for western Washington, and treasurer. The director of the society serves as the secretary to the board of trustees. The trustees number not less than twenty and no more than thirty. The governor, secretary of state, superintendent of public instruction and legislators representing each of the four caucuses of the state legislature are ex-officio voting members of the board of trustees.

NEW SECTION

WAC 255-01-050 Election of officers. Election shall be by mail ballot to all qualified members of the society. Officers and trustees are elected to serve for three years, no more than ten to be elected annually. Trustees shall serve no more than three consecutive three-year terms. A majority of all ballots cast shall be necessary to elect.

NEW SECTION

WAC 255-01-060 Office hours and location. The administrative headquarters of the Washington state historical society is located at the Washington State History Museum, 1911 Pacific Avenue, Tacoma, WA 98402 (253) 272-3500. The office is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 255-01-070 Public records available. All public records of the society are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

WAC 255-01-080 Public records officer. The society's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of society policy in regard to the release of public records, coordinating the staff in this regard and generally insuring staff compliance with the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 255-01-090 Inspection and copying. Public records shall be available for inspection and copying from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 255-01-100 Requests for public records. In accordance with the requirements of chapter 42.17 RCW, stipulating that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures.

(1) A request shall be made in writing and shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available at the Washington State History Museum, 1911 Pacific Avenue, Tacoma, WA 98402. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time and date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested records as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as defined in RCW 42.17.310.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staff person to whom the request is made, to:

- (a) Locate the specific document(s) request by the member of the public in the most timely manner possible;
 - (b) Assist the member of the public in appropriately identifying the public record requested;
 - (c) Protect and otherwise prevent damage to the public record being inspected and copied;
 - (d) Prevent disorganization of file folders or document containers;
 - (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;
 - (f) Prevent excessive interference with the other essential functions of the agency.
- (5) Only the staff and trustees of the society may open files to gain access to society records.

(6) No public record of the society may be taken from the premises of the society by a member of the public.

(7) Public inspection of society records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the society is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the society may be copied only on the copying machine of the society unless other arrangements are authorized by the public records officer.

NEW SECTION

WAC 255-01-110 Copying. No fee shall be charged for inspection of public records. The society shall charge a fee of ten cents per page for copies of public records and the use of society copy equipment. This charge is the amount necessary to reimburse the society for its actual cost incident to such copying. In the event copies are requested of documents that are oversized or require special handling, the society may increase the per page cost for copying and shall provide a statement of the factors and the manner used to determine the increased cost. If the public records officer deems it more efficient to have the copying done outside of the society, the charges will be based on the actual costs of such outside copying service. For all copying service charges incurred, an invoice will be sent to the requester. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state historical society.

NEW SECTION

WAC 255-01-120 Exemptions. (1) The society reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 255-01-100 is exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the society reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(3) All denials of request for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the withheld record.

NEW SECTION

WAC 255-01-130 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff person which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public

records officer or other staff person denying the request shall refer it to the executive director or designee. The executive director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two days following the written request for review of the original denial. Whenever possible, the executive director or designee shall first consult with the office of the attorney general.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

NEW SECTION

WAC 255-01-140 Protection of public records.

Unless approved by the executive director, records shall not be removed from the place designated for their inspection. The public records officer may make reasonable arrangements for ensuring the security of the record(s) during inspections.

WSR 98-07-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-32—Filed March 6, 1998, 4:50 p.m.,
effective March 7, 1998, 12:01 a.m.]

Date of Adoption: March 5, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 75.08.080.

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 United States Army Corps of Engineers is constructing a new juvenile salmonid bypass system in the affected area. Excavation, construction, and hauling of debris creates a safety hazard necessitating the extension of the fishing area closure. This closure will remain in effect until the bank fishing boundary will be moved back upstream. 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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 7, 1998, 12:01 a.m.

March 5, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-56-28500P Shad and sturgeon - Areas and seasons. Notwithstanding the provisions of WAC's 220-56-128(11) and 220-56-285, effective 12:01 a.m. March 7, 1998 until further notice, it is unlawful to fish for any species from the mainland shore between the upstream line of Bonneville Dam and a fishing boundary marker on the Washington shore at the Fort Cascades fish wheel site (approximately 2 miles downstream from the dam).

WSR 98-07-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-34—Filed March 6, 1998, 4:52 p.m.,
effective March 7, 1998, 12:01 a.m.]

Date of Adoption: March 6, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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 United States Army Corps of Engineers is constructing a new juvenile salmonid bypass system in the affected area. Excavation, construction, and hauling of debris creates a safety hazard necessitating the extension of the fishing area closure. This closure will remain in effect until the bank fishing boundary will be moved back upstream. 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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 7, 1998, 12:01 a.m.

March 6, 1998

Bern Shanks

Director

NEW SECTION

WAC 232-28-61900J Washington game fish seasons and catch limits exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 7, 1998, until further notice, it is unlawful to fish for gamefish from the mainland shore between the upstream line of Bonneville Dam and a fishing boundary marker on the Washington shore at the Fort Cascades fish wheel site (approximately 2 miles downstream from the dam) on the Columbia River.

WSR 98-07-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-36—Filed March 11, 1998, 11:22 a.m.]

Date of Adoption: March 10, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900Y and 232-28-61900I; and
 amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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: **Justification for Upper Columbia steelhead/trout closures and whitefish opening:** On August 11, 1997, NMFS announced that steelhead originating within the Upper Columbia evolutionary significant unit (ESU) would be listed as endangered. The date this action took effect was October 17, 1997. With an endangered listing, ESA mandates closures on fishing activities that target or may cause incidental mortality on the species and stocks of concern. The boundaries to the Upper Columbia start immediately upstream of the mouth of the Yakima River up to Chief Joseph Dam, and incorporating all tributaries within this region.

On the mainstem within this reach, both steelhead and trout were closed since there is no resident trout population and trout are not planted in these waters. For the tributaries, all fishing will be closed to prevent incidental hooking mortality on steelhead in these waters. The majority of the winter-time effort in these streams is primarily directed on steelhead. Trout fisheries are essentially nonexistent during the winter months. However, an opportunity still exists in the Wenatchee and Methow rivers for the seasonal continuation of a fishery directed solely at mountain whitefish. Steelhead encounters during the whitefish fishery are anticipated to be minimal due to the directed time and limited area of the openings. In addition, the gear has been specifically limited to the type used in whitefish fishing. Angler effort is anticipated to be low, but the fishery will be monitored to document fishery participation and harvest and estimate the number of steelhead encounters. Factors which will minimize incidental mortality on steelhead in these streams are (1) fishing for trout and steelhead is closed, thus limiting the whitefish fishery to a relatively small number of active anglers; (2) the majority of adult steelhead spend the winter in the Columbia River reservoirs coincident with low flows and low water temperatures in the Wenatchee and Methow rivers; (3) juvenile steelhead (and resident trout) are not liable to be taken since they spend winters concealed in the cobble substrate; (4) restricting the fishery to use of small hooks will minimize incidental mortality to any steelhead that might be hooked by whitefish anglers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 10, 1998

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 232-28-61900K 1997-1998 Washington Game Fish Seasons and Catch Limits—Columbia River from Highway 395 Bridge at Pasco to Chief Joseph Dam, Wenatchee River, Icicle River (Creek), Entiat River, Methow River, Okanogan River, Similkameen River. Notwithstanding the provisions of WAC 232-28-619, effective immediately the following regulations apply:

Columbia River — From Highway 395 Bridge at Pasco to Chief Joseph Dam. Closed to the fishing for trout and steelhead, until further notice.

Wenatchee River — From the mouth to Lake Wenatchee. Closed to all fishing, through March 31, 1998, with the exception of whitefish only fishery effective immediately through March 31, 1998, from mouth upstream to Highway 2 Bridge at Leavenworth. Single hook, size #10 or smaller (under 1/4 inch maximum gap), bait allowed.

Icicle River (Creek) — From the mouth to Leavenworth National Fish Hatchery Rack. Closed to all fishing through March 31, 1998.

Entiat River — From the mouth (Hwy. 97 Bridge) to Fox Creek. Closed to all fishing through March 31, 1998.

Methow River — From the mouth (Hwy. 97 Bridge) to Lost River. Closed to all fishing through March 31, 1998, with the exception of whitefish only fishery effective immediately through March 31, 1998, from mouth upstream to mouth of Chewuch (Chewack) River. Single hook, size #10 or smaller (under 1/4 inch maximum gap), bait allowed.

Okanogan River — From the mouth to highway bridge at Malott. Closed to the fishing for trout and steelhead, until further notice.

Okanogan River — From the highway bridge at Malott to Osoyoos Lake. Closed to all fishing until further notice.

Similkameen River — From the mouth to Enloe Dam. Closed to all fishing through March 31, 1998.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-61900Y 1997-98 Washington game fish seasons and catch limits—Wenatchee River, Methow River. (97-228)
- WAC 232-28-61900I 1997-1998 Washington game fish seasons and catch limits—Columbia River from Highway 395 Bridge at Pasco to Chief Joseph Dam, Wenatchee River, Icicle River (Creek), Entiat River, Methow River, Twisp River, Okanogan River, Similkameen River. (98-31)

WSR 98-07-046
EMERGENCY RULES
FOREST PRACTICES BOARD
 [Filed March 13, 1998, 8:26 a.m.]

Date of Adoption: February 11, 1998.

Purpose: To modify forest practices rules that define Type 2 and 3 Waters in WAC 222-16-030, and define requirements for the Forest Practices Board manual.

Citation of Existing Rules Affected by this Order: Amending WAC 222-12-090 and 222-16-030.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

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

Reasons for this Finding: New data has shown that the physical characteristics of streams, as defined in the current forest practices rules, are no longer accurate. This emergency rule updates those physical characteristics based on current knowledge so that appropriate resource protection can be provided to fish habitat and water quality.

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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 9, 1998

Jennifer M. Belcher
 Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) **Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-030.**

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols**

EMERGENCY

for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

- (a) A sampling method to determine platforms per acre in the field;
- (b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and
- (c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

***(1) "Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

***(2) "Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet and tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife,

department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ (d) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

***(3) "Type 3 Water"** shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous or resident game fish for spawning, rearing or migration. Guidelines for determining fish use are described in the Forest Practices Board Manual. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have significant anadromous or resident game fish use:

~~((f))~~ (A) Stream segments having a defined channel of ~~((5))~~ 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient ~~((of less than 12))~~ 16 percent ~~((and not upstream of a falls of more than 10 vertical feet))~~ or less;

(B) Stream segments having a defined channel of 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient greater than 16 percent and less than or equal to 20 percent; and having greater than 50 acres in contributing basin size in Western Washington; or greater than 175 acres in contributing basin size in Eastern Washington based on hydrographic boundaries:

(ii) The department shall waive or modify the characteristics in (i) above where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting anadromous or resident game fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of anadromous or resident game fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i), as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

~~((#)) (iii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.~~

~~((e) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:~~

~~(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.~~

~~((#)) (iv) For resident game fish ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or~~

~~((#)) (c) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.~~

* (4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

* (5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

* (6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:
(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

WSR 98-07-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed March 13, 1998, 10:51 a.m.]

Date of Adoption: March 13, 1998.

Purpose: To codify into WAC existing policies regarding interpreter services for limited-English proficient, deaf-blind, and deaf hard of hearing clients.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Other Authority: RCW 74.04.025, 45 CFR Sec. 80.1 and 80.03, 45 CFR Sec. 605.52, 28 CFR, part 35.

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 budget allocated for interpreter services for Medical Assistance Administration (MAA) has been significantly reduced for the 1997-1999 biennium. In order to keep the interpreter services program

in existence, MAA must codify its policies to assure funds for the program do not run out. The department is engaged in permanent rule making.

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 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 13, 1998

Edith M. Rice, Chief
Office of Legal Affairs

Chapter 388-555 WAC

INTERPRETER SERVICES

NEW SECTION

WAC 388-555-1000 Definitions. For the purposes of this chapter, the following definitions apply:

"Consecutive appointments" – means appointments beginning or scheduled to begin within fifteen minutes of the last completed appointment.

"Family member" – means any person who is related to the client: a spouse, child, grandmother, grandfather, grandchild, mother, father, sister, brother, cousin, niece, nephew, aunt, uncle, step relations and/or in-laws.

"Independent interpreter" – means any fluent, bilingual/multilingual person, certified by language interpretation services and translation (LIST) in medical terminology, who provides interpreter services for payment and who is not employed by, or a contractor of, any interpreter agency enrolled with the medical assistance administration (MAA). Independent interpreter also means any person fluent in American Sign Language, certified by the National Association for the Deaf (NAD) or Registry for Interpreters for the Deaf (RID).

"Interpreter" – means a person who speaks English and another language fluently or signs American Sign Language fluently. Fluency includes an understanding of nonverbal and cultural patterns necessary to communicate effectively. An interpreter enables clients and medical/health care providers to communicate effectively with each other.

"Interpreter agency" – a business entity, organized under and permitted to operate by the laws of the state of Washington. The main objective or purpose of the agency is to procure interpreter services by employing or contracting

with bilingual/multilingual persons on a permanent or part-time basis to provide medical interpreter services for payment to MAA clients. For purposes of this chapter, interpreter agency does not include:

(1) A business entity that employs a person exclusively or regularly to perform other duties, or to perform interpreter services solely in connection with the affairs of that employer; or

(2) A person who is self-employed and is the only bilingual/multilingual employee contracting for the purpose of providing interpreter services to others.

"Language interpretation services and translation" (LIST) – means the section within the department of social and health services (DSHS) that is responsible for certifying and qualifying spoken language interpreters.

"Limited English proficient (LEP)" – means a limited ability or an inability to speak, read, or write English well enough to understand and communicate effectively in normal daily activities. The client decides whether he/she is limited in his/her ability to speak, read, or write English.

"Primary language" – means the language identified by the client as the language in which he/she wishes to communicate. This may also be referred to as the preferred language.

"Qualified interpreter for American Sign Language" – means a noncertified interpreter for the deaf, deaf-blind and/or hard of hearing who is:

(1) Not certified by NAD or RID; and

(2) Qualified as determined by the consumer to effectively meet his/her communication needs, both receptively and expressively.

"Qualified interpreter for spoken languages" – means an interpreter who has passed DSHS screening tests in languages other than the DSHS certificated languages as specified in RCW 74.04.025.

"Unit" – means a billable amount of time for interpreter services equal to fifteen minutes.

NEW SECTION

WAC 388-555-1050 Covered services. Interpreters and/or interpreter agencies shall receive payment for interpreter services that are:

(1) Provided for a client who is:

(a) Deaf;

(b) Deaf-blind;

(c) Hard of hearing; or

(d) Limited English proficient.

(2) Provided during a necessary medical service performed by an eligible provider; and

(3) Covered under a MAA program for which the client is eligible. For exceptions, see WAC 388-555-1100, Noncovered services.

NEW SECTION

WAC 388-555-1100 Noncovered services. Interpreters and/or interpreter agencies shall not receive payment for interpreter services related to:

(1) Inpatient hospital services;

- (2) Nursing facility services;
- (3) Community mental health center services;
- (4) The provision of any noncovered service;
- (5) Interpreter services funded or paid for by any other source;
- (6) Interpreter services provided to the interpreter's family members;
- (7) Any person other than an eligible MAA client;
- (8) Medical Assistance client no-shows;
- (9) The interpreter's failure to appear for scheduled services;
- (10) The interpreter's transportation costs or travel time;
- (11) Waiting time before the scheduled appointment; or
- (12) Any block of time when interpreter services are not required by the medical provider to communicate with a medical assistance client.

NEW SECTION

WAC 388-555-1150 Eligible providers. (1) Independent interpreters and/or interpreter agencies are considered eligible providers when they:

- (a) Are enrolled with MAA to provide interpreter services;
 - (b) Meet the criteria in WAC 388-87-007, Medical provider agreement, and WAC 388-87-010, Conditions of payment—General.
 - (2) To enroll as an independent interpreter for MAA clients, interpreters shall submit the following to the department:
 - (a) Proof of certification which may be either:
 - (i) Number and date of medical certificate from LIST; or
 - (ii) A copy of a RID or NAD certificate for certified sign language interpreters.
 - (b) A Social Security Number, if the interpreter has one;
 - (c) A completed interpreter services core provider agreement;
 - (d) A signed confidentiality pledge;
 - (e) A completed provider information form; and
 - (f) Verification of errors and omissions liability insurance at or over one hundred thousand dollars per occurrence.
 - (3) To enroll with MAA as an interpreter agency, the agency shall submit to the department:
 - (a) A completed interpreter services core provider agreement;
 - (b) Verification of errors and omissions liability insurance at or over one million dollars per occurrence;
 - (c) A completed provider information form; and
 - (d) A list of interpreters employed/contracted to provide services to MAA clients, including the following information for each interpreter:
 - (i) A signed confidentiality pledge; and
 - (ii) Number and date of medical certificate from LIST;
- or
- (iii) A copy of a current RID or NAD certificate for certified sign language interpreters or written description of evaluation process for qualified interpreter status.
- (4) To qualify as an eligible provider, an interpreter agency shall have the capacity to provide interpreter services in:

- (a) At least three languages, or
- (b) Fewer than three languages if the languages provided are reflective of a majority of the LEP clients residing within the county(ies) served by the agency. DSHS reports will be used to identify the languages needed in the demographic area.

NEW SECTION

WAC 388-555-1200 Provider requirements. (1) An interpreter or interpreter agency shall not determine the need for interpreter services, nor shall the interpreter market interpreter services to MAA clients. See WAC 388-555-1250, Coordination of services.

(2) An interpreter or interpreter agency shall not require a client to obtain interpreter services exclusive of other interpreters or interpreter agencies.

(3) An interpreter or interpreter agency shall adhere to department policies and procedures regarding confidentiality of client records as stated in WAC 388-501-0150.

(4) An independent interpreter shall enroll with the department as provided in WAC 388-555-1100 and obtain a current medical assistance provider number.

(5) An interpreter or interpreter agency must participate in an orientation which will be scheduled and given by MAA within their first year of contracting with the department. The department may terminate contracts with any provider who does not participate in the orientation.

(6) Interpreter agencies shall assume full legal and financial liability for interpreter services provided by employees and contractors.

NEW SECTION

WAC 388-555-1250 Coordination of services. An interpreter and/or interpreter agency shall:

- (1) Facilitate coordination of the appointment dates and times with the medical provider and the client as requested by the medical provider; and
- (2) Notify the medical provider of any changes to scheduled appointments at least twenty-four hours in advance.

NEW SECTION

WAC 388-555-1300 Payment. (1) Eligible interpreters and/or interpreter agencies shall only provide services when the following conditions are met:

- (a) The client or the medical provider determines that an interpreter is necessary in order for the client to appropriately access necessary medical and health care services covered by the client's medical assistance program;
 - (b) The medical provider has informed the client that interpreter services are available at no cost to the client; and
 - (c) The interpreter presents a current identification card with his/her name, such as a driver's license, prior to providing interpreter services.
- (2) To the extent permitted under federal law and regulation, the department may provide federal financial participation to match funds expended by public agencies for interpreter services.

NEW SECTION

WAC 388-555-1350 Payment methodology. An interpreter and/or interpreter agency shall receive payment for interpreter services based on:

- (1) Funds legislatively provided for interpreter services;
- (2) Department allocation of vendor rate increases appropriated by the legislature;
- (3) Billable units of time; and
- (4) Submitting claims to the department according to billing instructions provided by MAA. All eligible interpreters will be provided with billing instructions.

NEW SECTION

WAC 388-555-1400 Recordkeeping and audits. (1) Interpreters and/or interpreter agencies shall maintain legible, accurate, and complete records in order to support and justify interpretation services provided to medical assistance clients. The types of records that must be maintained are described in the billing instructions.

**WSR 98-07-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-40—Filed March 13, 1998, 12:03 p.m.,
effective March 16, 1998, 12:01 a.m.]

Date of Adoption: March 13, 1998.

Purpose: Commercial rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600A; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

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 closures in this emergency rule are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires by passing the time periods inherent in permanent rule making. Failure to comply with such plans may result in contempt of federal court or failure of all commercial crab fishing in a given region addressed by a plan.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 16, 1998, 12:01 a.m.

March 13, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-52-04600B Crab fishery—Seasons, areas and gear restrictions. Notwithstanding the provisions of WAC 220-52-046, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound except during the times and in the areas provided for in this section.

(1) The following areas are closed to non-Indian commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 20A, 21A, and 21B are closed from February 16, 1998 through April 15, 1998.

(b) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary are closed from February 16, 1998 through April 15, 1998.

(c) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A north and east of a line from Clark Point on Guemes Island to Toe Point on Cypress Island, thence to Lawrence Point on Orcas Island are closed from February 16, 1998 through April 15, 1998.

(d) Those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22B north of a line from William Point to Clark Point on Guemes Island, thence to Toe Point on Cypress Island are closed from February 16, 1998 through April 15, 1998.

(e) Those waters of Marine Fish/Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29 are closed from March 16, 1998 through April 15, 1998.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m March 15, 1998:

EMERGENCY

WAC 220-52-04600A Crab fishery—Seasons, areas and gear restrictions. (98-18)

WSR 98-07-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-38—Filed March 13, 1998, 12:06 p.m.,
 effective April 11, 1998, 12:01 a.m.]

Date of Adoption: March 13, 1998.

Purpose: Commercial rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-03000L; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 75.08.080.

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 Willapa Spits have readily supported a six week fishery since 1989. Annual reported harvest has ranged from 3,000+ lbs. The fishery provides an important supply of crab bait to the local Dungeness crab industry and depending on the size and condition of clams, a fresh market restaurant trade. Based on historic catches there should be adequate clams to support a six week season. To date, toxin levels are low and forecasted to stay low during the time period proposed. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 11, 1998, 12:01 a.m.

March 13, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-52-03000L Razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to dig for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters and beaches of Razor Clam Area number one lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and northerly of a line of boundary markers consisting of pipe and flagging on the northern tip of Leadbetter Point, are open to the taking and possession of razor clams for commercial purposes from 12:01 a.m. April 11, 1998 through 11:59 p.m. May 31, 1998.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 1998:

WAC 220-52-03000L Razor clams. (98-39)

WSR 98-07-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-37—Filed March 13, 1998, 12:08 p.m.,
 effective April 25, 1998, 12:01 a.m.]

Date of Adoption: March 12, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900L and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: This regulation provides additional recreational trout fishing opportunity in Curl Lake to compensate for lost opportunity in other waters due to flooding and reduced hatchery trout stocking in streams. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 25, 1998, 12:01 a.m.

March 12, 1998

Bern Shanks

Director

NEW SECTION

WAC 232-28-61900L Washington game fish—Exceptions to state-wide rules. Notwithstanding the provisions of WAC 232-28-619, effective the last Saturday in April, 1998, until further notice, it is lawful to fish for and possess gamefish in Curl Lake (Columbia County). Fishing from any floating device is prohibited.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 1998:

WAC 232-28-61900L Washington game fish—Exceptions to state-wide rules.

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.

Effective Date of Rule: March 14, 1998, 6:01 p.m.

March 13, 1998

Larry Peck

for Bern Shanks

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. March 14, 1998:

WAC 220-32-05100E Columbia River salmon seasons above Bonneville. (98-15)

WSR 98-07-103

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 98-03—Filed March 18, 1998, 10:45 a.m.]

Purpose: Readopt emergency rule revising forest practices rule definitions of Type 2 and 3 streams to protect riparian areas and water quality upstream of fish hatchery intakes. Forest practices rule changes (WAC 222-16-030) are incorporated by reference pursuant to WAC 173-202-020, Washington Forest Practices rules and regulations to protect water quality.

Citation of Existing Rules Affected by this Order: Amending WAC 173-202-020.

Statutory Authority for Adoption: RCW 90.48.420 and 76.09.040.

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.

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.

WSR 98-07-057

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-39—Filed March 13, 1998, 12:12 p.m., effective March 14, 1998, 6:01 p.m.]

Date of Adoption: March 13, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100E.

Statutory Authority for Adoption: RCW 75.08.080.

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 sturgeon guideline is expected to be achieved. This rule is consistent with actions of the March 12, 1998, Columbia River Compact hearing. 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

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 18, 1998

Tom Fitzsimmons
Director

AMENDATORY SECTION (Amending WSR 94-17-011, filed 8/8/94, effective 9/8/94)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on (~~September 15, 1994~~) March 13, 1998, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.

WAC 222-12-090—Forest practices board manual.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.

WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.

WAC 222-24-050—Road maintenance.

WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.

WAC 222-30-010—Policy—Timber harvesting.

WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

WAC 222-30-025—Green-up: Even-aged harvest size and timing.

WAC 222-30-030—Stream bank integrity.

WAC 222-30-040—Shade requirements to maintain stream temperature.

WAC 222-30-050 (1), (2), (3)—Felling and bucking.

WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.

WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.

WAC 222-30-080 (1), (2)—Landing cleanup.

WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.

WAC 222-34-040—Site preparation and rehabilitation.

WAC 222-38-010—Policy—Forest chemicals.

WAC 222-38-020—Handling, storage, and application of pesticides.

WAC 222-38-030—Handling, storage, and application of fertilizers.

WAC 222-38-040—Handling, storage, and application of other forest chemicals.



WSR 98-07-010
NOTICE OF PUBLIC MEETINGS
ARTS COMMISSION
 [Memorandum—March 6, 1998]

Amended
 1998
 Washington State Arts Commission
 Meeting Schedule

DATE	START- ING TIME	LOCATION
February 19, 1998	1:00 p.m.	Washington State Arts Commission
February 20, 1998	9:00 a.m.	234 East 8th Avenue Olympia, WA
May 29, 1998	8:30 a.m.	Washington State Arts Commission 234 East 8th Avenue Olympia, WA
June 26, 1998 Telephone Conference Call	2:00 p.m.	Washington State Arts Commission 234 East 8th Avenue Olympia, WA
August 27, 1998	1:00 p.m.	City of Leavenworth 700 Highway 2 Leavenworth, WA
August 28, 1998	9:00 a.m.	City of Gig Harbor 3105 Judson Gig Harbor, WA
November 19, 1998	1:00 p.m.	City of Gig Harbor 3105 Judson Gig Harbor, WA
November 20, 1998	9:00 a.m.	Gig Harbor, WA

WSR 98-07-013
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—March 6, 1998]

MEETING NOTICE FOR MARCH 1998
 TRANSPORTATION IMPROVEMENT BOARD
 TRANSPORTATION BUILDING, ROOM 1D2
 OLYMPIA, WASHINGTON

Increase Subcommittee, 3:00 p.m. - 5:00 p.m., Thursday, March 26, 1998, at the Holiday Inn Select, 2300 Evergreen Park Drive, Cedar/Hemlock Rooms, Olympia.

Work session, 7:00 p.m., Thursday, March 26, 1998, at the Holiday Inn Select, Cedar/Hemlock Rooms.

Board meeting, 9:00 a.m., Friday, March 27, 1998, at the Transportation Building, Commission Board Room, 1D2, 310 Maple Park Avenue S.E., Olympia.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by March 20, 1998.

The next scheduled meeting is April 24, 1998, in Vancouver. A notice with further detail of the April meeting will be mailed April 3, 1998.

WSR 98-07-014
RULES COORDINATOR
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed March 9, 1998, 9:36 a.m.]

This is to inform you that Lynne McGuire will now serve as the rules coordinator for the Office of Financial Management. For your reference, Lynne's addresses and phone numbers are: Lynne McGuire, Office of Financial Management, Insurance Building, 3rd Floor, P.O. Box 43113, phone 902-0581, FAX 664-2832, e-mail lynne.mcguire@ofm.wa.gov.
 Maureen Morris
 Deputy Director

WSR 98-07-027
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—March 10, 1998]

NOTICE OF MEETING CANCELLATION

The Public Works Board meeting scheduled as a regular meeting on April 7, 1998, in the city of SeaTac, has been cancelled.

Proposed agenda items will be presented to the board at the regular meeting in Wenatchee, Washington, scheduled for May 5, 1998.

WSR 98-07-030
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD
 [Memorandum—March 10, 1998]

COMMUNITY ECONOMIC REVITALIZATION BOARD MEETING

CHANGE OF LOCATION:

date affected: May 21, 1998, 9:00 a.m.

NEW LOCATION: Sea-Tac Airport, Small Conference Room, SeaTac Washington.

WSR 98-07-034
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed March 12, 1998, 1:40 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 98-06 MAA Numbered Memorandum.
 Subject: Electronic funds transfer (EFT).
 Effective Date: March 1998.

MISC.

Document Description: Effective immediately, electronic funds transfer (EFT) for payment of medical claims and/or premiums is available to Medical Assistance Administration (MAA) providers. This memo also goes into detail on how EFT works and how to set up EFT.

To receive a copy of the interpretive or policy statement, contact Leslie Baldwin, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail baldwl@dshs.wa.gov.

March 4, 1998
Roxie Schalliol, Section Head
Program Assistance Services Section

WSR 98-07-035
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 12, 1998, 1:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 98-03 MAA Numbered Memorandum.
Subject: Enhanced payments for major trauma services.
Effective Date: March 1, 1998.

Document Description: Effective with dates of service on or after March 1, 1998, enhanced payments are available for services provided by designated physicians and clinical providers for care to major trauma medical assistance clients. These enhanced payments will vary based upon the procedure(s) performed and provider type.

To receive a copy of the interpretive or policy statement, contact Leslie Baldwin, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail baldwl@dshs.wa.gov.

March 4, 1998
Roxie Schalliol, Section Head
Program Assistance Services Section

WSR 98-07-043
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—March 11, 1998]

The Washington State Convention and Trade Center's (WSCTC) Design Committee will meet on Wednesday, March 18, 1998, from 10:30 a.m. - 12:30 p.m. in the Level 5 Board Room of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, March 18, 1998, at 1:30 p.m. in the Level 5 Board Room of the Convention Center.

This meeting room is located in the Administrative Offices on Level 5, accessed via the elevator located in the southwest corner of the facility.

If you have any questions regarding these meetings, please call 694-5000.

WSR 98-07-044

ATTORNEY GENERAL'S OFFICE

[Filed March 12, 1998, 3:25 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by April 4, 1998. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by April 4, 1998, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

98-03-04 Request by Senator Mary Margaret Haugen, State Senator on Behalf of Municipal Research Council

May a code city provide by city ordinance that the chair of its LEOFF disability board, established as required by RCW 41.26.110 for cities with a population over 20,000, always be one of the two members of the board selection from the city council, in view of the fact that state law does not specify how the chair is to be chosen?

WSR 98-07-045**ATTORNEY GENERAL'S OFFICE**

[Filed March 12, 1998, 3:26 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by April 4, 1998. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by April 4, 1998, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

98-03-05 Request by Representative Georgia Gardner State Representative, 42nd District

Is there a time limit between when elections may be held on the issue of abandonment of city classification or plan of government under RCW 35A.06 where no change is made?

WSR 98-07-072**INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH**

[Filed March 17, 1998, 4:21 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "Can a pharmacist take nursing orders from a physician and relay those orders to the RN?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Patti Igarashi, Coram Alternative Site Services, Inc.

Title: "May a registered nurse administer Cytotec (misoprostol) for cervical ripening?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Deborah Swennes, RNC, Director, Maternal Child Health, St. John Medical Center.

Title: "Can Emergency Department Registered Nurses delegate tasks such as vital signs, starting an IV, or venipuncture for blood sampling, and the cleaning of minor wounds for suturing by the Emergency Department physician, to EMT/IV technician's and/or Paramedics who are not employed in the Department? May the prehospital personnel document on our Emergency Department flow sheet the delegated tasks [tasks] they do?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Kathleen Watkins, RN, Assistant Administrator, Patient Care Services, Samaritan Hospital, Moses Lake.

Title: "May a specially trained (didactic and clinical) nursing assistant certified, hand physicians instruments during a C/section or tubal?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Marcia Tolmasoff, RNC, Manager, Family Birth Center, Southwest WA Medical Center, Vancouver.

Effective Date: February 12, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-07-073**POLICY STATEMENT
DEPARTMENT OF HEALTH**

[Filed March 17, 1998, 4:22 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: "Timeline for investigative case review by Nursing Commission Members."

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission adopted this policy to set timelines for the review of investigative files. The nursing investigative files will be reviewed and written recommendations for case disposition will be completed within sixty calendar days.

Effective Date: December 12, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing

Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-07-074
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:23 p.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Compliance Process: Re-Impose Suspension of Fine.

Issuing Entity: Counselor programs.

Subject Matter: This policy is to establish guidelines to ensure consistency in the compliance process when reimposing a portion of a suspended fine on disciplinary orders for failure to comply by the required due date.

Effective Date: January 28, 1998.

Contact Person: Shellie Pierce, Department of Health, Counselor Programs, P.O. Box 47869, Olympia, WA 98504-7869, (360) 586-8584.

WSR 98-07-075
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:24 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: The Use of Automatic External Defibrillators.

Issuing Entity: Department of Health, Medical Quality Assurance Commission.

Subject Matter: The Medical Quality Assurance Commission finds that the use of the automatic external defibrillator (AED) is the practice of medicine, and further finds the use of an AED is the furnishing of medical assistance in cases of emergency requiring immediate attention.

Effective Date: December 12, 1997.

Contact Person: Beverly A. Teeter, Administrator, Department of Health, Medical Quality Assurance Commission, 1300 S.E. Quince Street, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-8690.

WSR 98-07-076
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:25 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can a registered nurse caring for laboring women, with adequate training, do the following procedures: Connect an epidural infusion pump and tubing to an epidural catheter, turn the pump on and run an infusion of Bupivacaine and Fentanyl at the rate prescribed by the anesthesiologist,

adjust the rate of the infusion on order of the anesthesiologist, and change a bag of fluid with identical premade medication when the prior bag is empty?

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from Mary Burroughs, RCN, MSN, Northwest Hospital.

Effective Date: February 12, 1998.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 664-2881.

WSR 98-07-077
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed March 17, 1998, 4:26 p.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Can dentists prescribe Zyban for their patients to assist them in smoking cessation?

Issuing Entity: Washington State Dental Quality Assurance Commission.

Subject: The commission issued an interpretive statement in response to a question from Dr. Jame Browning.

Effective Date: February 27, 1998.

Contact Person: Lisa Anderson, Program Manager, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 664-8090.

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = 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 previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - XA = Expedited adoption
 - XR = Expedited repeal
- Note: These filings will appear in a special section of Issue 98-09
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25	AMD-C	98-05-020	16-354-030	AMD-P	98-06-082	25-36-030	REP	98-05-027
4-25	AMD-C	98-07-025	16-354-040	AMD-P	98-06-082	25-36-040	REP	98-05-027
16-08-151	AMD-XA	98-04-082	16-354-050	AMD-P	98-06-082	25-36-050	REP	98-05-027
16-32-009	PREP	98-05-104	16-354-070	AMD-P	98-06-082	25-36-060	REP	98-05-027
16-102	PREP	98-04-075	16-354-100	AMD-P	98-06-082	25-36-070	REP	98-05-027
16-167-010	AMD-XA	98-04-076	16-400	AMD-P	98-07-032	25-36-080	REP	98-05-027
16-167-020	AMD-XA	98-04-076	16-400-007	AMD-P	98-07-032	25-36-090	REP	98-05-027
16-167-030	AMD-XA	98-04-076	16-400-040	AMD-P	98-07-032	25-36-100	REP	98-05-027
16-167-040	AMD-XA	98-04-076	16-400-100	AMD-P	98-07-032	25-36-110	REP	98-05-027
16-167-050	AMD-XA	98-04-076	16-400-210	AMD-P	98-07-032	25-36-120	REP	98-05-027
16-167-060	AMD-XA	98-04-076	16-471	PREP	98-07-107	25-36-130	REP	98-05-027
16-168-010	AMD	98-03-089	16-532-010	AMD-P	98-02-073	51-04-015	AMD	98-02-048
16-168-020	AMD	98-03-089	16-532-0402	REP-P	98-02-073	51-04-070	AMD	98-02-048
16-168-030	AMD	98-03-089	16-532-0404	REP-P	98-02-073	51-06-020	AMD	98-02-049
16-168-040	AMD	98-03-089	16-532-0406	REP-P	98-02-073	51-06-120	AMD	98-02-049
16-168-050	AMD	98-03-089	16-532-0408	REP-P	98-02-073	51-11-0101	AMD	98-03-003
16-168-060	AMD	98-03-089	16-532-0410	REP-P	98-02-073	51-11-0104	AMD	98-03-003
16-168-070	AMD	98-03-089	16-532-0412	REP-P	98-02-073	51-11-0201	AMD	98-03-003
16-168-075	NEW	98-03-089	16-532-0414	REP-P	98-02-073	51-11-0402	AMD	98-03-003
16-168-080	AMD	98-03-089	16-573-010	NEW	98-04-093	51-11-0502	AMD	98-03-003
16-168-090	AMD	98-03-089	16-573-020	NEW	98-04-093	51-11-0503	AMD	98-03-003
16-168-100	AMD	98-03-089	16-573-030	NEW	98-04-093	51-11-0504	AMD	98-03-003
16-212-030	AMD-P	98-07-106	16-573-040	NEW	98-04-093	51-11-0505	AMD-W	98-05-064
16-212-060	AMD-P	98-07-106	16-573-041	NEW	98-04-093	51-11-0525	AMD	98-03-003
16-212-070	AMD-P	98-07-106	16-573-050	NEW	98-04-093	51-11-0527	AMD	98-03-003
16-212-080	AMD-P	98-07-106	16-573-060	NEW	98-04-093	51-11-0530	AMD	98-03-003
16-212-082	AMD-P	98-07-106	16-573-070	NEW	98-04-093	51-11-0541	AMD	98-03-003
16-228-155	PREP	98-07-003	16-573-080	NEW	98-04-093	51-11-0602	AMD	98-03-003
16-316-474	PREP	98-06-093	16-575	PREP	98-06-096	51-11-0606	REP	98-03-003
16-316-525	PREP	98-06-093	16-657	PREP	98-07-068	51-11-0607	REP	98-03-003
16-319-041	PREP	98-06-094	16-659	PREP	98-07-067	51-11-0608	REP	98-03-003
16-325-005	NEW-XA	98-05-106	16-662	PREP	98-07-069	51-11-0625	AMD	98-03-003
16-325-010	NEW-XA	98-05-106	16-752	PREP	98-04-077	51-11-0626	AMD	98-03-003
16-325-015	NEW-XA	98-05-106	25-18-010	REP	98-05-027	51-11-0627	AMD	98-03-003
16-325-020	NEW-XA	98-05-106	25-18-020	REP	98-05-027	51-11-0628	AMD	98-03-003
16-325-025	NEW-XA	98-05-106	25-18-030	REP	98-05-027	51-11-0629	AMD	98-03-003
16-334-010	NEW-XA	98-07-109	25-18-040	REP	98-05-027	51-11-0630	AMD	98-03-003
16-334-020	NEW-XA	98-07-109	25-18-050	REP	98-05-027	51-11-0701	AMD	98-03-003
16-334-030	NEW-XA	98-07-109	25-18-060	REP	98-05-027	51-11-0800	AMD	98-03-003
16-334-040	NEW-XA	98-07-109	25-18-070	REP	98-05-027	51-11-1002	AMD	98-03-003
16-334-050	NEW-XA	98-07-109	25-18-080	REP	98-05-027	51-11-1003	AMD	98-03-003
16-334-060	NEW-XA	98-07-109	25-18-090	REP	98-05-027	51-11-1004	AMD	98-03-003
16-334-070	NEW-XA	98-07-109	25-18-100	REP	98-05-027	51-11-1005	AMD	98-03-003
16-334-080	NEW-XA	98-07-109	25-18-110	REP	98-05-027	51-11-1006	AMD	98-03-003
16-354-002	REP-P	98-06-082	25-18-120	REP	98-05-027	51-11-1007	AMD	98-03-003
16-354-005	AMD-P	98-06-082	25-18-130	REP	98-05-027	51-11-1008	AMD	98-03-003
16-354-010	AMD-P	98-06-082	25-36-010	REP	98-05-027	51-11-1009	AMD	98-03-003
16-354-020	AMD-P	98-06-082	25-36-020	REP	98-05-027	51-11-1010	REP	98-03-003

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-11-1120	AMD	98-03-003	51-30-007	REP	98-02-054	51-30-2902	REP	98-02-054
51-11-1130	AMD	98-03-003	51-30-008	REP	98-02-054	51-30-2903	REP	98-02-054
51-11-1132	AMD	98-03-003	51-30-009	REP	98-02-054	51-30-2904	REP	98-02-054
51-11-1133	AMD	98-03-003	51-30-0100	REP	98-02-054	51-30-2910	REP	98-02-054
51-11-1210	AMD	98-03-003	51-30-0104	REP	98-02-054	51-30-3102	REP	98-02-054
51-11-1310	AMD-W	98-05-064	51-30-0200	REP	98-02-054	51-30-31200	REP	98-02-054
51-11-1312	AMD	98-03-003	51-30-0204	REP	98-02-054	51-30-31201	REP	98-02-054
51-11-1322	AMD-W	98-05-064	51-30-0207	REP	98-02-054	51-30-31202	REP	98-02-054
51-11-1323	AMD	98-03-003	51-30-0217	REP	98-02-054	51-30-31203	REP	98-02-054
51-11-1331	AMD	98-03-003	51-30-0220	REP	98-02-054	51-30-31204	REP	98-02-054
51-11-1334	AMD	98-03-003	51-30-0300	REP	98-02-054	51-30-31205	REP	98-02-054
51-11-1411	AMD	98-03-003	51-30-0302	REP	98-02-054	51-30-31206	REP	98-02-054
51-11-1412	AMD	98-03-003	51-30-0304	REP	98-02-054	51-30-31207	REP	98-02-054
51-11-1414	AMD	98-03-003	51-30-0305	REP	98-02-054	51-30-31208	REP	98-02-054
51-11-1421	AMD	98-03-003	51-30-0307	REP	98-02-054	51-30-31209	REP	98-02-054
51-11-1422	AMD	98-03-003	51-30-0310	REP	98-02-054	51-30-31210	REP	98-02-054
51-11-1423	AMD	98-03-003	51-30-0313	REP	98-02-054	51-30-3400	REP	98-02-054
51-11-1433	AMD	98-03-003	51-30-0400	REP	98-02-054	51-30-3404	REP	98-02-054
51-11-1452	AMD	98-03-003	51-30-0403	REP	98-02-054	51-30-93115	REP	98-02-054
51-11-1454	AMD	98-03-003	51-30-0405	REP	98-02-054	51-30-93116	REP	98-02-054
51-11-1512	AMD	98-03-003	51-30-0500	REP	98-02-054	51-30-93117	REP	98-02-054
51-11-1530	AMD	98-03-003	51-30-0510	REP	98-02-054	51-30-93118	REP	98-02-054
51-11-1701	AMD	98-03-003	51-30-0600	REP	98-02-054	51-30-93119	REP	98-02-054
51-11-2005	AMD	98-03-003	51-30-0601	REP	98-02-054	51-30-93120	REP	98-02-054
51-11-2006	AMD	98-03-003	51-30-0800	REP	98-02-054	51-32-001	REP	98-02-056
51-11-2007	AMD	98-03-003	51-30-0804	REP	98-02-054	51-32-002	REP	98-02-056
51-11-99903	AMD	98-03-003	51-30-0900	REP	98-02-054	51-32-003	REP	98-02-056
51-11-99904	AMD	98-03-003	51-30-0902	REP	98-02-054	51-32-004	REP	98-02-056
51-13-106	AMD	98-02-047	51-30-0904	REP	98-02-054	51-32-005	REP	98-02-056
51-13-402	AMD	98-02-047	51-30-1000	REP	98-02-054	51-32-007	REP	98-02-056
51-13-502	AMD	98-02-047	51-30-1001	REP	98-02-054	51-32-008	REP	98-02-056
51-26-001	REP	98-02-055	51-30-1004	REP	98-02-054	51-32-0200	REP	98-02-056
51-26-002	REP	98-02-055	51-30-1005	REP	98-02-054	51-32-0223	REP	98-02-056
51-26-003	REP	98-02-055	51-30-1006	REP	98-02-054	51-32-0300	REP	98-02-056
51-26-004	REP	98-02-055	51-30-1007	REP	98-02-054	51-32-0327	REP	98-02-056
51-26-008	REP	98-02-055	51-30-1009	REP	98-02-054	51-32-0500	REP	98-02-056
51-26-0300	REP	98-02-055	51-30-1014	REP	98-02-054	51-32-0504	REP	98-02-056
51-26-0310	REP	98-02-055	51-30-1019	REP	98-02-054	51-32-0600	REP	98-02-056
51-26-0315	REP	98-02-055	51-30-1030	REP	98-02-054	51-32-0601	REP	98-02-056
51-26-0400	REP	98-02-055	51-30-1100	REP	98-02-054	51-32-0605	REP	98-02-056
51-26-0401	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-1101	REP	98-02-056
51-26-0503	REP	98-02-055	51-30-1103	REP	98-02-054	51-32-1102	REP	98-02-056
51-26-0909	REP	98-02-055	51-30-1104	REP	98-02-054	51-32-1103	REP	98-02-056
51-26-1000	REP	98-02-055	51-30-1105	REP	98-02-054	51-32-1104	REP	98-02-056
51-26-1004	REP	98-02-055	51-30-1106	REP	98-02-054	51-32-1105	REP	98-02-056
51-26-1007	REP	98-02-055	51-30-1107	REP	98-02-054	51-32-1106	REP	98-02-056
51-26-1009	REP	98-02-055	51-30-1108	REP	98-02-054	51-32-1107	REP	98-02-056
51-26-1020	REP	98-02-055	51-30-1109	REP	98-02-054	51-32-1108	REP	98-02-056
51-26-1301	REP	98-02-055	51-30-1110	REP	98-02-054	51-32-1300	REP	98-02-056
51-26-1800	REP	98-02-055	51-30-1111	REP	98-02-054	51-32-1312	REP	98-02-056
51-26-1801	REP	98-02-055	51-30-1112	REP	98-02-054	51-32-1313	REP	98-02-056
51-26-1802	REP	98-02-055	51-30-1113	REP	98-02-054	51-34-001	REP	98-02-053
51-26-1803	REP	98-02-055	51-30-1114	REP	98-02-054	51-34-002	REP	98-02-053
51-26-1804	REP	98-02-055	51-30-1120	REP	98-02-054	51-34-003	REP	98-02-053
51-26-1810	REP	98-02-055	51-30-1121	REP	98-02-054	51-34-007	REP	98-02-053
51-26-1820	REP	98-02-055	51-30-1122	REP	98-02-054	51-34-008	REP	98-02-053
51-26-1830	REP	98-02-055	51-30-1123	REP	98-02-054	51-34-0200	REP	98-02-053
51-26-1840	REP	98-02-055	51-30-1124	REP	98-02-054	51-34-0206	REP	98-02-053
51-26-1845	REP	98-02-055	51-30-1125	REP	98-02-054	51-34-0216	REP	98-02-053
51-26-2200	REP	98-02-055	51-30-1200	REP	98-02-054	51-34-0219	REP	98-02-053
51-26-2300	REP	98-02-055	51-30-1203	REP	98-02-054	51-34-0223	REP	98-02-053
51-26-2301	REP	98-02-055	51-30-1600	REP	98-02-054	51-34-0900	REP	98-02-053
51-27-001	REP	98-02-055	51-30-1614	REP	98-02-054	51-34-0901	REP	98-02-053
51-27-002	REP	98-02-055	51-30-1700	REP	98-02-054	51-34-0902	REP	98-02-053
51-27-003	REP	98-02-055	51-30-1702	REP	98-02-054	51-34-1000	REP	98-02-053
51-27-004	REP	98-02-055	51-30-1900	REP	98-02-054	51-34-1003	REP	98-02-053
51-27-008	REP	98-02-055	51-30-1909	REP	98-02-054	51-34-1007	REP	98-02-053
51-30-001	REP	98-02-054	51-30-2200	REP	98-02-054	51-34-1007	REP	98-02-053
51-30-002	REP	98-02-054	51-30-2211	REP	98-02-054	51-34-2500	REP	98-02-053
51-30-003	REP	98-02-054	51-30-2400	REP	98-02-054	51-34-2501	REP	98-02-053
51-30-004	REP	98-02-054	51-30-2406	REP	98-02-054	51-34-5200	REP	98-02-053
51-30-005	REP	98-02-054	51-30-2900	REP	98-02-054	51-34-5201	REP	98-02-053
						51-34-5204	REP	98-02-053

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-34-6100	REP	98-02-053	51-40-007	NEW	98-02-054	51-42-0223	NEW	98-02-056
51-34-6103	REP	98-02-053	51-40-008	NEW	98-02-054	51-42-0303	NEW	98-02-056
51-34-6104	REP	98-02-053	51-40-009	NEW	98-02-054	51-42-0504	NEW	98-02-056
51-34-6105	REP	98-02-053	51-40-0200	NEW	98-02-054	51-42-0600	NEW	98-02-056
51-34-6106	REP	98-02-053	51-40-0302	NEW	98-02-054	51-42-0601	NEW	98-02-056
51-34-6107	REP	98-02-053	51-40-0303	NEW	98-02-054	51-42-0605	NEW	98-02-056
51-34-6301	REP	98-02-053	51-40-0304	NEW	98-02-054	51-42-0901	NEW	98-02-056
51-34-6302	REP	98-02-053	51-40-0305	NEW	98-02-054	51-42-1000	NEW	98-02-056
51-34-6303	REP	98-02-053	51-40-0307	NEW	98-02-054	51-42-1002	NEW	98-02-056
51-34-6304	REP	98-02-053	51-40-0308	NEW	98-02-054	51-42-1004	NEW	98-02-056
51-34-6305	REP	98-02-053	51-40-0310	NEW	98-02-054	51-42-1005	NEW	98-02-056
51-34-6306	REP	98-02-053	51-40-0311	NEW	98-02-054	51-42-1100	NEW	98-02-056
51-34-6307	REP	98-02-053	51-40-0313	NEW	98-02-054	51-42-1101	NEW	98-02-056
51-34-6308	REP	98-02-053	51-40-0403	NEW	98-02-054	51-42-1102	NEW	98-02-056
51-34-6309	REP	98-02-053	51-40-0405	NEW	98-02-054	51-42-1103	NEW	98-02-056
51-34-6310	REP	98-02-053	51-40-0510	NEW	98-02-054	51-42-1104	NEW	98-02-056
51-34-6311	REP	98-02-053	51-40-0804	NEW	98-02-054	51-42-1105	NEW	98-02-056
51-34-6312	REP	98-02-053	51-40-0902	NEW	98-02-054	51-42-1106	NEW	98-02-056
51-34-6313	REP	98-02-053	51-40-0904	NEW	98-02-054	51-42-1107	NEW	98-02-056
51-34-6314	REP	98-02-053	51-40-1000	NEW	98-02-054	51-42-1108	NEW	98-02-056
51-34-6315	REP	98-02-053	51-40-1002	NEW	98-02-054	51-42-1311	NEW	98-02-056
51-34-6316	REP	98-02-053	51-40-1003	NEW	98-02-054	51-42-1312	NEW	98-02-056
51-34-6317	REP	98-02-053	51-40-1004	NEW	98-02-054	51-42-1401	NEW	98-02-056
51-34-6318	REP	98-02-053	51-40-1007	NEW	98-02-054	51-44-001	NEW	98-02-053
51-34-6319	REP	98-02-053	51-40-1091	NEW	98-02-054	51-44-002	NEW	98-02-053
51-34-6320	REP	98-02-053	51-40-1100	NEW	98-02-054	51-44-003	NEW	98-02-053
51-34-6321	REP	98-02-053	51-40-1101	NEW	98-02-054	51-44-007	NEW	98-02-053
51-34-6322	REP	98-02-053	51-40-1102	NEW	98-02-054	51-44-008	NEW	98-02-053
51-34-6323	REP	98-02-053	51-40-1103	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-34-6324	REP	98-02-053	51-40-1104	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-34-7800	REP	98-02-053	51-40-1105	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-34-7802	REP	98-02-053	51-40-1106	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-34-7900	REP	98-02-053	51-40-1107	NEW	98-02-054	51-44-1007	NEW	98-02-053
51-34-7902	REP	98-02-053	51-40-1108	NEW	98-02-054	51-44-10210	NEW	98-02-053
51-34-7904	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-34-8000	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-2500	NEW	98-02-053
51-34-8001	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-5200	NEW	98-02-053
51-34-8003	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-6100	NEW	98-02-053
51-34-9100	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-6300	NEW	98-02-053
51-34-9101	REP	98-02-053	51-40-1114	NEW	98-02-054	51-44-7404	NEW	98-02-053
51-34-9102	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-7802	NEW	98-02-053
51-34-9103	REP	98-02-053	51-40-1192	NEW	98-02-054	51-44-7900	NEW	98-02-053
51-34-9104	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-8000	NEW	98-02-053
51-34-9105	REP	98-02-053	51-40-1194	NEW	98-02-054	51-45-001	NEW	98-02-053
51-34-9106	REP	98-02-053	51-40-1195	NEW	98-02-054	51-45-002	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1196	NEW	98-02-054	51-45-003	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1203	NEW	98-02-054	51-45-007	NEW	98-02-053
51-35-001	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-45-008	NEW	98-02-053
51-35-002	REP	98-02-053	51-40-1616	NEW	98-02-054	51-45-80400	NEW	98-02-053
51-35-003	REP	98-02-053	51-40-1702	NEW	98-02-054	51-46-001	NEW	98-02-055
51-35-007	REP	98-02-053	51-40-1909	NEW	98-02-054	51-46-002	NEW	98-02-055
51-35-008	REP	98-02-053	51-40-23110	NEW	98-02-054	51-46-003	NEW	98-02-055
51-35-52000	REP	98-02-053	51-40-2406	NEW	98-02-054	51-46-007	NEW	98-02-055
51-35-52400	REP	98-02-053	51-40-2900	NEW	98-02-054	51-46-008	NEW	98-02-055
51-35-52440	REP	98-02-053	51-40-2929	NEW	98-02-054	51-46-0100	NEW	98-02-055
51-35-52441	REP	98-02-053	51-40-3004	NEW	98-02-054	51-46-0101	NEW	98-02-055
51-35-52442	REP	98-02-053	51-40-3102	NEW	98-02-054	51-46-0102	NEW	98-02-055
51-35-52500	REP	98-02-053	51-40-31200	NEW	98-02-054	51-46-0103	NEW	98-02-055
51-35-52510	REP	98-02-053	51-40-3404	NEW	98-02-054	51-46-0200	NEW	98-02-055
51-35-52520	REP	98-02-053	51-40-93115	NEW	98-02-054	51-46-0205	NEW	98-02-055
51-35-52530	REP	98-02-053	51-40-93116	NEW	98-02-054	51-46-0215	NEW	98-02-055
51-35-52540	REP	98-02-053	51-40-93117	NEW	98-02-054	51-46-0218	NEW	98-02-055
51-35-52550	REP	98-02-053	51-40-93118	NEW	98-02-054	51-46-0300	NEW	98-02-055
51-35-52560	REP	98-02-053	51-40-93119	NEW	98-02-054	51-46-0301	NEW	98-02-055
51-35-52570	REP	98-02-053	51-40-93120	NEW	98-02-054	51-46-0310	NEW	98-02-055
51-35-52580	REP	98-02-053	51-42-001	NEW	98-02-056	51-46-0311	NEW	98-02-055
51-35-52590	REP	98-02-053	51-42-002	NEW	98-02-056	51-46-0313	NEW	98-02-055
51-35-52600	REP	98-02-053	51-42-003	NEW	98-02-056	51-46-0314	NEW	98-02-055
51-40-001	NEW	98-02-054	51-42-004	NEW	98-02-056	51-46-0316	NEW	98-02-055
51-40-002	NEW	98-02-054	51-42-005	NEW	98-02-056	51-46-0392	NEW	98-02-055
51-40-003	NEW	98-02-054	51-42-007	NEW	98-02-056	51-46-0400	NEW	98-02-055
51-40-004	NEW	98-02-054	51-42-008	NEW	98-02-056	51-46-0402	NEW	98-02-055
51-40-005	NEW	98-02-054	51-42-0200	NEW	98-02-056	51-46-0412	NEW	98-02-055

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0413	NEW	98-02-055	118-40-080	AMD	98-07-028	131-46-075	REP-P	98-06-070
51-46-0500	NEW	98-02-055	118-40-090	REP	98-07-028	131-46-080	REP-P	98-06-070
51-46-0501	NEW	98-02-055	118-40-100	REP	98-07-028	131-46-085	REP-P	98-06-070
51-46-0502	NEW	98-02-055	118-40-150	AMD	98-07-028	131-46-090	REP-P	98-06-070
51-46-0505	NEW	98-02-055	118-40-160	AMD	98-07-028	131-46-095	REP-P	98-06-070
51-46-0507	NEW	98-02-055	118-40-170	AMD	98-07-028	131-46-105	REP-P	98-06-070
51-46-0509	NEW	98-02-055	118-40-180	AMD	98-07-028	131-46-110	REP-P	98-06-070
51-46-0512	NEW	98-02-055	118-40-190	REP	98-07-028	131-46-115	REP-P	98-06-070
51-46-0513	NEW	98-02-055	118-40-300	AMD	98-07-028	131-46-120	REP-P	98-06-070
51-46-0514	NEW	98-02-055	118-40-400	AMD	98-07-028	131-46-125	REP-P	98-06-070
51-46-0515	NEW	98-02-055	131-08	AMD-C	98-07-059	132B-120-010	AMD-P	98-05-049
51-46-0516	NEW	98-02-055	131-08-005	AMD-P	98-06-071	132B-120-020	AMD-P	98-05-049
51-46-0517	NEW	98-02-055	131-08-007	AMD-P	98-06-071	132B-120-030	AMD-P	98-05-049
51-46-0518	NEW	98-02-055	131-08-008	AMD-P	98-06-071	132B-120-040	AMD-P	98-05-049
51-46-0519	NEW	98-02-055	131-12	AMD-C	98-07-059	132B-120-055	NEW-P	98-05-049
51-46-0520	NEW	98-02-055	131-12-020	AMD-P	98-06-069	132B-120-065	NEW-P	98-05-049
51-46-0521	NEW	98-02-055	131-12-030	AMD-P	98-06-069	132B-120-075	NEW-P	98-05-049
51-46-0522	NEW	98-02-055	131-12-040	AMD-P	98-06-069	132B-120-080	AMD-P	98-05-049
51-46-0523	NEW	98-02-055	131-12-041	AMD-P	98-06-069	132B-120-085	NEW-P	98-05-049
51-46-0524	NEW	98-02-055	131-16-010	AMD-P	98-06-075	132B-120-120	AMD-P	98-05-049
51-46-0525	NEW	98-02-055	131-16-011	AMD-P	98-06-075	132B-120-130	AMD-P	98-05-049
51-46-0600	NEW	98-02-055	131-16-015	REP-P	98-06-075	132B-120-135	NEW-P	98-05-049
51-46-0603	NEW	98-02-055	131-16-021	AMD-P	98-06-075	132B-120-170	AMD-P	98-05-049
51-46-0604	NEW	98-02-055	131-16-031	AMD-P	98-06-075	132B-120-180	AMD-P	98-05-049
51-46-0608	NEW	98-02-055	131-16-040	REP-P	98-06-075	132B-120-190	AMD-P	98-05-049
51-46-0609	NEW	98-02-055	131-16-045	AMD-P	98-06-075	132B-120-200	AMD-P	98-05-049
51-46-0610	NEW	98-02-055	131-16-050	AMD-P	98-06-075	132B-120-210	NEW-P	98-05-049
51-46-0700	NEW	98-02-055	131-16-055	AMD-P	98-06-075	132B-120-220	NEW-P	98-05-049
51-46-0701	NEW	98-02-055	131-16-056	AMD-P	98-06-075	132H-160-052	AMD	98-03-044
51-46-0704	NEW	98-02-055	131-16-060	REP-P	98-06-075	132P-33	PREP	98-07-007
51-46-0710	NEW	98-02-055	131-16-061	AMD-P	98-06-075	136-130-030	AMD-P	98-05-036
51-46-0713	NEW	98-02-055	131-16-062	REP-P	98-06-075	136-130-030	AMD-W	98-06-044
51-46-0793	NEW	98-02-055	131-16-065	REP-P	98-06-075	136-130-030	AMD-P	98-06-045
51-46-0800	NEW	98-02-055	131-16-066	REP-P	98-06-075	136-130-040	AMD-P	98-05-036
51-46-0810	NEW	98-02-055	131-24	AMD-C	98-07-059	136-130-040	AMD-W	98-06-044
51-46-0814	NEW	98-02-055	131-24-010	AMD-P	98-06-073	136-130-040	AMD-P	98-06-045
51-46-0815	NEW	98-02-055	131-24-020	AMD-P	98-06-073	136-161-070	AMD-P	98-05-036
51-46-0900	NEW	98-02-055	131-24-030	AMD-P	98-06-073	136-161-070	AMD-W	98-06-044
51-46-0903	NEW	98-02-055	131-24-040	REP-P	98-06-073	136-161-070	AMD-P	98-06-045
51-46-1000	NEW	98-02-055	131-28	AMD-C	98-07-059	136-161-080	AMD-P	98-05-036
51-46-1003	NEW	98-02-055	131-28-005	NEW-P	98-06-072	136-161-080	AMD-W	98-06-044
51-46-1012	NEW	98-02-055	131-28-02501	AMD-P	98-06-072	136-161-080	AMD-P	98-06-045
51-46-1300	NEW	98-02-055	131-28-025	AMD-P	98-06-072	136-161-090	AMD-P	98-05-036
51-46-1301	NEW	98-02-055	131-28-026	AMD-P	98-06-072	136-161-090	AMD-W	98-06-044
51-46-1302	NEW	98-02-055	131-28-027	AMD-P	98-06-072	136-161-090	AMD-P	98-06-045
51-46-1303	NEW	98-02-055	131-28-045	AMD-P	98-06-072	136-200-040	AMD-P	98-05-036
51-46-1304	NEW	98-02-055	131-28-080	REP-P	98-06-072	136-200-040	AMD-W	98-06-044
51-46-1305	NEW	98-02-055	131-28-085	REP-P	98-06-072	136-200-040	AMD-P	98-06-045
51-46-1400	NEW	98-02-055	131-28-090	REP-P	98-06-072	136-210-030	AMD-P	98-05-036
51-46-1401	NEW	98-02-055	131-36	AMD-P	98-06-074	136-210-030	AMD-W	98-06-044
51-46-1491	NEW	98-02-055	131-36	AMD-C	98-07-059	136-210-030	AMD-P	98-06-045
51-46-97120	NEW	98-02-055	131-36-010	AMD-P	98-06-074	136-220-020	AMD-P	98-05-036
51-46-97121	NEW	98-02-055	131-36-050	AMD-P	98-06-074	136-220-020	AMD-W	98-06-044
51-46-97122	NEW	98-02-055	131-36-055	NEW-P	98-06-074	136-220-020	AMD-P	98-06-045
51-46-97123	NEW	98-02-055	131-36-100	AMD-P	98-06-074	136-220-030	AMD-P	98-05-036
51-46-97124	NEW	98-02-055	131-36-150	AMD-P	98-06-074	136-220-030	AMD-W	98-06-044
51-46-97125	NEW	98-02-055	131-36-200	AMD-P	98-06-074	136-220-030	AMD-P	98-06-045
51-46-97126	NEW	98-02-055	131-36-250	AMD-P	98-06-074	137-28-150	AMD	98-04-086
51-46-97127	NEW	98-02-055	131-36-300	AMD-P	98-06-074	137-28-190	AMD	98-04-086
51-46-97128	NEW	98-02-055	131-46	REP-C	98-07-059	137-100-001	AMD-P	98-02-074
51-46-97129	NEW	98-02-055	131-46-020	REP-P	98-06-070	137-100-010	AMD-P	98-02-074
51-47-001	NEW	98-02-055	131-46-025	REP-P	98-06-070	137-100-020	AMD-P	98-02-074
51-47-002	NEW	98-02-055	131-46-027	REP-P	98-06-070	137-100-030	AMD-P	98-02-074
51-47-003	NEW	98-02-055	131-46-029	REP-P	98-06-070	137-100-040	NEW-P	98-02-074
51-47-007	NEW	98-02-055	131-46-030	REP-P	98-06-070	173-152	NEW-C	98-04-019
51-47-008	NEW	98-02-055	131-46-035	REP-P	98-06-070	173-152-010	NEW-E	98-04-018
118-40-010	AMD	98-07-028	131-46-040	REP-P	98-06-070	173-152-010	NEW	98-06-042
118-40-020	AMD	98-07-028	131-46-045	REP-P	98-06-070	173-152-020	NEW-E	98-04-018
118-40-030	AMD	98-07-028	131-46-050	REP-P	98-06-070	173-152-020	NEW	98-06-042
118-40-040	AMD	98-07-028	131-46-055	REP-P	98-06-070	173-152-025	NEW-E	98-04-018
118-40-050	AMD	98-07-028	131-46-060	REP-P	98-06-070	173-152-030	NEW	98-06-042
118-40-060	AMD	98-07-028	131-46-065	REP-P	98-06-070	173-152-040	NEW-E	98-04-018
118-40-070	AMD	98-07-028	131-46-070	REP-P	98-06-070	173-152-040	NEW	98-06-042

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-152-050	NEW-E	98-04-018	173-308-080	NEW	98-05-101	180-59-035	REP	98-05-007
173-152-050	NEW	98-06-042	173-308-090	NEW	98-05-101	180-59-037	REP	98-05-007
173-160	AMD-C	98-04-020	173-308-100	NEW	98-05-101	180-59-040	REP	98-05-007
173-162	AMD-C	98-04-020	173-308-110	NEW	98-05-101	180-59-045	REP	98-05-007
173-202-020	AMD-XA	98-03-071	173-308-120	NEW	98-05-101	180-59-047	REP	98-05-007
173-202-020	AMD-S	98-04-021	173-308-130	NEW	98-05-101	180-59-050	REP	98-05-007
173-202-020	AMD-W	98-04-069	173-308-140	NEW	98-05-101	180-59-055	REP	98-05-007
173-202-020	AMD	98-07-026	173-308-150	NEW	98-05-101	180-59-060	REP	98-05-007
173-202-020	AMD-E	98-07-103	173-308-160	NEW	98-05-101	180-59-065	REP	98-05-007
173-224-030	AMD	98-03-046	173-308-170	NEW	98-05-101	180-59-070	REP	98-05-007
173-224-040	AMD	98-03-046	173-308-180	NEW	98-05-101	180-59-075	REP	98-05-007
173-224-050	AMD	98-03-046	173-308-190	NEW	98-05-101	180-59-080	REP	98-05-007
173-303-017	AMD	98-03-018	173-308-200	NEW	98-05-101	180-59-090	REP	98-05-007
173-303-040	AMD	98-03-018	173-308-210	NEW	98-05-101	180-59-095	REP	98-05-007
173-303-045	AMD	98-03-018	173-308-220	NEW	98-05-101	180-59-100	REP	98-05-007
173-303-070	AMD	98-03-018	173-308-230	NEW	98-05-101	180-59-105	REP	98-05-007
173-303-071	AMD	98-03-018	173-308-240	NEW	98-05-101	180-59-110	REP	98-05-007
173-303-073	AMD	98-03-018	173-308-250	NEW	98-05-101	180-59-115	REP	98-05-007
173-303-077	AMD	98-03-018	173-308-260	NEW	98-05-101	180-59-120	REP	98-05-007
173-303-081	AMD	98-03-018	173-308-270	NEW	98-05-101	180-59-125	REP	98-05-007
173-303-082	AMD	98-03-018	173-308-275	NEW	98-05-101	180-59-130	REP	98-05-007
173-303-090	AMD	98-03-018	173-308-280	NEW	98-05-101	180-59-135	REP	98-05-007
173-303-100	AMD	98-03-018	173-308-290	NEW	98-05-101	180-59-140	REP	98-05-007
173-303-104	AMD	98-03-018	173-308-295	NEW	98-05-101	180-59-145	REP	98-05-007
173-303-110	AMD	98-03-018	173-308-300	NEW	98-05-101	180-59-150	REP	98-05-007
173-303-120	AMD	98-03-018	173-308-310	NEW	98-05-101	180-59-155	REP	98-05-007
173-303-140	AMD	98-03-018	173-308-320	NEW	98-05-101	180-59-160	REP	98-05-007
173-303-145	AMD	98-03-018	173-308-900	NEW	98-05-101	180-59-165	REP	98-05-007
173-303-160	AMD	98-03-018	173-400	PREP	98-06-090	180-78A	PREP	98-06-030
173-303-180	AMD	98-03-018	173-460-060	AMD	98-04-062	180-78A-165	AMD	98-05-022
173-303-201	AMD	98-03-018	173-490-203	REP	98-04-061	180-79A-117	AMD	98-05-024
173-303-210	AMD	98-03-018	180-16-002	AMD-P	98-04-088	180-79A-220	AMD-P	98-04-089
173-303-230	AMD	98-03-018	180-16-180	REP-P	98-04-088	180-79A-340	AMD	98-05-023
173-303-280	AMD	98-03-018	180-18-010	AMD	98-05-001	180-79A-420	PREP	98-04-087
173-303-282	AMD	98-03-018	180-22-150	AMD	98-05-003	180-79A-422	PREP	98-04-087
173-303-300	AMD	98-03-018	180-25	PREP	98-06-007	180-85-100	AMD	98-05-024
173-303-335	AMD-W	98-05-062	180-26	PREP	98-06-006	182-25-010	AMD	98-07-002
173-303-350	AMD	98-03-018	180-27	PREP	98-06-005	182-25-020	AMD	98-07-002
173-303-380	AMD	98-03-018	180-29	PREP	98-06-004	182-25-030	AMD	98-07-002
173-303-395	AMD	98-03-018	180-30	PREP	98-06-001	182-25-040	AMD	98-07-002
173-303-400	AMD	98-03-018	180-31	PREP	98-06-003	182-25-070	AMD	98-07-002
173-303-505	AMD	98-03-018	180-32	PREP	98-06-002	182-25-080	AMD	98-07-002
173-303-520	AMD	98-03-018	180-33	PREP	98-06-008	182-25-090	AMD	98-07-002
173-303-522	NEW	98-03-018	180-34-010	AMD	98-05-002	182-25-100	AMD	98-07-002
173-303-573	NEW	98-03-018	180-34-015	REP	98-05-002	182-25-105	AMD	98-07-002
173-303-600	AMD	98-03-018	180-34-020	REP	98-05-002	192-12-141	AMD	98-06-097
173-303-610	AMD	98-03-018	180-34-025	REP	98-05-002	192-23-018	AMD	98-06-097
173-303-620	AMD	98-03-018	180-36-007	NEW	98-05-021	192-32	AMD	98-05-042
173-303-655	AMD-W	98-05-062	180-39-025	AMD	98-05-004	192-32-001	REP	98-05-042
173-303-665	AMD	98-03-018	180-39-027	REP	98-05-004	192-32-010	AMD	98-05-042
173-303-675	AMD	98-03-018	180-39-028	REP	98-05-004	192-32-015	REP	98-05-042
173-303-800	AMD	98-03-018	180-39-030	REP	98-05-004	192-32-025	REP	98-05-042
173-303-802	AMD	98-03-018	180-39-035	REP	98-05-004	192-32-035	AMD	98-05-042
173-303-804	AMD	98-03-018	180-51-050	PREP	98-06-028	192-32-045	AMD	98-05-042
173-303-805	AMD	98-03-018	180-56-003	REP	98-05-005	192-32-050	AMD	98-05-042
173-303-806	AMD	98-03-018	180-58-010	REP	98-05-006	192-32-055	AMD	98-05-042
173-303-807	AMD	98-03-018	180-58-015	REP	98-05-006	192-32-065	AMD	98-05-042
173-303-810	AMD	98-03-018	180-58-020	REP	98-05-006	192-32-075	AMD	98-05-042
173-303-815	AMD	98-03-018	180-58-030	REP	98-05-006	192-32-085	AMD	98-05-042
173-303-830	AMD	98-03-018	180-58-040	REP	98-05-006	192-32-095	AMD	98-05-042
173-303-840	AMD	98-03-018	180-58-045	REP	98-05-006	192-32-100	NEW	98-05-042
173-303-900	AMD	98-03-018	180-58-055	REP	98-05-006	192-32-105	AMD	98-05-042
173-303-910	AMD	98-03-018	180-58-065	REP	98-05-006	192-32-115	AMD	98-05-042
173-303-9903	AMD	98-03-018	180-58-075	REP	98-05-006	192-32-120	REP	98-05-042
173-303-9904	AMD	98-03-018	180-58-085	REP	98-05-006	192-32-125	REP	98-05-042
173-303-9905	AMD	98-03-018	180-58-090	REP	98-05-006	192-32-130	NEW	98-05-042
173-308-010	NEW	98-05-101	180-59-005	REP	98-05-007	192-32-135	NEW	98-05-042
173-308-020	NEW	98-05-101	180-59-010	REP	98-05-007	192-33-005	NEW	98-05-042
173-308-030	NEW	98-05-101	180-59-015	REP	98-05-007	192-33-006	NEW	98-05-042
173-308-040	NEW	98-05-101	180-59-020	REP	98-05-007	194-10-010	REP	98-05-027
173-308-050	NEW	98-05-101	180-59-025	REP	98-05-007	194-10-020	REP	98-05-027
173-308-060	NEW	98-05-101	180-59-030	REP	98-05-007	194-10-030	REP	98-05-027
173-308-070	NEW	98-05-101	180-59-032	REP	98-05-007	194-10-040	REP	98-05-027

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
194-10-050	REP	98-05-027	220-49-011	AMD	98-05-043	220-57-31000X	NEW-E	98-06-037
194-10-060	REP	98-05-027	220-49-012	AMD	98-05-043	220-57-319	AMD	98-06-031
194-10-070	REP	98-05-027	220-49-013	AMD	98-05-043	220-57-31900Q	NEW-E	98-06-037
194-10-080	REP	98-05-027	220-49-014	AMD	98-05-043	220-57-350	AMD	98-06-031
194-10-090	REP	98-05-027	220-49-017	AMD	98-05-043	220-57-455	AMD	98-06-031
194-10-100	REP	98-05-027	220-49-020	AMD	98-05-043	220-57-495	AMD	98-06-031
194-10-110	REP	98-05-027	220-49-021	AMD	98-05-043	220-88A-020	AMD	98-05-043
194-10-120	REP	98-05-027	220-49-024	AMD	98-05-043	220-88A-030	AMD	98-05-043
194-10-130	REP	98-05-027	220-49-056	AMD	98-05-043	220-88A-040	AMD	98-05-043
194-10-140	REP	98-05-027	220-52-03000L	NEW-E	98-07-055	220-88A-060	AMD	98-05-043
197-11-680	AMD	98-06-092	220-52-03000L	REP-E	98-07-055	220-88A-070	AMD	98-05-043
204-10-020	AMD	98-04-053	220-52-040	AMD	98-05-043	220-88A-080	AMD	98-05-043
204-10-070	AMD	98-04-053	220-52-04000G	NEW-E	98-04-034	222-12-090	AMD-C	98-02-065
204-10-090	AMD	98-04-053	220-52-046	AMD	98-05-043	222-12-090	AMD-E	98-07-046
204-10-100	REP	98-04-053	220-52-04600A	NEW-E	98-05-025	222-16-010	AMD	98-07-047
204-10-110	REP	98-04-053	220-52-04600A	REP-E	98-07-054	222-16-030	AMD-C	98-02-065
204-10-130	REP	98-04-053	220-52-04600B	NEW-E	98-07-054	222-16-030	AMD-E	98-07-046
204-10-140	REP	98-04-053	220-52-04600Z	NEW-E	98-04-034	222-16-050	AMD	98-07-047
204-10-150	REP	98-04-053	220-52-04600Z	REP-E	98-05-025	222-20-010	AMD	98-07-047
204-72-030	AMD	98-04-054	220-52-07300A	NEW-E	98-04-035	222-20-040	AMD	98-07-047
204-72-040	AMD	98-04-054	220-52-07300A	REP-E	98-05-045	222-20-130	NEW	98-07-047
204-90-030	AMD	98-04-052	220-52-07300B	NEW-E	98-05-045	222-46-015	NEW	98-07-047
204-90-040	AMD	98-04-052	220-52-07300V	REP-E	98-02-041	224-12-090	AMD-P	98-03-081
204-90-070	AMD	98-04-052	220-52-07300W	NEW-E	98-02-041	230-02-205	AMD-P	98-04-022
204-90-120	AMD	98-04-052	220-52-07300W	REP-E	98-03-001	230-02-415	AMD	98-04-023
204-90-140	AMD	98-04-052	220-52-07300X	NEW-E	98-03-001	230-02-425	NEW	98-04-023
212-17-185	AMD	98-04-007	220-52-07300X	REP-E	98-03-058	230-08-080	AMD	98-04-024
212-17-21503	NEW	98-04-007	220-52-07300Y	NEW-E	98-03-058	230-12-330	AMD-P	98-03-069
212-17-21505	NEW	98-04-007	220-52-07300Y	REP-E	98-04-010	230-20-102	AMD	98-04-024
212-17-21507	NEW	98-04-007	220-52-07300Z	NEW-E	98-04-010	230-20-115	AMD	98-04-024
212-17-21509	NEW	98-04-007	220-52-07300Z	REP-E	98-04-035	230-20-325	AMD-P	98-03-068
212-17-21511	NEW	98-04-007	220-56-100	AMD	98-06-031	230-20-335	AMD-P	98-03-068
212-17-21513	NEW	98-04-007	220-56-105	AMD	98-06-031	230-30-106	AMD-W	98-03-034
212-17-21515	NEW	98-04-007	220-56-115	AMD	98-06-031	230-30-225	NEW-P	98-06-027
212-17-21517	NEW	98-04-007	220-56-128	AMD	98-06-031	232-12-010	AMD	98-06-031
212-17-21519	NEW	98-04-007	220-56-145	AMD	98-06-031	232-12-011	AMD-P	98-05-084
220-12-010	AMD	98-06-031	220-56-180	AMD	98-06-031	232-12-011	AMD	98-06-031
220-12-020	AMD	98-06-031	220-56-191	AMD	98-06-031	232-12-047	AMD-P	98-05-094
220-16-440	AMD	98-06-031	220-56-240	AMD	98-06-031	232-12-24401	REP-P	98-05-086
220-16-475	NEW	98-06-031	220-56-255	AMD	98-06-031	232-12-24402	NEW-P	98-05-080
220-16-550	NEW	98-06-031	220-56-262	NEW	98-06-031	232-12-297	AMD	98-05-041
220-16-590	NEW	98-06-031	220-56-265	AMD	98-06-031	232-12-619	AMD	98-06-031
220-16-610	NEW	98-06-031	220-56-270	AMD	98-06-031	232-12-61900A	NEW-E	98-02-040
220-16-700	NEW	98-06-031	220-56-27000B	NEW-E	98-04-055	232-28-02201	AMD-P	98-05-082
220-16-710	NEW	98-06-031	220-56-275	AMD	98-06-031	232-28-02202	AMD-P	98-05-081
220-16-720	NEW	98-06-031	220-56-285	AMD	98-06-031	232-28-02204	AMD-P	98-05-098
220-20-010	AMD	98-06-031	220-56-28500N	NEW-E	98-06-039	232-28-02203	AMD-P	98-05-099
220-20-01000A	NEW-E	98-05-014	220-56-28500N	REP-E	98-06-039	232-28-02205	AMD-P	98-05-097
220-20-01000A	REP-E	98-05-014	220-56-28500P	NEW-E	98-07-011	232-28-02206	AMD-P	98-05-096
220-22-410	AMD	98-05-043	220-56-295	AMD	98-06-031	232-28-02210	REP-P	98-05-086
220-32-05100D	NEW-E	98-04-056	220-56-307	AMD	98-06-031	232-28-02220	AMD-P	98-05-091
220-32-05100D	REP-E	98-04-056	220-56-310	AMD	98-06-031	232-28-02230	REP-P	98-05-086
220-32-05100D	REP-E	98-04-068	220-56-315	AMD	98-06-031	232-28-02240	AMD-P	98-05-090
220-32-05100E	NEW-E	98-04-068	220-56-320	AMD	98-06-031	232-28-02250	REP-P	98-05-086
220-32-05100E	REP-E	98-04-068	220-56-325	AMD	98-06-031	232-28-02260	REP-P	98-05-086
220-32-05100E	REP-E	98-07-057	220-56-330	AMD	98-06-031	232-28-02270	REP-P	98-05-086
220-32-05700X	NEW-E	98-04-006	220-56-335	AMD	98-06-031	232-28-240	REP-P	98-05-086
220-32-05700X	REP-E	98-04-006	220-56-350	AMD	98-06-031	232-28-242	REP-P	98-05-086
220-33-04000E	REP-E	98-04-067	220-56-35000R	NEW-E	98-03-070	232-28-248	AMD-P	98-05-093
220-33-04000F	NEW-E	98-04-067	220-56-36000T	NEW-E	98-05-034	232-28-249	REP-P	98-05-086
220-44-030	AMD	98-05-043	220-56-36000T	REP-E	98-05-034	232-28-252	REP-P	98-05-086
220-44-050	AMD	98-05-043	220-56-380	AMD	98-06-031	232-28-253	REP-P	98-05-086
220-44-080	AMD	98-05-043	220-56-38000L	NEW-E	98-03-070	232-28-254	REP-P	98-05-086
220-48-005	AMD	98-05-043	220-56-385	AMD	98-06-031	232-28-264	AMD-P	98-05-087
220-48-00500G	NEW-E	98-02-039	220-57-160	AMD	98-06-031	232-28-265	REP-P	98-05-086
220-48-013	AMD	98-05-043	220-57-16000K	NEW-E	98-06-038	232-28-267	REP-P	98-05-086
220-48-015	AMD	98-05-043	220-57-175	AMD	98-06-031	232-28-268	REP-P	98-05-086
220-48-019	AMD	98-05-043	220-57-17500I	NEW-E	98-06-037	232-28-271	AMD-P	98-05-083
220-48-032	AMD	98-05-043	220-57-190	AMD	98-06-031	232-28-272	NEW-P	98-05-095
220-48-042	AMD	98-05-043	220-57-235	AMD	98-06-031	232-28-273	NEW-P	98-05-089
220-48-052	AMD	98-05-043	220-57-240	AMD	98-06-031	232-28-274	NEW-P	98-05-092
220-48-071	AMD	98-05-043	220-57-290	AMD	98-06-031	232-28-280	NEW-P	98-05-085
220-49-005	AMD	98-05-043	220-57-310	AMD	98-06-031	232-28-281	NEW-P	98-05-088

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-619	AMD	98-06-031	246-254-070	AMD-P	98-07-080	246-824-074	NEW	98-05-060
232-28-61900B	NEW-E	98-02-040	246-254-080	AMD-P	98-07-080	246-824-075	AMD	98-05-060
232-28-61900B	REP-E	98-03-057	246-254-090	AMD-P	98-07-080	246-824-170	AMD	98-05-060
232-28-61900C	NEW-E	98-03-057	246-254-100	AMD-P	98-07-080	246-824-990	AMD	98-05-060
232-28-61900C	REP-E	98-05-011	246-282-005	AMD	98-03-096	246-824-995	NEW	98-05-060
232-28-61900D	NEW-E	98-06-035	246-290-990	AMD-P	98-07-082	246-826-050	AMD	98-05-060
232-28-61900E	NEW-E	98-06-059	246-292-160	AMD-P	98-07-082	246-826-230	AMD	98-05-060
232-28-61900F	NEW-E	98-06-036	246-310-010	AMD-XA	98-05-057	246-826-990	AMD	98-05-060
232-28-61900G	NEW-E	98-06-060	246-310-044	AMD-XA	98-05-057	246-826-995	NEW-W	98-05-059
232-28-61900G	REP-E	98-06-060	246-310-050	AMD-XA	98-05-057	246-828-005	AMD	98-06-079
232-28-61900H	NEW-E	98-06-040	246-310-080	AMD-XA	98-05-057	246-828-020	AMD-P	98-07-084
232-28-61900H	REP-E	98-06-040	246-310-090	AMD-XA	98-05-057	246-828-025	NEW-P	98-07-083
232-28-61900I	NEW-E	98-06-041	246-310-120	AMD-XA	98-05-057	246-828-030	AMD	98-06-079
232-28-61900I	REP-E	98-07-031	246-310-132	AMD-XA	98-05-057	246-828-050	REP	98-05-060
232-28-61900J	NEW-E	98-07-012	246-310-150	AMD-XA	98-05-057	246-828-075	AMD	98-06-079
232-28-61900K	NEW-E	98-07-031	246-310-160	AMD-XA	98-05-057	246-828-080	AMD	98-06-079
232-28-61900L	NEW-E	98-07-056	246-310-170	AMD-XA	98-05-057	246-828-090	AMD	98-06-079
232-28-61900L	REP-E	98-07-056	246-310-180	AMD-XA	98-05-057	246-828-100	AMD	98-06-079
232-28-61900N	NEW-W	98-05-063	246-310-395	AMD-XA	98-05-057	246-828-270	AMD	98-06-079
232-28-61900W	REP-E	98-06-041	246-310-396	AMD-XA	98-05-057	246-828-280	AMD	98-06-079
232-28-61900Y	REP-E	98-07-031	246-310-560	AMD-XA	98-05-057	246-828-295	AMD-W	98-05-058
232-28-61900Z	REP-E	98-06-035	246-310-610	AMD-XA	98-05-057	246-828-295	AMD	98-05-060
236-11-010	AMD-XA	98-07-110	246-316-990	AMD-E	98-04-090	246-828-300	AMD-W	98-05-058
236-11-020	REP-XA	98-07-110	246-328-100	REP	98-05-060	246-828-300	AMD	98-05-060
236-11-040	REP-XA	98-07-110	246-328-200	AMD	98-05-060	246-828-320	AMD	98-06-079
236-11-050	AMD-XA	98-07-110	246-328-990	AMD	98-05-060	246-828-330	AMD	98-06-079
236-11-070	REP-XA	98-07-110	246-802-020	REP	98-05-060	246-828-340	AMD	98-06-079
236-11-080	AMD-XA	98-07-110	246-802-025	AMD	98-05-060	246-828-350	AMD	98-06-079
236-11-090	REP-XA	98-07-110	246-802-090	AMD	98-05-060	246-828-370	AMD-W	98-05-058
236-11-100	AMD-XA	98-07-110	246-802-250	AMD	98-05-060	246-828-370	AMD	98-05-060
236-11-110	AMD-XA	98-07-110	246-802-990	AMD	98-05-060	246-828-510	AMD	98-05-060
236-11-120	REP-XA	98-07-110	246-808-105	AMD	98-05-060	246-828-520	REP	98-05-060
246-12-001	NEW	98-05-060	246-808-106	REP	98-05-060	246-828-530	AMD	98-05-060
246-12-010	NEW	98-05-060	246-808-150	AMD	98-05-060	246-828-540	REP	98-05-060
246-12-020	NEW	98-05-060	246-808-155	AMD	98-05-060	246-828-560	REP	98-05-060
246-12-030	NEW	98-05-060	246-808-160	REP	98-05-060	246-828-990	AMD	98-05-060
246-12-040	NEW	98-05-060	246-808-165	AMD	98-05-060	246-830-035	AMD	98-05-060
246-12-060	NEW	98-05-060	246-808-180	AMD	98-05-060	246-830-050	REP	98-05-060
246-12-070	NEW	98-05-060	246-808-181	NEW	98-05-060	246-830-460	AMD	98-05-060
246-12-080	NEW	98-05-060	246-808-185	REP	98-05-060	246-830-465	REP	98-05-060
246-12-090	NEW	98-05-060	246-808-215	AMD	98-05-060	246-830-470	REP	98-05-060
246-12-100	NEW	98-05-060	246-808-990	AMD	98-05-060	246-830-480	REP	98-05-060
246-12-110	NEW	98-05-060	246-810-020	REP	98-05-060	246-830-990	AMD	98-05-060
246-12-120	NEW	98-05-060	246-810-022	REP	98-05-060	246-834-060	AMD	98-05-060
246-12-130	NEW	98-05-060	246-810-080	AMD	98-05-060	246-834-065	AMD	98-05-060
246-12-140	NEW	98-05-060	246-810-130	AMD	98-05-060	246-834-170	AMD	98-05-060
246-12-160	NEW	98-05-060	246-810-140	REP-W	98-05-059	246-834-200	AMD	98-05-060
246-12-165	NEW	98-05-060	246-810-990	AMD	98-05-060	246-834-260	AMD	98-05-060
246-12-170	NEW	98-05-060	246-812-120	AMD	98-05-060	246-834-400	NEW	98-05-060
246-12-180	NEW	98-05-060	246-812-140	REP	98-05-060	246-834-500	REP	98-05-060
246-12-190	NEW	98-05-060	246-812-160	AMD	98-05-060	246-834-990	AMD-P	98-07-085
246-12-200	NEW	98-05-060	246-812-161	NEW	98-05-060	246-836-080	AMD	98-05-060
246-12-210	NEW	98-05-060	246-812-990	AMD	98-05-060	246-836-090	REP	98-05-060
246-12-220	NEW	98-05-060	246-812-995	NEW	98-05-060	246-836-410	AMD	98-05-060
246-12-230	NEW	98-05-060	246-815-020	AMD	98-05-060	246-836-990	AMD-W	98-05-058
246-12-240	NEW	98-05-060	246-815-040	REP	98-05-060	246-836-990	AMD	98-05-060
246-12-250	NEW	98-05-060	246-815-100	AMD	98-05-060	246-840-010	AMD	98-05-060
246-12-260	NEW	98-05-060	246-815-140	AMD	98-05-060	246-840-020	AMD	98-05-060
246-12-270	NEW	98-05-060	246-815-150	REP	98-05-060	246-840-040	AMD	98-05-060
246-12-280	NEW	98-05-060	246-815-300	REP	98-05-060	246-840-080	AMD	98-05-060
246-12-290	NEW	98-05-060	246-815-990	AMD	98-05-060	246-840-090	AMD	98-05-060
246-12-300	NEW	98-05-060	246-817-110	AMD	98-05-060	246-840-100	REP	98-05-060
246-12-310	NEW	98-05-060	246-817-150	AMD	98-05-060	246-840-110	REP	98-05-060
246-12-320	NEW	98-05-060	246-817-201	REP	98-05-060	246-840-111	NEW	98-05-060
246-12-330	NEW	98-05-060	246-817-210	AMD	98-05-060	246-840-115	REP	98-05-060
246-12-340	NEW	98-05-060	246-817-990	AMD	98-05-060	246-840-120	AMD	98-05-060
246-12-350	NEW	98-05-060	246-822-110	REP	98-05-060	246-840-340	AMD	98-05-060
246-12-360	NEW	98-05-060	246-822-120	AMD	98-05-060	246-840-350	AMD	98-05-060
246-221-265	PREP	98-06-078	246-822-990	AMD	98-05-060	246-840-360	AMD	98-05-060
246-249-010	AMD-XA	98-03-095	246-824-020	AMD	98-05-060	246-840-365	AMD	98-05-060
246-249-090	AMD-XA	98-03-095	246-824-040	AMD	98-05-060	246-840-410	AMD	98-05-060
246-250-600	AMD-XA	98-03-095	246-824-071	AMD	98-05-060	246-840-440	AMD	98-05-060
246-254-053	AMD-P	98-07-081	246-824-073	AMD	98-05-060	246-840-450	AMD	98-05-060

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-990	AMD	98-05-060	246-915-050	AMD	98-05-060	246-976-490	NEW	98-04-038
246-841-520	NEW	98-05-060	246-915-060	REP	98-05-060	246-976-500	AMD	98-04-038
246-841-610	AMD	98-05-060	246-915-085	AMD	98-05-060	246-976-510	AMD	98-04-038
246-841-990	AMD	98-05-060	246-915-110	AMD	98-05-060	246-976-520	AMD	98-04-038
246-843-150	AMD	98-05-060	246-915-990	AMD	98-05-060	246-976-550	AMD	98-04-038
246-843-155	REP	98-05-060	246-918-006	REP	98-05-060	246-976-560	AMD	98-04-038
246-843-160	REP	98-05-060	246-918-080	AMD	98-05-060	246-976-570	AMD	98-04-038
246-843-162	AMD	98-05-060	246-918-081	NEW	98-05-060	246-976-600	AMD	98-04-038
246-843-180	AMD	98-05-060	246-918-085	REP	98-05-060	246-976-610	AMD	98-04-038
246-843-230	AMD	98-05-060	246-918-170	AMD	98-05-060	246-976-615	NEW	98-04-038
246-843-250	REP	98-05-060	246-918-180	AMD	98-05-060	246-976-620	NEW	98-04-038
246-843-320	REP	98-05-060	246-918-990	AMD	98-05-060	246-976-640	AMD	98-04-038
246-843-330	AMD	98-05-060	246-919-030	REP	98-05-060	246-976-650	AMD	98-04-038
246-843-990	AMD	98-05-060	246-919-305	REP	98-05-060	246-976-680	AMD	98-04-038
246-845-100	REP	98-05-060	246-919-380	AMD	98-05-060	246-976-690	AMD	98-04-038
246-845-990	AMD	98-05-060	246-919-400	REP	98-05-060	246-976-720	AMD	98-04-038
246-847-055	AMD	98-05-060	246-919-410	REP	98-05-060	246-976-730	AMD	98-04-038
246-847-060	REP	98-05-060	246-919-420	REP	98-05-060	246-976-740	AMD	98-04-038
246-847-065	AMD	98-05-060	246-919-430	AMD	98-05-060	246-976-770	AMD	98-04-038
246-847-068	AMD	98-05-060	246-919-440	REP	98-05-060	246-976-780	AMD	98-04-038
246-847-070	AMD	98-05-060	246-919-460	AMD	98-05-060	246-976-790	AMD	98-04-038
246-847-190	AMD	98-05-060	246-919-480	AMD	98-05-060	246-976-810	AMD	98-04-038
246-847-200	REP	98-05-060	246-919-990	AMD	98-05-060	246-976-820	AMD	98-04-038
246-847-990	AMD	98-05-060	246-922-070	AMD	98-05-060	246-976-822	NEW	98-04-038
246-849-110	AMD	98-05-060	246-922-275	REP	98-05-060	246-976-830	AMD	98-04-038
246-849-210	AMD	98-05-060	246-922-280	REP	98-05-060	246-976-840	AMD	98-04-038
246-849-220	AMD	98-05-060	246-922-285	NEW	98-05-060	246-976-850	AMD	98-04-038
246-849-260	AMD	98-05-060	246-922-290	AMD	98-05-060	246-976-860	AMD	98-04-038
246-849-990	AMD	98-05-060	246-922-295	AMD	98-05-060	246-976-870	NEW	98-04-038
246-849-995	NEW	98-05-060	246-922-300	AMD	98-05-060	246-976-880	REP	98-04-038
246-851-020	REP	98-05-060	246-922-320	REP	98-05-060	246-976-881	NEW	98-04-038
246-851-090	AMD	98-05-060	246-922-990	AMD	98-05-060	246-976-885	AMD	98-04-038
246-851-100	REP	98-05-060	246-922-995	NEW	98-05-060	246-976-890	AMD	98-04-038
246-851-220	REP	98-05-060	246-924-110	AMD	98-05-060	246-976-935	NEW	98-05-035
246-851-240	REP	98-05-060	246-924-120	REP	98-05-060	251-04-170	NEW-C	98-06-014
246-851-430	AMD	98-05-060	246-924-230	AMD	98-05-060	251-10-030	AMD	98-03-051
246-851-510	REP	98-05-060	246-924-290	REP	98-05-060	251-19-100	AMD-C	98-06-015
246-851-990	AMD	98-05-060	246-924-320	REP	98-05-060	251-19-105	AMD-C	98-06-013
246-853-040	REP	98-05-060	246-924-490	REP	98-05-060	255-01-010	NEW-P	98-04-060
246-853-045	AMD	98-05-060	246-924-500	AMD	98-05-060	255-01-010	NEW	98-07-071
246-853-060	AMD	98-05-060	246-924-990	AMD	98-05-060	255-01-020	NEW-P	98-04-060
246-853-080	AMD	98-05-060	246-926-160	REP	98-05-060	255-01-020	NEW	98-07-071
246-853-210	AMD	98-05-060	246-926-170	AMD	98-05-060	255-01-030	NEW-P	98-04-060
246-853-230	AMD	98-05-060	246-926-200	AMD	98-05-060	255-01-030	NEW	98-07-071
246-853-240	REP	98-05-060	246-926-990	AMD	98-05-060	255-01-040	NEW-P	98-04-060
246-853-270	REP	98-05-060	246-926-995	NEW-W	98-05-059	255-01-040	NEW	98-07-071
246-853-275	REP	98-05-060	246-928-090	REP	98-05-060	255-01-050	NEW-P	98-04-060
246-853-990	AMD	98-05-060	246-928-190	AMD	98-05-060	255-01-050	NEW	98-07-071
246-854-050	AMD	98-05-060	246-928-990	AMD	98-05-060	255-01-060	NEW-P	98-04-060
246-854-080	AMD	98-05-060	246-930-020	AMD	98-05-060	255-01-060	NEW	98-07-071
246-854-110	AMD	98-05-060	246-930-400	REP	98-05-060	255-01-070	NEW-P	98-04-060
246-855-100	AMD	98-05-060	246-930-410	AMD	98-05-060	255-01-070	NEW	98-07-071
246-861-010	AMD	98-05-060	246-930-420	AMD	98-05-060	255-01-080	NEW-P	98-04-060
246-861-020	AMD	98-05-060	246-930-430	REP	98-05-060	255-01-080	NEW	98-07-071
246-861-120	REP	98-05-060	246-930-431	NEW	98-05-060	255-01-090	NEW-P	98-04-060
246-863-030	AMD	98-05-060	246-930-990	AMD	98-05-060	255-01-090	NEW	98-07-071
246-863-050	REP	98-05-060	246-930-995	NEW	98-05-060	255-01-100	NEW-P	98-04-060
246-863-070	AMD	98-05-060	246-933-180	REP	98-05-060	255-01-100	NEW	98-07-071
246-863-080	AMD	98-05-060	246-933-305	AMD	98-05-060	255-01-110	NEW-P	98-04-060
246-863-090	AMD	98-05-060	246-933-420	AMD	98-05-060	255-01-110	NEW	98-07-071
246-863-120	AMD	98-05-060	246-933-430	REP	98-05-060	255-01-120	NEW-P	98-04-060
246-869-050	REP	98-05-060	246-933-470	REP	98-05-060	255-01-120	NEW	98-07-071
246-879-070	AMD	98-05-060	246-933-480	AMD	98-05-060	255-01-130	NEW-P	98-04-060
246-887-020	AMD	98-05-060	246-933-990	AMD	98-05-060	255-01-130	NEW	98-07-071
246-887-170	AMD	98-02-084	246-935-130	AMD	98-05-060	255-01-140	NEW-P	98-04-060
246-901-065	AMD	98-05-060	246-935-990	AMD	98-05-060	255-01-140	NEW	98-07-071
246-901-120	AMD	98-05-060	246-937-050	AMD	98-05-060	255-02-010	NEW-P	98-04-059
246-904	PREP	98-04-037	246-937-080	AMD	98-05-060	255-02-020	NEW-P	98-04-059
246-907-020	REP	98-05-060	246-937-990	AMD	98-05-060	255-02-030	NEW-P	98-04-059
246-907-030	AMD	98-05-060	246-976-470	REP	98-04-038	255-02-040	NEW-P	98-04-059
246-907-030	AMD-P	98-07-086	246-976-475	REP	98-04-038	255-02-050	NEW-P	98-04-059
246-907-995	NEW	98-05-060	246-976-480	REP	98-04-038	255-02-060	NEW-P	98-04-059
246-915-010	AMD	98-05-060	246-976-485	NEW	98-04-038	255-02-070	NEW-P	98-04-059

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
255-02-080	NEW-P	98-04-059	284-43-300	NEW	98-04-005	296-04A-015	NEW-W	98-07-058
255-02-090	NEW-P	98-04-059	284-43-310	NEW	98-04-005	296-04A-018	NEW-W	98-07-058
255-02-100	NEW-P	98-04-059	284-43-320	NEW	98-04-005	296-04A-025	NEW-W	98-07-058
255-02-110	NEW-P	98-04-059	284-43-330	NEW	98-04-005	296-04A-028	NEW-W	98-07-058
260-32-180	AMD	98-07-070	284-43-340	NEW	98-04-005	296-04A-034	NEW-W	98-07-058
260-32-360	REP	98-07-070	284-43-700	NEW	98-04-005	296-04A-037	NEW-W	98-07-058
284-01-050	NEW	98-04-063	284-43-710	NEW	98-04-005	296-04A-040	NEW-W	98-07-058
284-05-040	AMD-XA	98-07-105	284-43-720	NEW	98-04-005	296-04A-043	NEW-W	98-07-058
284-05-060	AMD-XA	98-07-105	284-43-730	NEW	98-04-005	296-04A-046	NEW-W	98-07-058
284-05-070	REP-XA	98-07-105	284-43-800	NEW	98-04-005	296-04A-049	NEW-W	98-07-058
284-10	REP-C	98-03-004	284-43-900	NEW	98-04-011	296-04A-052	NEW-W	98-07-058
284-10-010	REP	98-04-005	284-43-905	NEW	98-04-011	296-04A-055	NEW-W	98-07-058
284-10-015	REP	98-04-005	284-43-910	NEW	98-04-011	296-04A-060	NEW-W	98-07-058
284-10-020	REP	98-04-005	284-43-915	NEW	98-04-011	296-04A-100	NEW-W	98-07-058
284-10-030	REP	98-04-005	284-43-920	NEW	98-04-011	296-04A-110	NEW-W	98-07-058
284-10-050	REP	98-04-005	284-43-925	NEW	98-04-011	296-04A-120	NEW-W	98-07-058
284-10-060	REP	98-04-005	284-43-930	NEW	98-04-011	296-04A-130	NEW-W	98-07-058
284-10-070	REP	98-04-005	284-43-930	AMD-XA	98-07-105	296-04A-150	NEW-W	98-07-058
284-10-090	REP	98-04-005	284-43-935	NEW	98-04-011	296-04A-200	NEW-W	98-07-058
284-10-140	REP	98-04-005	284-43-940	NEW	98-04-011	296-04A-210	NEW-W	98-07-058
284-17-135	REP	98-06-022	284-43-945	NEW	98-04-011	296-04A-230	NEW-W	98-07-058
284-17-220	AMD-XA	98-07-104	284-43-950	NEW	98-04-011	296-04A-300	NEW-W	98-07-058
284-17-300	REP-XA	98-04-084	284-43-955	NEW	98-04-011	296-04A-30001	NEW-W	98-07-058
284-17-570	REP-XA	98-07-065	284-44	REP-C	98-02-063	296-04A-3300	NEW-W	98-07-058
284-23	AMD-C	98-02-062	284-44	REP-C	98-03-004	296-04A-340	NEW-W	98-07-058
284-23	AMD-C	98-03-076	284-44-100	REP	98-04-011	296-04A-350	NEW-W	98-07-058
284-23	AMD-C	98-07-062	284-44-110	REP	98-04-011	296-04A-351	NEW-W	98-07-058
284-23-120	REP-XA	98-07-065	284-44-120	REP	98-04-011	296-04A-360	NEW-W	98-07-058
284-23-130	REP-XA	98-07-065	284-44-130	REP	98-04-011	296-04A-370	NEW-W	98-07-058
284-23-200	AMD-P	98-04-083	284-44-140	REP	98-04-011	296-04A-380	NEW-W	98-07-058
284-23-210	AMD-P	98-04-083	284-44-150	REP	98-04-011	296-04A-390	NEW-W	98-07-058
284-23-220	AMD-P	98-04-083	284-44-160	REP	98-04-011	296-04A-400	NEW-W	98-07-058
284-23-230	AMD-P	98-04-083	284-44-190	REP	98-04-011	296-04A-410	NEW-W	98-07-058
284-23-235	NEW-P	98-04-083	284-44-200	REP	98-04-011	296-04A-420	NEW-W	98-07-058
284-23-240	AMD-P	98-04-083	284-44-210	REP	98-04-011	296-04A-430	NEW-W	98-07-058
284-23-250	AMD-P	98-04-083	284-44-220	REP	98-04-011	296-04A-440	NEW-W	98-07-058
284-23-260	REP-P	98-04-083	284-44-240	REP	98-04-005	296-04A-460	NEW-W	98-07-058
284-23-270	REP-P	98-04-083	284-44-360	REP-XA	98-07-065	296-04A-470	NEW-W	98-07-058
284-23-380	REP-XA	98-07-065	284-44-410	REP	98-04-005	296-04A-480	NEW-W	98-07-058
284-23-610	AMD	98-05-026	284-46	REP-C	98-03-004	296-20-135	AMD-P	98-05-100
284-23-620	AMD	98-05-026	284-46-020	REP	98-04-005	296-23-220	AMD-P	98-05-100
284-23-640	AMD	98-05-026	284-46-575	REP	98-04-005	296-23-230	AMD-P	98-05-100
284-23-645	NEW	98-05-026	284-50-435	REP-XA	98-07-065	296-23-260	AMD-P	98-06-061
284-23-650	AMD	98-05-026	284-51-180	REP-XA	98-04-084	296-24-060	REP	98-06-061
284-23-660	AMD	98-05-026	284-58-040	REP-XA	98-04-084	296-24-061	NEW	98-06-061
284-23-690	AMD	98-05-026	284-58-050	REP-XA	98-04-084	296-24-06105	NEW	98-06-061
284-23-710	AMD	98-05-026	284-58-060	REP-XA	98-04-084	296-24-06115	NEW	98-06-061
284-23-730	AMD	98-05-026	284-74-010	AMD	98-05-069	296-24-06120	NEW	98-06-061
284-24	PREP	98-05-102	284-74-020	NEW	98-05-069	296-24-06125	NEW	98-06-061
284-24-065	PREP	98-04-081	286-04-010	AMD-P	98-04-079	296-24-06130	NEW	98-06-061
284-28-001	REP-XA	98-07-065	286-04-060	AMD-P	98-04-079	296-24-06135	NEW	98-06-061
284-36A-010	AMD-XA	98-04-085	286-06-065	AMD-P	97-04-079	296-24-06140	NEW	98-06-061
284-36A-020	AMD-XA	98-04-085	286-13-030	AMD-P	98-04-079	296-24-06145	NEW	98-06-061
284-36A-025	AMD-XA	98-04-085	286-13-040	AMD-P	98-04-079	296-24-06150	NEW	98-06-061
284-36A-030	REP-XA	98-04-085	286-13-045	AMD-P	98-04-079	296-24-06155	NEW	98-06-061
284-36A-040	NEW-XA	98-04-085	286-13-070	AMD-P	98-04-079	296-24-06160	NEW	98-06-061
284-36A-045	NEW-XA	98-04-085	286-13-085	AMD-P	98-04-079	296-24-065	REP	98-06-061
284-36A-050	NEW-XA	98-04-085	286-13-100	AMD-P	98-04-079	296-24-067	REP	98-06-061
284-36A-055	NEW-XA	98-04-085	286-26-020	AMD-P	98-04-079	296-24-070	REP	98-06-061
284-36A-060	NEW-XA	98-04-085	286-26-110	AMD-P	98-04-079	296-44-005	REP	98-07-009
284-36A-065	NEW-XA	98-04-085	286-27-040	AMD-P	98-04-079	296-44-010	REP	98-07-009
284-43	AMD-C	98-02-063	286-27-055	AMD-P	98-04-079	296-44-011	REP	98-07-009
284-43	AMD-C	98-03-004	286-27-065	AMD-P	98-04-079	296-44-013	REP	98-07-009
284-43	AMD	98-04-005	286-27-075	AMD-P	98-04-079	296-44-015	REP	98-07-009
284-43-040	REP	98-04-005	286-30-050	NEW-P	98-04-079	296-44-016	REP	98-07-009
284-43-100	REP	98-04-005	286-35-060	AMD-P	98-04-079	296-44-017	REP	98-07-009
284-43-110	NEW	98-04-005	292-110-050	NEW	98-03-045	296-44-023	REP	98-07-009
284-43-120	NEW	98-04-005	292-110-060	NEW	98-04-001	296-44-02301	REP	98-07-009
284-43-130	NEW	98-04-005	296-04A-001	NEW-W	98-07-058	296-44-02305	REP	98-07-009
284-43-200	NEW	98-04-005	296-04A-003	NEW-W	98-07-058	296-44-02309	REP	98-07-009
284-43-210	NEW	98-04-005	296-04A-006	NEW-W	98-07-058	296-44-02315	REP	98-07-009
284-43-220	NEW	98-04-005	296-04A-009	NEW-W	98-07-058	296-44-02319	REP	98-07-009
284-43-250	NEW	98-04-005	296-04A-012	NEW-W	98-07-058	296-44-02323	REP	98-07-009

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-44-02329	REP	98-07-009	296-44-212	REP	98-07-009	296-44-425	REP	98-07-009
296-44-02335	REP	98-07-009	296-44-21209	REP	98-07-009	296-44-42509	REP	98-07-009
296-44-02349	REP	98-07-009	296-44-21221	REP	98-07-009	296-44-42521	REP	98-07-009
296-44-025	REP	98-07-009	296-44-21230	REP	98-07-009	296-44-42533	REP	98-07-009
296-44-035	REP	98-07-009	296-44-21241	REP	98-07-009	296-44-42541	REP	98-07-009
296-44-03505	REP	98-07-009	296-44-21253	REP	98-07-009	296-44-42559	REP	98-07-009
296-44-03509	REP	98-07-009	296-44-21265	REP	98-07-009	296-44-440	REP	98-07-009
296-44-041	REP	98-07-009	296-44-21273	REP	98-07-009	296-44-44009	REP	98-07-009
296-44-04105	REP	98-07-009	296-44-21279	REP	98-07-009	296-44-44021	REP	98-07-009
296-44-04109	REP	98-07-009	296-44-21287	REP	98-07-009	296-44-44033	REP	98-07-009
296-44-04125	REP	98-07-009	296-44-21295	REP	98-07-009	296-44-44047	REP	98-07-009
296-44-04129	REP	98-07-009	296-44-242	REP	98-07-009	296-44-452	REP	98-07-009
296-44-04135	REP	98-07-009	296-44-24205	REP	98-07-009	296-44-45209	REP	98-07-009
296-44-051	REP	98-07-009	296-44-24213	REP	98-07-009	296-44-45219	REP	98-07-009
296-44-05105	REP	98-07-009	296-44-24221	REP	98-07-009	296-44-45231	REP	98-07-009
296-44-05109	REP	98-07-009	296-44-24233	REP	98-07-009	296-44-45243	REP	98-07-009
296-44-05115	REP	98-07-009	296-44-263	REP	98-07-009	296-44-45257	REP	98-07-009
296-44-05119	REP	98-07-009	296-44-26309	REP	98-07-009	296-44-467	REP	98-07-009
296-44-05125	REP	98-07-009	296-44-26321	REP	98-07-009	296-44-46709	REP	98-07-009
296-44-05129	REP	98-07-009	296-44-26333	REP	98-07-009	296-44-46733	REP	98-07-009
296-44-05131	REP	98-07-009	296-44-278	REP	98-07-009	296-44-46739	REP	98-07-009
296-44-05135	REP	98-07-009	296-44-27809	REP	98-07-009	296-44-46747	REP	98-07-009
296-44-05141	REP	98-07-009	296-44-27821	REP	98-07-009	296-44-46755	REP	98-07-009
296-44-065	REP	98-07-009	296-44-27833	REP	98-07-009	296-44-46761	REP	98-07-009
296-44-06505	REP	98-07-009	296-44-27847	REP	98-07-009	296-44-491	REP	98-07-009
296-44-06511	REP	98-07-009	296-44-29501	REP	98-07-009	296-44-49109	REP	98-07-009
296-44-06517	REP	98-07-009	296-44-29509	REP	98-07-009	296-44-49121	REP	98-07-009
296-44-074	REP	98-07-009	296-44-29515	REP	98-07-009	296-44-850	REP	98-07-009
296-44-07405	REP	98-07-009	296-44-29523	REP	98-07-009	296-44-855	REP	98-07-009
296-44-07411	REP	98-07-009	296-44-29529	REP	98-07-009	296-44-860	REP	98-07-009
296-44-07417	REP	98-07-009	296-44-29539	REP	98-07-009	296-44-865	REP	98-07-009
296-44-07423	REP	98-07-009	296-44-29541	REP	98-07-009	296-44-870	REP	98-07-009
296-44-07427	REP	98-07-009	296-44-29551	REP	98-07-009	296-44-875	REP	98-07-009
296-44-07433	REP	98-07-009	296-44-29563	REP	98-07-009	296-44-880	REP	98-07-009
296-44-07439	REP	98-07-009	296-44-29572	REP	98-07-009	296-44-88001	REP	98-07-009
296-44-086	REP	98-07-009	296-44-317	REP	98-07-009	296-44-88002	REP	98-07-009
296-44-08605	REP	98-07-009	296-44-31709	REP	98-07-009	296-44-88003	REP	98-07-009
296-44-08611	REP	98-07-009	296-44-31719	REP	98-07-009	296-44-88004	REP	98-07-009
296-44-08619	REP	98-07-009	296-44-31729	REP	98-07-009	296-44-88005	REP	98-07-009
296-44-098	REP	98-07-009	296-44-31738	REP	98-07-009	296-44-88006	REP	98-07-009
296-44-09805	REP	98-07-009	296-44-31749	REP	98-07-009	296-44-88007	REP	98-07-009
296-44-09811	REP	98-07-009	296-44-31757	REP	98-07-009	296-44-88008	REP	98-07-009
296-44-09819	REP	98-07-009	296-44-31765	REP	98-07-009	296-44-88009	REP	98-07-009
296-44-09826	REP	98-07-009	296-44-31772	REP	98-07-009	296-44-88010	REP	98-07-009
296-44-110	REP	98-07-009	296-44-31783	REP	98-07-009	296-44-88011	REP	98-07-009
296-44-11005	REP	98-07-009	296-44-31792	REP	98-07-009	296-45	AMD	98-07-009
296-44-11021	REP	98-07-009	296-44-350	REP	98-07-009	296-45-005	NEW	98-07-009
296-44-11029	REP	98-07-009	296-44-35009	REP	98-07-009	296-45-015	NEW	98-07-009
296-44-11035	REP	98-07-009	296-44-35021	REP	98-07-009	296-45-025	NEW	98-07-009
296-44-11041	REP	98-07-009	296-44-365	REP	98-07-009	296-45-035	NEW	98-07-009
296-44-125	REP	98-07-009	296-44-36518	REP	98-07-009	296-45-045	NEW	98-07-009
296-44-12505	REP	98-07-009	296-44-36527	REP	98-07-009	296-45-055	NEW	98-07-009
296-44-12515	REP	98-07-009	296-44-36539	REP	98-07-009	296-45-065	NEW	98-07-009
296-44-134	REP	98-07-009	296-44-36551	REP	98-07-009	296-45-075	NEW	98-07-009
296-44-13405	REP	98-07-009	296-44-36563	REP	98-07-009	296-45-085	NEW	98-07-009
296-44-13415	REP	98-07-009	296-44-36575	REP	98-07-009	296-45-095	NEW	98-07-009
296-44-13421	REP	98-07-009	296-44-370	REP	98-07-009	296-45-105	NEW	98-07-009
296-44-13431	REP	98-07-009	296-44-386	REP	98-07-009	296-45-115	NEW	98-07-009
296-44-170	REP	98-07-009	296-44-38609	REP	98-07-009	296-45-125	NEW	98-07-009
296-44-17005	REP	98-07-009	296-44-38628	REP	98-07-009	296-45-135	NEW	98-07-009
296-44-17017	REP	98-07-009	296-44-38641	REP	98-07-009	296-45-175	NEW	98-07-009
296-44-17029	REP	98-07-009	296-44-38653	REP	98-07-009	296-45-17505	NEW	98-07-009
296-44-182	REP	98-07-009	296-44-398	REP	98-07-009	296-45-17510	NEW	98-07-009
296-44-18205	REP	98-07-009	296-44-39809	REP	98-07-009	296-45-17515	NEW	98-07-009
296-44-18225	REP	98-07-009	296-44-39823	REP	98-07-009	296-45-17520	NEW	98-07-009
296-44-18239	REP	98-07-009	296-44-39842	REP	98-07-009	296-45-17525	NEW	98-07-009
296-44-18250	REP	98-07-009	296-44-39855	REP	98-07-009	296-45-17530	NEW	98-07-009
296-44-18261	REP	98-07-009	296-44-413	REP	98-07-009	296-45-17535	NEW	98-07-009
296-44-18273	REP	98-07-009	296-44-41309	REP	98-07-009	296-45-17540	NEW	98-07-009
296-44-194	REP	98-07-009	296-44-41321	REP	98-07-009	296-45-17545	NEW	98-07-009
296-44-19405	REP	98-07-009	296-44-41333	REP	98-07-009	296-45-17550	NEW	98-07-009
296-44-19421	REP	98-07-009	296-44-41341	REP	98-07-009	296-45-17555	NEW	98-07-009
296-44-19433	REP	98-07-009	296-44-41359	REP	98-07-009	296-45-17560	NEW	98-07-009

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-45-17565	NEW	98-07-009	296-45-65038	REP	98-07-009	296-150C-0560	AMD-P	98-07-095
296-45-195	NEW	98-07-009	296-45-65039	REP	98-07-009	296-150C-0800	AMD-P	98-07-095
296-45-205	NEW	98-07-009	296-45-65041	REP	98-07-009	296-150C-0820	AMD-P	98-07-095
296-45-215	NEW	98-07-009	296-45-65043	REP	98-07-009	296-150C-0960	AMD-P	98-07-095
296-45-225	NEW	98-07-009	296-45-65045	REP	98-07-009	296-150C-0980	REP-P	98-07-095
296-45-255	NEW	98-07-009	296-45-65047	REP	98-07-009	296-150C-1080	AMD-P	98-07-095
296-45-25505	NEW	98-07-009	296-45-660	REP	98-07-009	296-150C-1170	AMD-P	98-07-095
296-45-25510	NEW	98-07-009	296-45-66001	REP	98-07-009	296-150C-1303	NEW-P	98-07-095
296-45-275	NEW	98-07-009	296-45-66003	REP	98-07-009	296-150C-1580	AMD-P	98-07-095
296-45-285	NEW	98-07-009	296-45-66005	REP	98-07-009	296-150C-1590	AMD-P	98-07-095
296-45-295	NEW	98-07-009	296-45-66007	REP	98-07-009	296-150C-1600	AMD-P	98-07-095
296-45-305	NEW	98-07-009	296-45-66009	REP	98-07-009	296-150C-1720	AMD-P	98-07-095
296-45-315	NEW	98-07-009	296-45-66011	REP	98-07-009	296-150C-1730	AMD-P	98-07-095
296-45-325	NEW	98-07-009	296-45-67543	AMD-W	98-07-008	296-150C-1740	AMD-P	98-07-095
296-45-335	NEW	98-07-009	296-45-680	REP	98-07-009	296-150C-1750	NEW-P	98-07-095
296-45-345	NEW	98-07-009	296-45-690	REP	98-07-009	296-150C-1751	NEW-P	98-07-095
296-45-355	NEW	98-07-009	296-45-695	REP	98-07-009	296-150C-1752	NEW-P	98-07-095
296-45-365	NEW	98-07-009	296-45-700	REP	98-07-009	296-150C-1753	NEW-P	98-07-095
296-45-375	NEW	98-07-009	296-45-900	NEW	98-07-009	296-150C-1754	NEW-P	98-07-095
296-45-385	NEW	98-07-009	296-45-901	NEW	98-07-009	296-150C-1755	NEW-P	98-07-095
296-45-455	NEW	98-07-009	296-45-903	NEW	98-07-009	296-150C-1756	NEW-P	98-07-095
296-45-45505	NEW	98-07-009	296-45-905	NEW	98-07-009	296-150C-1757	NEW-P	98-07-095
296-45-45510	NEW	98-07-009	296-46-100	NEW-P	98-07-097	296-150C-1758	NEW-P	98-07-095
296-45-45515	NEW	98-07-009	296-46-140	AMD-P	98-07-097	296-150C-1759	NEW-P	98-07-095
296-45-45520	NEW	98-07-009	296-46-155	NEW-P	98-07-097	296-150C-1760	NEW-P	98-07-095
296-45-45525	NEW	98-07-009	296-46-21052	AMD-P	98-07-097	296-150C-3000	AMD-P	98-07-096
296-45-45530	NEW	98-07-009	296-46-225	AMD-P	98-07-097	296-150F-0020	AMD-P	98-07-095
296-45-465	NEW	98-07-009	296-46-23028	AMD-P	98-07-097	296-150F-0130	NEW-P	98-07-095
296-45-475	NEW	98-07-009	296-46-30001	AMD-P	98-07-097	296-150F-0200	AMD-P	98-07-095
296-45-485	NEW	98-07-009	296-46-348	AMD-P	98-07-097	296-150F-0210	AMD-P	98-07-095
296-45-48505	NEW	98-07-009	296-46-495	AMD-P	98-07-097	296-150F-0460	AMD-P	98-07-095
296-45-48510	NEW	98-07-009	296-46-50002	NEW-P	98-07-097	296-150F-0500	AMD-P	98-07-095
296-45-48515	NEW	98-07-009	296-46-770	AMD-P	98-07-097	296-150F-3000	AMD-P	98-07-096
296-45-48520	NEW	98-07-009	296-46-910	AMD-P	98-07-097	296-150M-0020	AMD-P	98-07-095
296-45-48525	NEW	98-07-009	296-46-915	AMD-P	98-07-097	296-150M-0306	NEW-P	98-07-095
296-45-48530	NEW	98-07-009	296-46-920	AMD-P	98-07-097	296-150M-0307	NEW-P	98-07-095
296-45-48535	NEW	98-07-009	296-46-930	AMD-P	98-07-097	296-150M-0310	AMD-P	98-07-095
296-45-48540	NEW	98-07-009	296-46-940	AMD-P	98-07-097	296-150M-0331	NEW-P	98-07-095
296-45-48545	NEW	98-07-009	296-62-07477	AMD-P	98-05-061	296-150M-0400	AMD-P	98-07-095
296-45-48550	NEW	98-07-009	296-62-07515	AMD-P	98-05-061	296-150M-0600	AMD-P	98-07-095
296-45-48555	NEW	98-07-009	296-81	PREP	98-02-080	296-150M-0610	AMD-P	98-07-095
296-45-48560	NEW	98-07-009	296-81-007	AMD-P	98-07-094	296-150M-0620	AMD-P	98-07-095
296-45-525	NEW	98-07-009	296-86-010	REP-P	98-07-094	296-150M-0640	AMD-P	98-07-095
296-45-52505	NEW	98-07-009	296-86-020	REP-P	98-07-094	296-150M-0660	AMD-P	98-07-095
296-45-52510	NEW	98-07-009	296-86-030	REP-P	98-07-094	296-150M-0700	REP-P	98-07-095
296-45-52515	NEW	98-07-009	296-86-040	REP-P	98-07-094	296-150M-0710	REP-P	98-07-095
296-45-52520	NEW	98-07-009	296-86-050	REP-P	98-07-094	296-150M-0730	REP-P	98-07-095
296-45-52525	NEW	98-07-009	296-86-060	REP-P	98-07-094	296-150M-3000	AMD-P	98-07-096
296-45-52530	NEW	98-07-009	296-86-070	REP-P	98-07-094	296-150P-3000	AMD-P	98-07-096
296-45-52535	NEW	98-07-009	296-86-075	REP-P	98-07-094	296-150R-3000	AMD-P	98-07-096
296-45-52540	NEW	98-07-009	296-86-080	REP-P	98-07-094	296-155-229	NEW-P	98-05-073
296-45-52545	NEW	98-07-009	296-86-090	REP-P	98-07-094	296-155-24525	AMD	98-05-046
296-45-52550	NEW	98-07-009	296-86A-010	NEW-P	98-07-094	296-155-330	AMD-P	98-05-073
296-45-545	NEW	98-07-009	296-86A-020	NEW-P	98-07-094	296-155-481	AMD	98-05-046
296-45-60013	REP	98-07-009	296-86A-025	NEW-P	98-07-094	296-155-482	NEW	98-05-046
296-45-650	REP	98-07-009	296-86A-028	NEW-P	98-07-094	296-155-483	AMD	98-05-046
296-45-65003	REP	98-07-009	296-86A-030	NEW-P	98-07-094	296-155-484	NEW	98-05-046
296-45-65005	REP	98-07-009	296-86A-040	NEW-P	98-07-094	296-155-485	AMD	98-05-046
296-45-65009	REP	98-07-009	296-86A-060	NEW-P	98-07-094	296-155-48503	REP	98-05-046
296-45-65011	REP	98-07-009	296-86A-065	NEW-P	98-07-094	296-155-48504	REP	98-05-046
296-45-65013	REP	98-07-009	296-86A-070	NEW-P	98-07-094	296-155-48505	REP	98-05-046
296-45-65015	REP	98-07-009	296-86A-073	NEW-P	98-07-094	296-155-48506	REP	98-05-046
296-45-65017	REP	98-07-009	296-86A-074	NEW-P	98-07-094	296-155-48507	REP	98-05-046
296-45-65019	REP	98-07-009	296-86A-075	NEW-P	98-07-094	296-155-48508	REP	98-05-046
296-45-65021	REP	98-07-009	296-86A-080	NEW-P	98-07-094	296-155-48509	REP	98-05-046
296-45-65023	REP	98-07-009	296-104-700	AMD-P	98-04-017	296-155-48510	REP	98-05-046
296-45-65026	REP	98-07-009	296-125	PREP	98-02-079	296-155-48511	REP	98-05-046
296-45-65027	REP	98-07-009	296-150C-0020	AMD-P	98-07-095	296-155-48512	REP	98-05-046
296-45-65029	REP	98-07-009	296-150C-0310	AMD-P	98-07-095	296-155-48513	REP	98-05-046
296-45-65031	REP	98-07-009	296-150C-0320	AMD-P	98-07-095	296-155-48514	REP	98-05-046
296-45-65033	REP	98-07-009	296-150C-0410	AMD-P	98-07-095	296-155-48515	REP	98-05-046
296-45-65035	REP	98-07-009	296-150C-0460	AMD-P	98-07-095	296-155-48516	REP	98-05-046
296-45-65037	REP	98-07-009	296-150C-0500	AMD-P	98-07-095	296-155-48517	REP	98-05-046

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-155-48518	REP	98-05-046	296-401A-540	NEW-P	98-07-097	308-93-640	PREP	98-03-026
296-155-48519	REP	98-05-046	296-401A-545	NEW-P	98-07-097	308-94-030	AMD-P	98-04-072
296-155-48523	REP	98-05-046	296-401A-550	NEW-P	98-07-097	308-94-040	REP-P	98-04-072
296-155-48525	REP	98-05-046	296-401A-600	NEW-P	98-07-097	308-94-050	AMD-P	98-04-072
296-155-48527	REP	98-05-046	296-401A-610	NEW-P	98-07-097	308-94-070	REP-P	98-04-072
296-155-48529	REP	98-05-046	296-401A-620	NEW-P	98-07-097	308-94-080	AMD-P	98-04-072
296-155-48531	REP	98-05-046	296-401A-630	NEW-P	98-07-097	308-94-090	REP-P	98-04-072
296-155-48533	REP	98-05-046	296-401A-700	NEW-P	98-07-097	308-94-100	AMD-P	98-04-072
296-155-48536	REP	98-05-046	296-401A-800	NEW-P	98-07-097	308-94-110	REP-P	98-04-072
296-155-487	NEW	98-05-046	296-401A-810	NEW-P	98-07-097	308-96A-005	PREP	98-03-021
296-155-488	NEW	98-05-046	296-401A-900	NEW-P	98-07-097	308-96A-010	PREP	98-03-021
296-155-489	NEW	98-05-046	296-401A-910	NEW-P	98-07-097	308-96A-015	PREP	98-03-021
296-155-490	NEW	98-05-046	296-401A-920	NEW-P	98-07-097	308-96A-021	PREP	98-03-021
296-155-493	NEW	98-05-046	296-401A-930	NEW-P	98-07-097	308-96A-025	PREP	98-03-021
296-155-494	NEW	98-05-046	296-401A-935	NEW-P	98-07-097	308-96A-026	PREP	98-03-021
296-155-496	NEW	98-05-046	308-04-010	PREP	98-03-023	308-96A-035	PREP	98-03-021
296-155-497	NEW	98-05-046	308-04-010	AMD-P	98-06-080	308-96A-040	PREP	98-03-021
296-155-498	NEW	98-05-046	308-04-010	AMD-W	98-07-018	308-96A-065	AMD-P	98-04-071
296-155-528	NEW	98-05-046	308-04-020	PREP	98-03-023	308-96A-066	AMD-P	98-04-071
296-155-605	AMD	98-05-046	308-04-020	AMD-P	98-06-080	308-96A-067	NEW-P	98-04-071
296-155-615	AMD	98-05-046	308-04-020	AMD-W	98-07-018	308-96A-068	NEW-P	98-04-071
296-155-683	AMD	98-05-046	308-12-025	PREP	98-06-047	308-96A-070	AMD-P	98-04-071
296-155-688	AMD	98-05-046	308-12-326	PREP	98-05-012	308-96A-071	AMD-P	98-04-071
296-155-689	AMD	98-05-046	308-56A-005	PREP	98-03-024	308-96A-073	AMD-P	98-04-071
296-155-700	AMD	98-05-046	308-56A-010	PREP	98-03-024	308-96A-074	AMD-P	98-04-071
296-155-730	AMD	98-05-046	308-56A-015	PREP	98-03-024	308-96A-080	PREP	98-03-022
296-200A-900	NEW-P	98-07-096	308-56A-020	PREP	98-03-024	308-96A-085	PREP	98-03-022
296-307	PREP	98-04-094	308-56A-021	PREP	98-03-024	308-96A-090	PREP	98-03-022
296-400A	PREP	98-06-043	308-56A-022	PREP	98-03-024	308-96A-095	PREP	98-03-022
296-400A-045	AMD-P	98-07-096	308-56A-023	PREP	98-03-024	308-96A-097	PREP	98-03-022
296-401-020	REP-P	98-07-097	308-56A-080	PREP	98-03-024	308-96A-175	AMD-P	98-04-071
296-401-030	REP-P	98-07-097	308-56A-085	PREP	98-03-024	308-96A-176	AMD-P	98-04-071
296-401-060	REP-P	98-07-097	308-56A-090	PREP	98-03-024	308-96A-180	PREP	98-03-021
296-401-075	REP-P	98-07-097	308-93-060	PREP	98-03-026	308-96A-260	PREP	98-03-021
296-401-080	REP-P	98-07-097	308-93-070	PREP	98-03-026	308-96A-295	PREP	98-03-021
296-401-085	REP-P	98-07-097	308-93-071	PREP	98-03-026	308-96A-300	PREP	98-03-021
296-401-087	REP-P	98-07-097	308-93-073	PREP	98-03-026	308-96A-340	AMD-P	98-04-014
296-401-090	REP-P	98-07-097	308-93-074	PREP	98-03-026	308-96A-341	NEW-P	98-04-014
296-401-100	REP-P	98-07-097	308-93-075	PREP	98-03-026	308-300-310	REP	98-03-055
296-401-110	REP-P	98-07-097	308-93-078	PREP	98-03-026	308-312-010	NEW	98-03-055
296-401-120	REP-P	98-07-097	308-93-079	PREP	98-03-026	308-312-020	NEW	98-03-055
296-401-150	REP-P	98-07-097	308-93-080	PREP	98-03-026	308-312-030	NEW	98-03-055
296-401-160	REP-P	98-07-097	308-93-085	PREP	98-03-026	308-312-040	NEW	98-03-055
296-401-163	REP-P	98-07-097	308-93-110	PREP	98-03-027	308-312-050	NEW	98-03-055
296-401-165	REP-P	98-07-097	308-93-120	PREP	98-03-027	308-312-060	NEW	98-03-055
296-401-168	REP-P	98-07-097	308-93-180	PREP	98-03-027	308-312-080	NEW	98-03-055
296-401-170	REP-P	98-07-097	308-93-190	PREP	98-03-027	308-312-090	NEW-W	98-03-054
296-401-175	REP-P	98-07-097	308-93-200	PREP	98-03-027	308-312-100	NEW	98-03-055
296-401-180	REP-P	98-07-097	308-93-210	PREP	98-03-027	314-12-200	NEW-P	98-05-103
296-401A-100	NEW-P	98-07-097	308-93-215	PREP	98-03-027	314-64-08001	NEW-P	98-02-069
296-401A-105	NEW-P	98-07-097	308-93-220	PREP	98-03-027	315-02-030	AMD-P	98-04-073
296-401A-110	NEW-P	98-07-097	308-93-230	PREP	98-03-027	315-02-040	AMD-P	98-04-073
296-401A-120	NEW-P	98-07-097	308-93-241	PREP	98-03-025	315-02-060	AMD-P	98-04-073
296-401A-130	NEW-P	98-07-097	308-93-242	PREP	98-03-025	315-02-070	AMD-P	98-04-073
296-401A-140	NEW-P	98-07-097	308-93-243	PREP	98-03-025	315-02-080	AMD-P	98-04-073
296-401A-150	NEW-P	98-07-097	308-93-244	PREP	98-03-025	315-02-170	REP-P	98-04-073
296-401A-160	NEW-P	98-07-097	308-93-245	PREP	98-03-025	315-02-180	REP-P	98-04-073
296-401A-200	NEW-P	98-07-097	308-93-285	PREP	98-03-026	315-02-220	AMD-P	98-04-073
296-401A-210	NEW-P	98-07-097	308-93-290	PREP	98-03-027	315-06-123	PREP	98-03-074
296-401A-220	NEW-P	98-07-097	308-93-295	PREP	98-03-027	315-10	PREP	98-07-089
296-401A-230	NEW-P	98-07-097	308-93-300	PREP	98-03-026	315-10-010	AMD-P	98-04-073
296-401A-300	NEW-P	98-07-097	308-93-330	PREP	98-03-026	315-10-020	AMD-P	98-04-073
296-401A-310	NEW-P	98-07-097	308-93-350	PREP	98-03-026	315-10-023	NEW-P	98-04-073
296-401A-320	NEW-P	98-07-097	308-93-360	PREP	98-03-026	315-10-024	NEW-P	98-04-073
296-401A-400	NEW-P	98-07-097	308-93-420	PREP	98-03-026	315-10-025	AMD-P	98-04-073
296-401A-410	NEW-P	98-07-097	308-93-430	REP-P	98-05-068	315-10-030	AMD-P	98-04-073
296-401A-420	NEW-P	98-07-097	308-93-440	AMD-P	98-05-068	315-11A-207	AMD	98-03-075
296-401A-430	NEW-P	98-07-097	308-93-450	AMD-P	98-05-068	315-11A-215	NEW	98-03-075
296-401A-500	NEW-P	98-07-097	308-93-460	AMD-P	98-05-068	315-11A-216	NEW	98-03-075
296-401A-510	NEW-P	98-07-097	308-93-470	AMD-P	98-05-068	315-11A-217	NEW	98-03-075
296-401A-520	NEW-P	98-07-097	308-93-480	REP-P	98-05-068	315-30	PREP	98-07-089
296-401A-524	NEW-P	98-07-097	308-93-620	PREP	98-03-026	315-34-055	AMD-P	98-05-070
296-401A-530	NEW-P	98-07-097	308-93-630	PREP	98-03-026	315-36-010	NEW-P	98-04-073

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-36-020	NEW-P	98-04-073	352-76-060	AMD	98-07-021	388-76-665	AMD-S	98-02-077
315-36-030	NEW-P	98-04-073	352-76-070	AMD-P	98-03-090	388-76-670	AMD-S	98-02-077
315-36-040	NEW-P	98-04-073	352-76-070	AMD	98-07-021	388-76-675	AMD-S	98-02-077
315-36-050	NEW-P	98-04-073	352-76-075	NEW-P	98-03-090	388-76-680	AMD-S	98-02-077
315-36-060	NEW-P	98-04-073	352-76-075	NEW	98-07-021	388-76-685	AMD-S	98-02-077
315-36-070	NEW-P	98-04-073	352-76-080	AMD-P	98-03-090	388-76-690	AMD-S	98-02-077
315-36-080	NEW-P	98-04-073	352-76-080	AMD	98-07-021	388-76-695	AMD-S	98-02-077
315-36-090	NEW-P	98-04-073	356-05-390	AMD	98-06-012	388-76-705	AMD-S	98-02-077
315-36-100	NEW-P	98-04-073	356-06-120	NEW-C	98-06-014	388-79	NEW-C	98-05-053
315-36-110	NEW-P	98-04-073	356-15-060	AMD	98-03-052	388-79-010	NEW-P	98-03-085
315-36-120	NEW-P	98-04-073	356-15-060	AMD-P	98-06-062	388-79-020	NEW-P	98-03-085
315-36-130	NEW-P	98-04-073	365-06-010	REP	98-05-027	388-79-030	NEW-P	98-03-085
315-36-140	NEW-P	98-04-073	365-06-020	REP	98-05-027	388-79-040	NEW-P	98-03-085
315-36-150	NEW-P	98-04-073	365-60-010	REP	98-05-027	388-96	PREP	98-03-077
317-01-010	REP	98-03-073	365-60-020	REP	98-05-027	388-96	PREP	98-06-066
317-01-020	REP	98-03-073	388-11-205	PREP	98-03-078	388-97	PREP	98-06-089
317-01-030	REP	98-03-073	388-14-200	AMD-E	98-04-027	388-150-180	PREP	98-02-057
317-02-010	REP	98-03-073	388-14-200	AMD-S	98-06-067	388-150-190	PREP	98-02-057
317-02-020	REP	98-03-073	388-14-201	NEW-E	98-04-027	388-150-200	PREP	98-02-057
317-02-030	REP	98-03-073	388-14-201	NEW-S	98-06-067	388-150-470	PREP	98-02-057
317-02-040	REP	98-03-073	388-14-202	NEW-E	98-04-027	388-151-180	PREP	98-02-057
317-02-050	REP	98-03-073	388-14-202	NEW-S	98-06-067	388-151-190	PREP	98-02-057
317-02-060	REP	98-03-073	388-14-270	AMD-E	98-04-027	388-151-200	PREP	98-02-057
317-02-070	REP	98-03-073	388-14-270	AMD-S	98-06-067	388-151-470	PREP	98-02-057
317-02-080	REP	98-03-073	388-14-385	AMD-P	98-05-078	388-155-180	PREP	98-02-057
317-02-090	REP	98-03-073	388-14-386	NEW-P	98-05-078	388-155-190	PREP	98-02-057
317-02-100	REP	98-03-073	388-14-387	NEW-P	98-05-078	388-155-200	PREP	98-02-057
317-02-110	REP	98-03-073	388-14-388	NEW-P	98-05-078	388-155-470	PREP	98-02-057
317-02-120	REP	98-03-073	388-14-500	AMD-P	98-05-079	388-218-1390	NEW-P	98-07-100
317-03-010	REP	98-03-073	388-15-030	REP-P	98-03-082	388-218-1700	REP-P	98-03-084
317-03-020	REP	98-03-073	388-15-030	REP	98-07-041	388-218-1700	REP	98-06-056
352-32-010	AMD	98-04-065	388-15-194	PREP	98-07-051	388-218-1800	REP-P	98-03-084
352-32-01001	NEW	98-04-065	388-15-201	NEW	98-04-026	388-218-1800	REP	98-06-056
352-32-030	AMD	98-04-065	388-15-209	AMD	98-04-026	388-218-1940	REP-P	98-03-084
352-32-037	AMD	98-04-065	388-15-222	AMD	98-04-026	388-218-1940	REP	98-06-056
352-32-045	AMD	98-04-065	388-15-300	REP	98-02-058	388-235	PREP	98-07-038
352-32-047	AMD	98-04-065	388-15-310	REP	98-02-058	388-245-1150	AMD	98-04-015
352-32-075	AMD	98-04-065	388-15-320	REP	98-02-058	388-245-1510	AMD	98-04-016
352-32-080	AMD	98-04-065	388-15-330	REP	98-02-058	388-250-1700	AMD	98-06-057
352-32-085	AMD	98-04-065	388-15-610	AMD	98-04-026	388-265	PREP	98-07-099
352-32-120	AMD	98-04-065	388-15-830	AMD	98-04-026	388-275	PREP	98-07-036
352-32-130	AMD	98-04-065	388-15-880	AMD	98-04-026	388-280	PREP	98-07-037
352-32-140	AMD	98-04-065	388-15-890	AMD	98-04-026	388-290-010	AMD-P	98-03-083
352-32-150	AMD	98-04-065	388-15-895	NEW	98-04-026	388-290-020	AMD-P	98-03-083
352-32-165	AMD	98-04-065	388-31	PREP	98-06-088	388-290-025	AMD-P	98-03-083
352-32-170	AMD	98-04-065	388-49-360	AMD-W	98-06-076	388-290-035	AMD-P	98-03-083
352-32-195	AMD	98-04-065	388-49-380	AMD-W	98-06-076	388-290-050	AMD-P	98-03-083
352-32-200	AMD	98-04-065	388-49-385	AMD-W	98-06-076	388-290-090	AMD-P	98-03-083
352-32-210	AMD	98-04-065	388-49-510	AMD	98-03-049	388-310-1300	NEW-S	98-03-080
352-32-215	NEW	98-04-065	388-49-550	AMD-P	98-04-039	388-310-1300	NEW-S	98-07-042
352-32-25001	AMD	98-04-065	388-49-550	AMD-E	98-04-040	388-508-0805	PREP	98-07-039
352-32-25002	AMD	98-04-065	388-49-560	REP-P	98-04-039	388-509-0920	PREP	98-07-039
352-32-251	AMD	98-04-065	388-49-560	REP-E	98-04-040	388-509-0960	PREP	98-07-039
352-32-252	AMD	98-04-065	388-49-570	REP-P	98-04-039	388-511-1160	AMD	98-04-031
352-32-300	AMD	98-04-065	388-49-570	REP-E	98-04-040	388-512-1275	AMD	98-03-004
352-32-330	AMD	98-04-065	388-49-580	REP-P	98-04-039	388-512-1280	REP	98-03-004
352-60-020	AMD-P	98-03-086	388-49-580	REP-E	98-04-040	388-513-1315	AMD	98-04-003
352-60-020	AMD	98-07-022	388-61-001	AMD	98-07-040	388-513-1340	PREP	98-05-052
352-60-140	NEW-P	98-03-086	388-76-540	AMD-S	98-02-077	388-513-1345	PREP	98-05-052
352-60-140	NEW	98-07-022	388-76-550	AMD-S	98-02-077	388-513-1380	AMD-P	98-03-085
352-76	AMD-P	98-03-090	388-76-560	AMD-S	98-02-077	388-513-1380	AMD-C	98-05-053
352-76	AMD	98-07-021	388-76-561	NEW-S	98-04-032	388-515-1505	PREP	98-05-051
352-76-010	AMD-P	98-03-090	388-76-570	AMD-S	98-02-077	388-517	PREP	98-04-066
352-76-010	AMD	98-07-021	388-76-590	AMD-S	98-04-032	388-523-2305	PREP	98-03-079
352-76-020	AMD-P	98-03-090	388-76-595	AMD-S	98-02-077	388-529-2960	AMD	98-04-004
352-76-020	AMD	98-07-021	388-76-600	AMD-S	98-04-032	388-530-1600	AMD-P	98-05-054
352-76-030	AMD-P	98-03-090	388-76-605	AMD-S	98-02-077	388-540-005	AMD-P	98-02-059
352-76-030	AMD	98-07-021	388-76-610	AMD-S	98-04-032	388-540-005	AMD	98-06-025
352-76-040	AMD-P	98-03-090	388-76-615	AMD-S	98-04-032	388-540-030	AMD-P	98-02-059
352-76-040	AMD	98-07-021	388-76-620	AMD-S	98-02-077	388-540-030	AMD	98-06-025
352-76-050	AMD-P	98-03-090	388-76-635	AMD-S	98-02-077	388-540-060	AMD-P	98-02-059
352-76-050	AMD	98-07-021	388-76-655	AMD-S	98-02-077	388-540-060	AMD	98-06-025
352-76-060	AMD-P	98-03-090	388-76-660	AMD-S	98-02-077	388-555-1000	NEW-P	98-07-050

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-555-1000	NEW-E	98-07-052	392-139-160	REP-P	98-05-040	392-140-723	NEW	98-07-061
388-555-1050	NEW-P	98-07-050	392-139-162	REP-P	98-05-040	392-140-724	NEW-P	98-03-067
388-555-1050	NEW-E	98-07-052	392-139-164	REP-P	98-05-040	392-140-724	NEW	98-07-061
388-555-1100	NEW-P	98-07-050	392-139-168	REP-P	98-05-040	392-140-725	NEW-P	98-03-067
388-555-1100	NEW-E	98-07-052	392-139-170	REP-P	98-05-040	392-140-725	NEW	98-07-061
388-555-1150	NEW-P	98-07-050	392-139-172	REP-P	98-05-040	392-140-726	NEW-P	98-03-067
388-555-1150	NEW-E	98-07-052	392-139-174	REP-P	98-05-040	392-140-726	NEW	98-07-061
388-555-1200	NEW-P	98-07-050	392-139-176	REP-P	98-05-040	392-140-727	NEW-P	98-03-067
388-555-1200	NEW-E	98-07-052	392-139-178	REP-P	98-05-040	392-140-727	NEW	98-07-061
388-555-1250	NEW-P	98-07-050	392-139-180	REP-P	98-05-040	392-140-728	NEW-P	98-03-067
388-555-1250	NEW-E	98-07-052	392-139-182	REP-P	98-05-040	392-140-728	NEW	98-07-061
388-555-1300	NEW-P	98-07-050	392-139-184	REP-P	98-05-040	392-140-730	NEW-P	98-03-067
388-555-1300	NEW-E	98-07-052	392-139-186	REP-P	98-05-040	392-140-730	NEW	98-07-061
388-555-1350	NEW-P	98-07-050	392-139-215	AMD-P	98-05-040	392-140-731	NEW-P	98-03-067
388-555-1350	NEW-E	98-07-052	392-139-310	AMD-P	98-05-040	392-140-731	NEW	98-07-061
388-555-1400	NEW-P	98-07-050	392-139-320	AMD-P	98-05-040	392-140-732	NEW-P	98-03-067
388-555-1400	NEW-E	98-07-052	392-139-611	REP-P	98-05-040	392-140-732	NEW	98-07-061
390-05-400	AMD-P	98-05-107	392-139-616	REP-P	98-05-040	392-140-733	NEW-P	98-03-067
390-13-100	PREP	98-06-051	392-139-620	AMD-P	98-05-040	392-140-733	NEW	98-07-061
390-16-200	PREP	98-06-052	392-139-621	REP-P	98-05-040	392-140-735	NEW-P	98-03-067
390-16-207	PREP	98-06-053	392-139-622	NEW-P	98-05-040	392-140-735	NEW	98-07-061
390-17-205	PREP	98-06-054	392-139-623	NEW-P	98-05-040	392-140-736	NEW-P	98-03-067
390-17-400	PREP	98-03-072	392-139-625	AMD-P	98-05-040	392-140-736	NEW	98-07-061
390-17-405	PREP	98-06-055	392-139-626	REP-P	98-05-040	392-140-740	NEW-P	98-03-067
391-08	PREP	98-04-049	392-139-660	AMD-P	98-05-040	392-140-740	NEW	98-07-061
391-25	PREP	98-04-049	392-139-661	NEW-P	98-05-040	392-140-741	NEW-P	98-03-067
391-35	PREP	98-04-049	392-139-670	AMD-P	98-05-040	392-140-741	NEW	98-07-061
391-45	PREP	98-04-049	392-139-676	AMD-P	98-05-040	392-140-742	NEW-P	98-03-067
391-55	PREP	98-04-049	392-139-680	REP-P	98-05-040	392-140-742	NEW	98-07-061
391-95	PREP	98-04-049	392-139-681	REP-P	98-05-040	392-140-743	NEW-P	98-03-067
392-115-005	AMD	98-05-008	392-139-685	REP-P	98-05-040	392-140-743	NEW	98-07-061
392-115-010	AMD	98-05-008	392-139-685	REP-P	98-05-040	392-140-744	NEW-P	98-03-067
392-115-015	AMD	98-05-008	392-139-691	REP-P	98-05-040	392-140-744	NEW	98-07-061
392-115-020	AMD	98-05-008	392-140-601	AMD-P	98-04-036	392-140-745	NEW-P	98-03-067
392-115-025	AMD	98-05-008	392-140-602	AMD-P	98-04-036	392-140-745	NEW	98-07-061
392-115-045	AMD	98-05-008	392-140-605	AMD-P	98-04-036	392-140-746	NEW-P	98-03-067
392-115-050	AMD	98-05-008	392-140-616	AMD-P	98-04-036	392-140-746	NEW	98-07-061
392-115-055	AMD	98-05-008	392-140-625	AMD-P	98-04-036	392-140-747	NEW-P	98-03-067
392-115-060	AMD	98-05-008	392-140-630	NEW-P	98-04-036	392-140-747	NEW	98-07-061
392-115-065	AMD	98-05-008	392-140-640	AMD-P	98-04-036	392-140-800	NEW	98-04-080
392-115-085	AMD	98-05-008	392-140-656	AMD-P	98-04-036	392-140-802	NEW	98-04-080
392-115-090	AMD	98-05-008	392-140-660	AMD-P	98-04-036	392-140-804	NEW	98-04-080
392-115-110	AMD	98-05-008	392-140-665	AMD-P	98-04-036	392-140-806	NEW	98-04-080
392-115-115	AMD	98-05-008	392-140-675	AMD-P	98-04-036	392-140-808	NEW	98-04-080
392-115-120	AMD	98-05-008	392-140-680	AMD-P	98-04-036	392-140-810	NEW	98-04-080
392-115-125	AMD	98-05-008	392-140-685	AMD-P	98-04-036	392-140-812	NEW	98-04-080
392-115-130	AMD	98-05-008	392-140-700	NEW-P	98-03-067	392-140-814	NEW	98-04-080
392-115-151	NEW	98-05-008	392-140-700	NEW	98-07-061	392-140-816	NEW	98-04-080
392-115-155	AMD	98-05-008	392-140-701	NEW-P	98-03-067	392-140-818	NEW	98-04-080
392-121-124	NEW-P	98-03-066	392-140-701	NEW	98-07-061	392-140-820	NEW	98-04-080
392-121-124	NEW	98-07-060	392-140-702	NEW-P	98-03-067	392-140-822	NEW	98-04-080
392-121-138	AMD-P	98-03-066	392-140-702	NEW	98-07-061	392-140-824	NEW	98-04-080
392-121-138	AMD	98-07-060	392-140-710	NEW-P	98-03-067	392-140-826	NEW	98-04-080
392-121-182	AMD-W	98-04-070	392-140-710	NEW	98-07-061	392-140-828	NEW	98-04-080
392-126	PREP	98-05-038	392-140-711	NEW-P	98-03-067	392-140-830	NEW	98-04-080
392-134-005	AMD-W	98-04-070	392-140-711	NEW	98-07-061	392-140-832	NEW	98-04-080
392-134-010	AMD-W	98-04-070	392-140-712	NEW-P	98-03-067	392-140-834	NEW	98-04-080
392-134-020	AMD-W	98-04-070	392-140-712	NEW	98-07-061	392-140-836	NEW	98-04-080
392-134-025	AMD-W	98-04-070	392-140-713	NEW-P	98-03-067	392-172	PREP	98-05-039
392-139-007	AMD-P	98-05-040	392-140-713	NEW	98-07-061	392-182-020	AMD	98-04-025
392-139-120	REP-P	98-05-040	392-140-714	NEW-P	98-03-067	399-10-010	AMD-P	98-07-033
392-139-122	REP-P	98-05-040	392-140-714	NEW	98-07-061	399-10-030	AMD-P	98-07-033
392-139-126	REP-P	98-05-040	392-140-715	NEW-P	98-03-067	399-20-060	AMD-P	98-07-033
392-139-128	REP-P	98-05-040	392-140-715	NEW	98-07-061	399-20-070	AMD-P	98-07-033
392-139-129	REP-P	98-05-040	392-140-716	NEW-P	98-03-067	399-20-100	AMD-P	98-07-033
392-139-130	REP-P	98-05-040	392-140-716	NEW	98-07-061	399-20-120	AMD-P	98-07-033
392-139-132	REP-P	98-05-040	392-140-720	NEW-P	98-03-067	399-30-020	AMD-P	98-07-033
392-139-134	REP-P	98-05-040	392-140-720	NEW	98-07-061	399-30-030	AMD-P	98-07-033
392-139-150	REP-P	98-05-040	392-140-721	NEW-P	98-03-067	399-30-045	AMD-P	98-07-033
392-139-152	REP-P	98-05-040	392-140-721	NEW	98-07-061	399-30-060	AMD-P	98-07-033
392-139-154	REP-P	98-05-040	392-140-722	NEW-P	98-03-067	399-30-065	AMD-P	98-07-033
392-139-156	REP-P	98-05-040	392-140-722	NEW	98-07-061	434-30-150	AMD	98-03-033
392-139-158	REP-P	98-05-040	392-140-723	NEW-P	98-03-067	434-30-150	DECOD	98-03-033

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-230-030	AMD	98-03-033	468-85-270	REP-P	98-07-006			
434-230-150	RECOD	98-03-033	468-85-280	REP-P	98-07-006			
434-230-160	AMD	98-03-033	468-85-290	AMD-P	98-07-006			
434-236-090	AMD	98-03-033	468-85-310	AMD-P	98-07-006			
434-236-170	AMD	98-03-033	468-300-010	AMD-P	98-03-050			
434-240-190	AMD	98-03-033	468-300-020	AMD-P	98-03-050			
434-240-230	AMD	98-03-033	468-300-040	AMD-P	98-03-050			
434-240-235	NEW	98-03-033	468-300-220	AMD-P	98-03-050			
434-240-320	NEW	98-03-033	468-400-010	NEW-E	98-03-009			
434-253-050	AMD	98-03-033	468-400-010	NEW-E	98-03-059			
434-253-110	AMD	98-03-033	468-400-010	NEW	98-06-029			
434-324-035	AMD	98-03-033	468-400-020	NEW-E	98-03-009			
434-324-050	AMD	98-03-033	468-400-020	NEW-P	98-03-059			
434-324-060	AMD	98-03-033	468-400-020	NEW	98-06-029			
434-324-085	AMD	98-03-033	468-400-030	NEW-E	98-03-009			
434-324-095	AMD	98-03-033	468-400-030	NEW-P	98-03-059			
434-324-105	AMD	98-03-033	468-400-030	NEW	98-06-029			
434-324-120	AMD	98-03-033	468-400-040	NEW-E	98-03-009			
434-324-130	AMD	98-03-033	468-400-040	NEW-P	98-03-059			
458-16-110	PREP	98-07-016	468-400-040	NEW	98-06-029			
458-16-111	PREP	98-07-016	468-510	PREP	98-04-044			
458-16-165	PREP	98-07-016	478-160-015	AMD-P	98-05-066			
458-16-300	PREP	98-07-016	478-160-095	AMD-P	98-05-066			
458-16-310	PREP	98-07-016	478-160-110	AMD-P	98-05-066			
458-20-104	AMD-E	98-02-046	478-160-120	REP-P	98-05-066			
458-20-183	PREP	98-05-031	478-160-142	NEW-P	98-05-066			
458-20-192	PREP	98-07-066	478-160-143	NEW-P	98-05-066			
458-40-660	PREP	98-05-074	478-160-150	AMD-P	98-05-066			
458-50-095	PREP	98-07-015	478-160-246	AMD-P	98-05-066			
460-32A-400	PREP	98-07-101	478-160-270	AMD-P	98-05-066			
460-44A-050	PREP	98-07-102	478-160-275	AMD-P	98-05-066			
468-38-070	AMD-P	98-06-016	478-160-280	AMD-P	98-05-066			
468-38-110	PREP	98-06-023	478-160-295	AMD-P	98-05-066			
468-38-260	PREP	98-04-043	480-09	PREP	98-05-056			
468-38-260	AMD-E	98-04-045	480-80-330	AMD	98-04-028			
468-51	PREP	98-07-049	480-92	PREP	98-06-050			
468-52	PREP	98-07-048	480-110	PREP	98-05-056			
468-54	PREP	98-05-037	480-120-027	AMD	98-04-028			
468-82	PREP	98-03-032	480-120-045	NEW-P	98-03-011			
468-82-010	REP-P	98-07-004	480-121-040	PREP	98-05-055			
468-82-015	REP-P	98-07-004	480-123-010	NEW	98-04-028			
468-82-110	REP-P	98-07-004	495D-104-010	AMD-P	98-06-020			
468-82-120	REP-P	98-07-004	495E-104-010	REP	98-02-037			
468-82-200	REP-P	98-07-004	516-56-001	AMD-P	98-05-048			
468-84	PREP	98-03-030	516-56-002	REP-P	98-05-048			
468-84-010	REP-P	98-07-005	516-56-010	REP-P	98-05-048			
468-84-015	REP-P	98-07-005	516-56-011	REP-P	98-05-048			
468-84-110	REP-P	98-07-005	516-56-012	REP-P	98-05-048			
468-84-120	REP-P	98-07-005	516-56-020	REP-P	98-05-048			
468-84-130	REP-P	98-07-005	516-56-021	REP-P	98-05-048			
468-84-135	REP-P	98-07-005	516-56-022	REP-P	98-05-048			
468-84-200	REP-P	98-07-005	516-56-023	REP-P	98-05-048			
468-84-210	REP-P	98-07-005	516-56-030	REP-P	98-05-048			
468-84-220	REP-P	98-07-005	516-56-040	REP-P	98-05-048			
468-84-230	REP-P	98-07-005	516-56-050	REP-P	98-05-048			
468-84-240	REP-P	98-07-005	516-56-060	REP-P	98-05-048			
468-84-250	REP-P	98-07-005	516-56-070	REP-P	98-05-048			
468-84-260	REP-P	98-07-005	516-56-080	REP-P	98-05-048			
468-84-300	REP-P	98-07-005	516-56-090	REP-P	98-05-048			
468-84-310	REP-P	98-07-005						
468-84-320	REP-P	98-07-005						
468-85	PREP	98-03-031						
468-85-010	AMD-P	98-07-006						
468-85-015	AMD-P	98-07-006						
468-85-110	AMD-P	98-07-006						
468-85-120	AMD-P	98-07-006						
468-85-130	AMD-P	98-07-006						
468-85-210	AMD-P	98-07-006						
468-85-220	AMD-P	98-07-006						
468-85-230	AMD-P	98-07-006						
468-85-240	AMD-P	98-07-006						
468-85-250	AMD-P	98-07-006						
468-85-260	REP-P	98-07-006						

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF

Address changes	PROP 98-01-227
	PROP 98-05-020
	PROP 98-07-025
Adjudicative proceedings	PROP 98-01-226
	PROP 98-05-020
	PROP 98-07-025
Board inquiries, duty to respond	PROP 98-01-228
	PROP 98-05-020
	PROP 98-07-025
Compensation	PROP 98-01-231
	PROP 98-05-020
	PROP 98-07-025
Continuing professional education	PROP 98-01-233
	PROP 98-05-020
	PROP 98-07-025
Definitions	PROP 98-01-224
	PROP 98-05-020
	PROP 98-07-025
Fees	PROP 98-01-234
	PROP 98-05-020
	PROP 98-07-025
Independence	PROP 98-01-230
	PROP 98-05-020
	PROP 98-07-025
Integrity and objectivity	PROP 98-01-229
	PROP 98-05-020
	PROP 98-07-025
Meetings	MISC 98-02-031
	PROP 98-05-020
Public records, availability	PROP 98-01-225
	PROP 98-05-020
	PROP 98-07-025
Standards, compliance	PROP 98-01-232
	PROP 98-05-020
	PROP 98-07-025

Hop commission assessments meetings	PROP 98-02-073
	MISC 98-01-122
Hops rootstock certification	PROP 98-06-082
Integrated pest management, interagency coordinating committee meetings	MISC 98-06-081
Milk and milk products butterfat testing	PREP 98-04-075
Noxious weed control board meetings	MISC 98-03-010
	MISC 98-04-042
	PREP 98-04-077
	PERM 98-01-056
	EMER 98-01-057
Organic food processor certification	PERM 98-01-221
Pesticide registration, commission on meetings	MISC 98-01-063
	MISC 98-05-033
Pesticides strychnine formulations, restrictions	PREP 98-07-003
Plant pests definitions and inspection procedures	PREP 98-05-105
chrysanthemum white rust disease quarantine	PREP 98-07-107
Quarantine apple maggot	PREP 98-04-078
chrysanthemum white rust disease	PREP 98-07-107
yellow nutsedge	PERM 98-01-056
	EMER 98-01-057

ADMINISTRATIVE HEARINGS, OFFICE OF

Rules coordinator	MISC 98-01-045
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AGRICULTURE, DEPARTMENT OF

Animal health laboratory testing services and fees	PREP 98-05-104
Apple advertising commission assessments	PREP 98-06-083
Apple maggot quarantine area Skagit County	PREP 98-04-078
Asparagus commission meetings	MISC 98-01-088
Barley commission meetings	MISC 98-02-042
	MISC 98-06-021
Beef commission meetings	MISC 98-03-007
Bulb commission meetings	MISC 98-01-123
Canola and rapeseed commission establishment	PERM 98-04-093
Emergency adjudicative proceedings	EXAD 98-04-082
Food products violations, penalty assessments	PERM 98-02-023
Food safety federal regulations uniformity	EXAD 98-04-076
Food storage warehouses independent sanitation consultants	PERM 98-03-089
Fruit commission pear assessments	PROP 98-03-081
Fruits and vegetables inspections	PREP 98-03-008
	PROP 98-07-032
Garlic seed certification	EXAD 98-07-109
Grain inspections	PREP 98-03-088
	PROP 98-07-106

Red raspberry commission meetings	MISC 98-01-173
Refrigerated locker establishments recording thermometers	PREP 98-02-013
Rules agenda	MISC 98-03-087
Seed potatoes Whatcom County isolation district	EXAD 98-05-106
Seeds certification fees	PREP 98-06-093
	PREP 98-06-094
garlic seed certification	EXAD 98-07-109
Turf grass commission creation	PREP 98-07-098
Weights and measures liquefied petroleum gas metrology laboratory fees	PREP 98-07-067
motor and heating fuel pricing	PREP 98-06-096
national handbooks, adoption	PREP 98-07-069
national type evaluation program	PERM 98-01-014

ARTS COMMISSION

Meetings	MISC 98-01-061
	MISC 98-07-010

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings	MISC 98-01-097
----------	----------------

ATTORNEY GENERAL'S OFFICE

Notice of request	MISC 98-03-002
	MISC 98-05-072
	MISC 98-07-044
	MISC 98-07-045

Opinions

community college presidents, salaries (1998, No. 1)	MISC 98-05-075
major parties, officers and duties (1997, No. 8)	MISC 98-01-049
inspection and copying of agency lists of individuals (1998, No. 2)	MISC 98-05-076

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Resource damage assessment committee	MISC	98-03-060	initial endorsement		
Resource discharge permittee	PERM	98-03-046	experience requirement	PREP	98-04-087
Rules agenda	MISC	98-04-051	internships	PERM	98-01-023
Spill prevention, preparedness, and response merger evaluation committee meetings	MISC	98-06-086	Pupils		
State Environmental Policy Act (SEPA), compliance requirements	EXAD	98-01-085	uniform entry qualifications	PROP	98-01-197
Stormwater permit for construction activities	MISC	98-06-091	Real property sales contracts	PERM	98-05-004
Waste reduction and recycling used oil recycling	MISC	98-01-181	School nurses, therapists, and speech-language pathologists or audiologists certification	PROP	98-01-194
vehicle battery recycling	MISC	98-01-181	School plant facilities	PERM	98-05-002
waste tire carriers and storage sites	MISC	98-01-181	state assistance	PREP	98-06-001
Water forest practices to protect water quality	EXAD	98-01-219		PREP	98-06-003
	PERM	98-07-026	School psychologists	PREP	98-06-004
	EMER	98-07-103	internship	PREP	98-06-005
wastewater discharge from boatyards	MISC	98-01-098	Teachers	PREP	98-06-006
wastewater discharge permit fee	PERM	98-03-046	assignment within districts	PREP	98-06-007
Water rights application processing	EMER	98-04-018	certification	PREP	98-06-008
	PROP	98-04-019	expiration date	PROP	98-01-202
	PERM	98-06-042	requirements	PERM	98-05-024
Wells construction and maintenance standards	PROP	98-04-020	continuing education	PERM	98-01-027
contractor and operator licensing	PROP	98-04-020	excellence in teacher preparation award	PERM	98-01-034
			limited certificates	PERM	98-01-024
			preparation programs	PERM	98-01-033
ECONOMIC DEVELOPMENT FINANCE AUTHORITY			Transportation	PERM	98-01-032
Meetings	MISC	98-02-035	state assistance	PREP	98-06-002
EDMONDS COMMUNITY COLLEGE			Vocational education		
Meetings	MISC	98-01-001	certification requirements	PERM	98-01-026
	MISC	98-01-008	programs	PROP	98-01-199
	MISC	98-01-044		PERM	98-05-006
	MISC	98-02-034	Vocational-technical institutes		
	MISC	98-05-019	modernization financing	PROP	98-01-192
	MISC	98-06-063	Waivers for restructuring purposes	PROP	98-01-193
				PERM	98-05-001
EDUCATION, STATE BOARD OF			EMPLOYMENT SECURITY DEPARTMENT		
Administrators certification	PERM	98-01-029	Rules agenda	MISC	98-04-047
	PROP	98-01-201	Rules coordinator	MISC	98-02-005
	PREP	98-04-087	Timber retraining benefits	PREP	98-01-185
	PERM	98-05-022		PROP	98-01-186
Central purchasing	PROP	98-01-196	Unemployment benefits	PERM	98-05-042
	PERM	98-05-021	claims filing	PERM	98-06-097
Certification test criteria	PREP	98-06-030	ENERGY FACILITY SITE EVALUATION COUNCIL		
Definitions high school credit	PREP	98-06-028	Adjudicative proceedings	PERM	98-01-083
impact on student learning	PERM	98-01-025		PERM	98-01-084
Early childhood education subject area endorsement	PROP	98-01-203	Definitions	PERM	98-01-080
	PERM	98-05-023	Enforcement actions	PERM	98-01-081
Educational service districts	PROP	98-01-195	Organization and operation	PERM	98-01-078
	PERM	98-05-003	Review of rules	PERM	98-01-079
Educational staff associates certification	PERM	98-01-029	State Environmental Policy Act (SEPA), compliance requirements	PERM	98-01-082
	PROP	98-01-201			
exchange permits	PROP	98-04-089	ENGINEERS AND LAND SURVEYORS		
Funding of schools state support	PREP	98-01-099	(See LICENSING, DEPARTMENT OF)		
	PROP	98-04-088	EXECUTIVE ETHICS BOARD		
High schools credit, definition	PREP	98-06-028	Administrative procedures		
graduation requirements	PROP	98-01-198	advisory opinions	PERM	98-03-045
	PERM	98-05-005	correction to filing date	PERM	98-03-045
Meetings	MISC	98-05-013	compensation	PERM	98-04-001
Preschool accreditation	PROP	98-01-200	EXPEDITED ADOPTION		
	PERM	98-05-007	Agriculture, department of		
Principals certification	PERM	98-01-030	emergency adjudicative proceedings	EXAD	98-04-082
			food safety		
			federal regulations uniformity	EXAD	98-04-076

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

garlic seed certification	EXAD	98-07-109	Ecology, department of marine safety office merger	PERM	98-03-073
Whatcom County seed potato isolation district	EXAD	98-05-106	perchloroethylene dry cleaning	PERM	98-04-061
Bellevue community college tuition waiver and fees	PERM	98-03-044	Financial institutions, department of entry of orders	PERM	98-01-072
Ecology, department of Columbia River Gorge National Scenic Area forest practice rules	EXAD	98-03-071	investment company securities	PERM	98-01-071
forest practices to protect water quality	EXAD	98-01-219	Financial management, office of claim payments	PERM	98-01-022
perchloroethylene dry cleaning	PERM	98-07-026	General administration, department of bid solicitation, procedure	EXRE	98-01-113
State Environmental Policy Act (SEPA), compliance requirements	EXAD	98-04-062	late payments	EXRE	98-01-115
State Environmental Policy Act (SEPA), compliance requirements	EXAD	98-01-085	printing and duplicating committee	EXRE	98-01-114
Energy facility site evaluation council adjudicative proceedings	PERM	98-06-092	State Environmental Protection Act (SEPA), compliance	EXRE	98-01-116
definitions	PERM	98-01-083	Licensing, department of motor vehicle dealer-to-dealer transfer	PERM	98-01-020
enforcement actions	PERM	98-01-084	Pollution liability insurance agency eligibility assessment reimbursement	PERM	98-01-053
organization and operation	PERM	98-01-080	Renton Technical College meetings	PERM	98-02-037
review of rules	PERM	98-01-081	Revenue, department of excise taxes		
State Environmental Policy Act (SEPA), compliance requirements	PERM	98-01-078	articles manufactured and installed	PERM	98-01-111
Forest practices board	EXAD	98-01-079	mobile homes and mobile home park fee	PERM	98-01-111
Columbia River Gorge National Scenic Area	EXAD	98-01-222	Washington state patrol motor vehicles		
General administration, department of State Environmental Policy Act (SEPA), compliance requirements	EXAD	98-07-110	sound level measurement	PERM	98-01-060
Health, department of certificate of need program	EXAD	98-05-057			
hearing and speech, board of housekeeping amendments	PERM	98-06-079	FINANCIAL INSTITUTIONS, DEPARTMENT OF		
radioactive waste	EXAD	98-03-095	Entry of orders	PERM	98-01-072
Higher education coordinating board residency status for higher education	EXAD	98-01-101	Rules agenda	MISC	98-04-029
Insurance commissioner's office actuaries regulation	EXAD	98-07-105	Securities		
continuing education	EXAD	98-07-104	condominium or real estate development		
disability insurance			unit sales	PREP	98-07-101
form filing	EXAD	98-04-084	investment companies	PERM	98-01-071
fraternal risk based capital	EXAD	98-04-085	isolated transaction exemption	PREP	98-07-102
licensees, reexamination after failure	EXAD	98-01-135	registration	PREP	98-03-041
rules, repeal of unnecessary or outdated sections	EXAD	98-06-022			
Investment board			FINANCIAL MANAGEMENT, OFFICE OF		
rules of conduct	PERM	98-01-138	Claim payments	PERM	98-01-022
Labor and industries, department of occupational health standards			Pay dates for 1999	PREP	98-06-064
inorganic arsenic and coke oven emissions	PERM	98-02-030	Rules coordinator	MISC	98-07-014
Right to know					
fee assessment	PERM	98-02-029	FIRE PROTECTION POLICY BOARD		
Safety and health standards			(See WASHINGTON STATE PATROL)		
abrasive wheel machinery	PERM	98-02-028			
Revenue, department of property tax			FISH AND WILDLIFE, DEPARTMENT OF		
agricultural land valuation	PERM	98-01-178	Fish and wildlife commission		
inflation rate	PERM	98-01-179	commissioners,		
refunds	PERM	98-01-176	abstention requirements	PREP	98-07-017
	PERM	98-01-177	<u>Fishing, commercial</u>		
			bottomfish		
EXPEDITED REPEAL			coastal bottomfish	EMER	98-02-019
Community, trade and economic development, department of			catch limits	PERM	98-05-043
archaeology and historic preservation			conservation		
public records	PERM	98-05-027	Puget Sound bottomfish		
energy office	PERM	98-05-027	catch limits	EMER	98-02-033
public disclosure	PERM	98-05-027	trawl seasons	EMER	98-02-039
housing assistance			cod	EMER	98-01-110
local Section 8 payments program	PERM	98-05-027	Columbia River below Bonneville	EMER	98-02-020
public records	PERM	98-05-027	commercial purchasers, duties	EMER	98-01-110
			crab fishery		
			seasons, areas, and gear	EMER	98-01-074
				EMER	98-02-002
				EMER	98-04-034
				EMER	98-05-025
				EMER	98-07-054
			licenses	PERM	98-02-018
			lingcod areas and seasons	PREP	98-06-065
			sale of eggs and carcasses	PERM	98-02-017
			salmon		
			annual harvest	PREP	98-06-058

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Columbia River above Bonneville	EMER 98-04-056	steelhead	
	EMER 98-04-068	areas and seasons	EMER 98-02-040
	EMER 98-07-057		EMER 98-03-057
license buyback	PREP 98-07-091		EMER 98-05-011
sea urchins		sturgeon	
areas and seasons	EMER 98-01-066	areas and seasons	EMER 98-07-011
	EMER 98-01-150	<u>Hunting</u>	
	EMER 98-02-001	auction permits	PERM 98-01-212
	EMER 98-02-041		PROP 98-05-092
	EMER 98-03-058	bear	PERM 98-01-205
	EMER 98-03-001		PROP 98-05-095
	EMER 98-04-010	bighorn sheep	PROP 98-05-089
	EMER 98-04-035	Colville Indian Reservation	PROP 98-05-080
	EMER 98-05-045	cougar	PERM 98-01-212
			PROP 98-05-094
shellfish			PROP 98-05-095
razor clams	EMER 98-07-055	deer	PERM 98-01-205
shrimp licenses	PREP 98-06-065		PROP 98-05-085
smelt		elk	PERM 98-01-211
areas and seasons	EMER 98-04-067		PROP 98-05-088
	EMER 98-05-014	game management units (GMUs)	PERM 98-01-212
sturgeon			PROP 98-05-081
areas and seasons	EMER 98-04-006		PROP 98-05-082
	EMER 98-05-014		PROP 98-05-090
<u>Fishing, personal use</u>			PROP 98-05-091
bottomfish			PROP 98-05-096
possession limits	EMER 98-01-204		PROP 98-05-097
game fish seasons and catch limits			PROP 98-05-098
Coffee Pot Lake	EMER 98-06-059	hunting hours and small game	PROP 98-05-099
Columbia River	EMER 98-06-038	permit hunts	PROP 98-02-016
	EMER 98-06-041		PROP 98-05-087
	EMER 98-07-031	moose	PROP 98-05-089
Cloquallum Creek	EMER 98-06-035	mountain goat	PROP 98-05-089
Cowlitz River	EMER 98-06-037	private lands wildlife management areas	PERM 98-01-206
Elk River	EMER 98-06-035		PERM 98-01-212
Entiat River	EMER 98-06-041		PROP 98-05-083
	EMER 98-07-031	protected wildlife	PROP 98-05-084
exceptions to state-wide rules	EMER 98-01-073	regulations and boundaries	PREP 98-01-174
	EMER 98-06-040		PROP 98-05-086
	EMER 98-06-060	restricted and closed areas	PROP 98-05-093
	EMER 98-07-012	special hunts	PERM 98-01-209
	EMER 98-07-056	transport tags for black bear and cougar	PERM 98-01-213
Hoh River	EMER 98-06-036	Hydraulic projects	
Hoquiam River	EMER 98-06-035	small scale prospecting and mining	PREP 98-07-092
Humtulsips River	EMER 98-06-035	Rules agenda	MISC 98-02-064
Icicle River	EMER 98-06-041	Trapping	PERM 98-01-207
	EMER 98-07-031		PERM 98-01-208
Johns River	EMER 98-06-035	Wildlife	
Kalama River	EMER 98-06-037	protected and endangered species	PERM 98-05-041
Lewis River	EMER 98-06-037	wildlife rehabilitation permits	PERM 98-01-210
Methow River	EMER 98-06-041		
	EMER 98-07-031	FOREST PRACTICES BOARD	
Okanogan River	EMER 98-06-041	Columbia River Gorge National Scenic Area	EXAD 98-01-222
	EMER 98-07-031		PERM 98-07-047
Similkameen River	EMER 98-06-041	Meetings	MISC 98-02-067
	EMER 98-07-031	Rules agenda	MISC 98-02-066
Wenatchee River	EMER 98-06-041	Water quality	PROP 98-02-065
	EMER 98-07-031	Water typing system	EMER 98-07-046
Wishkah River	EMER 98-06-035		
Wynoochee River	EMER 98-06-035	GAMBLING COMMISSION	
lakes closure	PROP 98-05-063	Bingo	
salmon annual harvest	PREP 98-06-058	recordkeeping and accounting	PERM 98-04-024
searun fish, definition	EMER 98-01-073	Cardrooms	PERM 98-04-023
shellfish		Licenses	
areas and seasons		spousal requirements	PREP 98-03-048
native clams	EMER 98-03-070	Manufacturers and distributors	PROP 98-01-094
oysters	EMER 98-03-070	Meetings	MISC 98-03-056
razor clams	EMER 98-05-034	Public records, availability	PREP 98-01-102
shad		Pull tabs	
areas and seasons	EMER 98-06-039	dispensing devices	PREP 98-01-091
	EMER 98-07-011		PROP 98-03-069
smelt		flares	MISC 98-03-034
areas and seasons	EMER 98-04-055	manufacturers, distributors and operators	PREP 98-03-047
sport fishing rules	PROP 98-01-007	mark-up of merchandise prices	PREP 98-04-033
	PERM 98-06-031		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Punch boards			Hearing and speech, board of		
manufacturers, distributors and operators	PREP	98-03-047	audiology and speech-language		
Raffles			pathology education requirements	PROP	98-07-083
recordkeeping requirements	PREP	98-01-092	examination	PROP	98-07-084
ticket discount sales	PREP	98-01-090	housekeeping amendments	PERM	98-06-079
	PROP	98-03-068	meetings	MISC	98-02-051
Separate businesses, restrictions	PREP	98-01-093		MISC	98-04-064
	PROP	98-06-027	Local public health rules review	PREP	98-01-155
Services suppliers	PROP	98-04-022	Medical quality assurance commission		
	PREP	98-06-018	automatic external defibrillators,		
			use	MISC	98-07-075
GENERAL ADMINISTRATION, DEPARTMENT OF			Mental health quality assurance council		
Bid solicitation, procedure	EXRE	98-01-113	meetings	MISC	98-01-038
Capitol campus design advisory committee			Midwives		
meetings	MISC	98-01-103	licensure fees	PROP	98-07-085
Late payments	EXRE	98-01-115	Nursing care quality commission		
Memorials and artwork on capitol campus			investigative case reviews,		
design and placement criteria	PERM	98-01-112	timeline	MISC	98-07-073
Printing and duplicating committee	EXRE	98-01-114	pharmacist orders	MISC	98-07-072
State capitol committee			scope of practice	MISC	98-03-091
meetings	MISC	98-01-046		MISC	98-03-092
	MISC	98-01-171		MISC	98-07-076
State Environmental Protection Act (SEPA),			Nursing home administrators, board of		
compliance	EXRE	98-01-116	adjudicative proceedings	PREP	98-01-162
	EXAD	98-07-110	administrator-in-training program	PREP	98-01-159
			below threshold determining criteria	MISC	98-03-094
GOVERNOR, OFFICE OF THE			board of examiners	PREP	98-01-156
Clemency and pardons board			continuing education requirements	PREP	98-01-160
meetings	MISC	98-03-028	definitions	PREP	98-01-157
Executive orders, rescission	MISC	98-01-065	examination of applicants	PREP	98-01-158
			meetings	MISC	98-01-153
GRAYS HARBOR COLLEGE			standards of suitability and conduct	PREP	98-01-161
Meetings	MISC	98-01-137	Osteopathic medicine and surgery,		
Student code of conduct	PROP	98-05-049	board of physician assistants		
			prescriptive authority	PREP	98-07-078
GREEN RIVER COMMUNITY COLLEGE			Pharmacy, board of		
Meetings	MISC	98-02-009	butorphanol	MISC	98-02-084
			kidney dialysis centers	PREP	98-04-037
GROWTH MANAGEMENT HEARINGS BOARDS			licensing fees	PREP	98-01-163
Practice and procedure	PERM	98-01-144		PROP	98-07-086
HEALTH CARE AUTHORITY			Physicians		
Basic health plan			foreign-trained physicians,		
administration	PROP	98-01-220	visa waivers	PREP	98-06-077
	PERM	98-07-002	Podiatric medical board		
Public employees benefits board			investigation	MISC	98-03-093
meetings	MISC	98-01-077	Psychology, examining board of		
	MISC	98-03-012	meetings	MISC	98-01-018
	MISC	98-03-013		MISC	98-02-007
	MISC	98-06-019	Radiation control		
HEALTH, DEPARTMENT OF			dosimetry results reports	PREP	98-06-078
Birth certificates			radioactive material licenses		
release of paper or			fees	PROP	98-07-080
electronic copies	PREP	98-07-079	Radiation machine facility		
Boarding homes			registration fee	PERM	98-01-047
civil fines	EMER	98-04-090	Radioactive waste	PROP	98-07-081
	PREP	98-04-091	Rules agenda	EXAD	98-03-095
licensing fees	PERM	98-01-165	Sex offender treatment provider program	MISC	98-02-083
Certificate of need program	EXAD	98-05-057	meetings	MISC	98-01-019
Counselors			Shellfish programs		
disciplinary orders,			commercial operators		
fine suspension	MISC	98-07-074	minimum performance standards	PERM	98-03-096
Dental quality assurance commission			limited commercial shellfish license	PREP	98-01-154
Zyban prescriptions	MISC	98-07-077	Trauma care	PERM	98-04-038
Emergency medical services and trauma care			Water		
system trust account	PROP	98-01-164	drinking water		
	PERM	98-05-035	state revolving fund rules	PREP	98-04-092
Health care providers			system evaluation and		
credentialing procedures	PROP	98-01-166	project review and approval fees	PROP	98-07-082
	PROP	98-05-058			
	PROP	98-05-059	HIGHER EDUCATION COORDINATING BOARD		
	PERM	98-05-060	Meetings	MISC	98-01-100
			Residency status for higher education	EXAD	98-01-101

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

HIGHLINE COMMUNITY COLLEGE				JUDICIAL CONDUCT, COMMISSION ON			
Meetings	MISC	98-01-106		Meetings	MISC	98-01-009	
					MISC	98-01-215	
HISPANIC AFFAIRS, COMMISSION ON				LABOR AND INDUSTRIES, DEPARTMENT OF			
Meetings	MISC	98-03-053		Apprenticeship and training council			
				approved apprenticeship standards	PROP	98-07-058	
HORSE RACING COMMISSION				Boiler rules, board of			
Association officials and employees	PERM	98-01-145		fees	PROP	98-04-017	
Jockeys				meetings	MISC	98-01-051	
apprentices	PERM	98-01-146		Commercial coaches	PROP	98-07-095	
riding fees	PROP	98-01-147		Electrical board			
	PERM	98-07-070		meetings	MISC	98-01-012	
Trifecta pools	PERM	98-01-148		Electricians			
				journeyman electrician			
HOUSING FINANCE COMMISSION				certification	PROP	98-07-097	
Biennial review of amendments to plan	MISC	98-01-217		Elevator board			
	MISC	98-01-218		meetings	MISC	98-01-039	
				Elevators			
HUMAN RIGHTS COMMISSION				fees	PROP	98-07-094	
Dog guides and service animals	PROP	98-01-175		Factory assembled structures advisory board			
Meetings	MISC	98-03-020		meetings	MISC	98-01-015	
				Factory-built housing	PROP	98-07-095	
INSURANCE COMMISSIONER'S OFFICE				Fees	PROP	98-07-096	
Actuaries regulation	EXAD	98-07-105		Manufactured housing	PROP	98-07-095	
Annuities				Occupational health standards			
mortality table	PROP	98-01-121		air contaminants	PROP	98-05-061	
	PERM	98-05-069		chemical agents, control	EMER	98-02-010	
Disability insurance				inorganic arsenic and coke oven			
form filings	EXAD	98-04-084		emissions	PERM	98-02-030	
Electronic Authentication Act				Plumbers			
application to insurance code	PROP	98-01-118		journeyman certification of			
	PERM	98-04-063		competency	PREP	98-06-043	
Fraternal risk based capital	EXAD	98-04-085		Policy and interpretive statements	MISC	98-03-040	
Health care services insurance					MISC	98-06-024	
chemical dependency coverage	PREP	98-01-117		Right to know			
contract forms and rate schedules, filing	PROP	98-01-120		fee assessment	PERM	98-02-029	
	PROP	98-02-063		Rules agenda	MISC	98-04-057	
	PERM	98-04-011		Safety and health standards			
diabetes				abrasive wheel machinery	PERM	98-02-028	
coverage	MISC	98-03-029		first aid	PERM	98-06-061	
mental health benefits	PREP	98-07-064		personal protective equipment	PERM	98-02-006	
pharmacy benefits	PREP	98-07-063		Safety standards			
Licenses				agriculture	PREP	98-04-094	
continuing education	EXAD	98-07-104		construction	PERM	98-05-046	
reexamination after failure	EXAD	98-01-135			PROP	98-05-073	
	PERM	98-06-022		electrical construction	PERM	98-07-009	
Life insurance				electrical equipment	PROP	98-07-097	
accelerated benefits	PROP	98-01-134		electrical workers	PROP	98-07-008	
	PROP	98-02-062			PERM	98-07-009	
	PROP	98-03-076		elevators, dumbwaiters, escalators,			
	PERM	98-05-026		lifting devices - moving walks	PREP	98-02-080	
disclosure	PROP	98-04-083		minors			
	PROP	98-07-062		nonagricultural employment	PREP	98-02-079	
form filings	EXAD	98-04-084		Wages and hours			
Managed care plans				computer software professionals	PERM	98-02-027	
rules	PROP	98-02-012		Workers' compensation			
	PROP	98-03-004		medical services payments	PREP	98-01-223	
	PERM	98-04-005			PROP	98-05-100	
Rate filings				LAKE WASHINGTON TECHNICAL COLLEGE			
capital cost	PREP	98-04-081		Meetings	MISC	98-02-036	
compliance and enforcement	PREP	98-05-102			PREP	98-02-050	
Rules agenda	MISC	98-01-119			PROP	98-06-020	
Rules, repeal of unnecessary or				LICENSING, DEPARTMENT OF			
outdated sections	EXAD	98-07-065		Architects, board of registration for			
Rules coordinator	MISC	98-02-026		application for examination and			
				registration	PREP	98-06-047	
INTEREST RATES				fees	PREP	98-05-012	
(See inside front cover)				intern training program	PREP	98-06-046	
INVESTMENT BOARD, STATE				Engineers and land surveyors, board of			
Rules of conduct	PERM	98-01-138		meetings	MISC	98-01-075	
				pro tem board member appointment	MISC	98-05-044	

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Motor vehicles					PERM	98-07-021
dealer-to-dealer transfer	PERM	98-01-020	Concessions and leases		PERM	98-01-050
disabled person parking	PROP	98-04-014	Meetings		MISC	98-01-130
license plates			Public use of park areas		PERM	98-04-065
special plates	PERM	98-01-151	Rules coordinator		MISC	98-01-180
licenses	PREP	98-03-021	Whitewater river designation		PROP	98-03-086
	PREP	98-03-022			PERM	98-07-022
	PREP	98-03-023				
ownership	PROP	98-04-071	PENINSULA COLLEGE			
application	PREP	98-03-024	Meetings		MISC	98-03-065
Real estate commission			PERSONNEL RESOURCES BOARD AND			
adjudicative procedures	PERM	98-01-107	PERSONNEL, DEPARTMENT OF			
licensing procedures	PERM	98-01-107	Americans with Disabilities Act compliance		PROP	98-01-141
meetings	MISC	98-01-052			PROP	98-06-014
Rules agenda	MISC	98-02-061	Disabilities			
Snowmobiles	PROP	98-04-072	accommodation		PROP	98-01-142
Title and registration advisory committee			Layoffs		PROP	98-06-013
meetings	MISC	98-01-131	Rules coordinator		PERM	98-03-051
	MISC	98-05-028	Salaries		PERM	98-03-052
			Seniority		PROP	98-01-139
Vessels					PERM	98-06-012
registration and certificate of title	PROP	98-01-070	Shift premium provisions and			
	PREP	98-03-025	compensation		PROP	98-06-062
	PREP	98-03-026	Transfers, lateral movements, and voluntary			
	PREP	98-03-027	demotions		PROP	98-01-140
	PROP	98-05-068			PROP	98-06-015
Whitewater river outfitters	PROP	98-03-054				
	PERM	98-03-055	PIERCE COLLEGE			
			Meetings		MISC	98-02-008
LIQUOR CONTROL BOARD			POLLUTION LIABILITY INSURANCE AGENCY			
Brewery or winery on			Eligibility assessment reimbursement		PERM	98-01-053
existing retail premises	PROP	98-05-103				
Licenses			PUBLIC DISCLOSURE COMMISSION			
approval, delegation of authority to staff	PREP	98-01-035	Contributions			
retail licensing	PREP	98-02-068	encouraging expenditures to avoid			
Samples of spirituous liquor	PROP	98-02-069	contributions		PREP	98-06-052
			in-kind contributions and expenditures		PREP	98-06-053
LOTTERY COMMISSION			limits increase or decrease		PREP	98-01-187
General rules	PREP	98-03-074	solicitation or acceptance during legislative		PROP	98-05-107
Instant game number 207	PERM	98-03-075	session freeze period		EMER	98-01-055
Instant game rules	PROP	98-04-073			PREP	98-03-072
	PREP	98-07-089	County election officials			
Lotto			campaign disclosure reports, duties		PREP	98-06-051
jackpot payment period	PREP	98-01-006	Lobbyist employer reports		PERM	98-01-062
	PROP	98-05-070	Registered voters,			
Policy statements	MISC	98-05-071	calculation of number		PREP	98-06-054
			Rules agenda		MISC	98-02-060
MILITARY DEPARTMENT			Volunteer services		PREP	98-06-055
Emergency management division			PUBLIC EMPLOYEES BENEFITS BOARD			
chapter 365-300 WAC recodification	MISC	98-01-064	(See HEALTH CARE AUTHORITY)			
hazardous chemicals			PUBLIC EMPLOYMENT RELATIONS COMMISSION			
emergency response planning	PERM	98-07-028	Filing and service of papers		PREP	98-04-049
NATURAL RESOURCES, DEPARTMENT OF			Rules agenda		MISC	98-02-081
Natural heritage advisory council			PUBLIC INSTRUCTION, SUPERINTENDENT OF			
meetings	MISC	98-04-002	Funding			
Natural resources, board of			audit resolution process		PERM	98-05-008
meetings	MISC	98-01-104	basic education		PROP	98-03-066
Rules agenda	MISC	98-02-071			PROP	98-04-070
			levy authority and		PERM	98-07-060
OLYMPIC COLLEGE			local effort assistance		PROP	98-05-040
Meetings	MISC	98-06-048	local enhancement funds		PERM	98-04-080
			special education		PERM	98-04-036
OUTDOOR RECREATION, INTERAGENCY			Immunization records, verification		PERM	98-04-025
COMMITTEE FOR			K-3 staff enhancement		PROP	98-03-067
Meetings	MISC	98-03-005			PERM	98-07-061
	MISC	98-03-042	Shared leave programs		PREP	98-05-038
	MISC	98-04-050	Special education programs		PREP	98-05-039
Rules agenda	PROP	98-04-079				
Rules coordinator	MISC	98-03-043				
PARKS AND RECREATION COMMISSION						
Clean vessel program funding	PROP	98-03-090				

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Transitional bilingual instruction program	PROP	98-01-054	Elections administration	PERM	98-03-033
PUBLIC WORKS BOARD (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			SKAGIT VALLEY COLLEGE Meetings	MISC	98-01-043 98-03-061
PUGET SOUND AIR POLLUTION CONTROL AGENCY Asbestos control standards, clarification	PROP	98-02-072	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF Adult family homes licensing, limited requirements	PROP	98-02-077 98-04-032
Sources emission monitoring	PROP	98-06-087	Aging and adult services eligibility standards	PERM	98-04-026
RENTON TECHNICAL COLLEGE Meetings	PERM	98-02-037	home and community services nurse oversight	PREP	98-07-051
	MISC	98-02-038	nursing homes rules review	PREP	98-06-089
RETIREMENT SYSTEMS, DEPARTMENT OF Board members, recusal	PERM	98-01-109	Child care day care homes, licensing	PREP	98-02-057
Employee retirement benefits board meetings	MISC	98-01-132	Child support, division of assessing support	PREP	98-03-078
Public employees' retirement system (PERS) earnable compensation	PROP	98-01-069	grievance and dispute resolution method	PROP	98-05-078
Teachers' retirement system (TRS) earnable compensation	PROP	98-01-069	hearing and conference board	PROP	98-05-079
REVENUE, DEPARTMENT OF Business and occupation tax small business step-ranged tax credit table	EMER	98-02-046	Children's administration case transfers	MISC	98-02-076
Excise taxes articles manufactured and installed	PERM	98-01-111	child care programs	PREP	98-01-128
Indian reservations mobile homes and mobile home park fee	PERM	98-01-111	hearings or court proceedings opposing testimony	MISC	98-06-026
Interpretive statements	MISC	98-02-024	interstate compact on placement of children	PERM	98-01-149
Property tax agricultural land valuation	PERM	98-01-178	Children's services applicant rights	PROP	98-03-082
inflation rate	PERM	98-01-179		PERM	98-07-041
intangible personal property, exemption	PREP	98-07-015	Developmental disabilities, division of delivery of services	PERM	98-02-058
nonprofit organizations, exemptions	PREP	98-07-016	Economic services administration child support payments distribution	PROP	98-01-170
refunds procedures and interest	PERM	98-01-176		EMER	98-04-027
	PERM	98-01-177	eligibility	PROP	98-06-067
Rules agenda	MISC	98-02-078	meetings need standards	PROP	98-03-084
Rules coordinator	MISC	98-04-012	payment of grants	PERM	98-06-056
Sales tax amusement and recreation activities and businesses	PREP	98-05-031	program services review	MISC	98-01-129
Timber excise tax forest land values	PERM	98-02-014	SSI state supplement	PROP	98-01-169
stumpage values	PERM	98-02-015	standards of assistance	PREP	98-07-099
	PREP	98-05-074	unemployable adults	PREP	98-01-168
RULES COORDINATORS (See Issue 98-01 for a complete list of rules coordinators designated as of 12/24/97)			U.S. repatriates program	PREP	98-07-037
Administrative hearings, office of	MISC	98-01-045	Food stamp program employment and training programs requirements	PROP	98-06-076
Bellingham Technical College	MISC	98-01-002	income eligibility	PERM	98-03-049
Community, trade and economic development, department of	MISC	98-01-143	thrifty food plan	PROP	98-04-039
County road administration board	MISC	98-01-010	Medical assistance administration community options program	EMER	98-04-040
Employment security department	MISC	98-02-005	entry system (COPES)	PREP	98-05-051
Financial management, office of	MISC	98-07-014	electronic funds transfer eligibility	MISC	98-07-034
Insurance commissioner's office	MISC	98-02-026		PREP	98-03-079
Outdoor recreation, interagency committee for	MISC	98-03-043	guardianship fees	PREP	98-07-039
Parks and recreation commission	MISC	98-01-180	healthy options health carrier billing	PROP	98-03-085
Personnel, department of	MISC	98-04-058	hospice services	PROP	98-05-053
Revenue, department of	MISC	98-04-012	hospital services	MISC	98-05-050
			income eligibility	PREP	98-01-189
SECRETARY OF STATE Charitable trusts registration	PREP	98-07-001	income standards	PERM	98-01-124
			income standards	EMER	98-04-003
			institutional care	EMER	98-01-190
			interpreter services	EMER	98-01-191
				PREP	98-05-052
				PREP	98-01-188
				PROP	98-07-050
				EMER	98-07-052

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

kidney centers, eligibility	PROP 98-02-059	TRANSPORTATION, DEPARTMENT OF	Bicycle racing	EMER 98-03-009
medically needy, eligibility	PERM 98-06-025		EMER 98-03-059	
Medicare	PREP 98-01-068	FERRIES	PERM 98-06-029	
beneficiary program		Ferries		
deductibles	MISC 98-02-075	fare schedule	PROP 98-03-050	
eligibility	PREP 98-01-067	Highway access management		
cost share	PREP 98-04-066	access control system	PREP 98-07-048	
nursing facilities, payment rate		permits	PREP 98-07-049	
methodology	PREP 98-03-077	Lane use restrictions	PREP 98-04-044	
	PREP 98-06-066	Limited access facilities	PREP 98-05-037	
pharmacy services		Oversize and overweight permits		
billing procedures	PROP 98-05-054	escort vehicles	PREP 98-06-023	
resource exemptions	PROP 98-01-127	hay bales	PREP 98-02-032	
	PERM 98-04-031		PROP 98-06-016	
scope of care	PERM 98-04-004	nighttime hours	PREP 98-04-043	
trauma services,		nighttime movements	EMER 98-04-045	
enhanced payments	MISC 98-07-035	Public transportation		
vision care	PREP 98-01-167	comprehensive transit plans	PREP 98-03-031	
Telephone assistance program	PREP 98-06-088		PROP 98-07-006	
Temporary assistance to needy families (TANF)		feasibility studies	PREP 98-03-030	
childcare, eligibility	PROP 98-03-083		PROP 98-07-005	
community jobs wage subsidy program	PROP 98-03-080	technical studies	PREP 98-03-032	
	PROP 98-07-042		PROP 98-07-004	
	PROP 98-07-100	Rules agenda	MISC 98-04-046	
eligibility	PROP 98-03-084			
	PERM 98-06-056	UNIVERSITY OF WASHINGTON		
eligibility review cycle	PERM 98-04-015	Admission and registration		
family violence amendment	PERM 98-07-040	procedures	PROP 98-05-066	
overpayments, waiver of retroactive	PERM 98-04-016	Meetings	MISC 98-01-136	
Rules			MISC 98-02-045	
repeal of obsolete, duplicative, or ambiguous			MISC 98-02-052	
rules	PERM 98-01-125		MISC 98-03-006	
Rules agenda	MISC 98-04-041		MISC 98-03-014	
			MISC 98-03-016	
SOUTH PUGET SOUND COMMUNITY COLLEGE			MISC 98-03-038	
Meetings	MISC 98-01-096		MISC 98-03-039	
	MISC 98-03-017		MISC 98-03-062	
	MISC 98-06-010		MISC 98-04-009	
			MISC 98-05-017	
SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY			MISC 98-05-029	
Asbestos program	PROP 98-01-036		MISC 98-05-047	
	PERM 98-05-030		MISC 98-06-049	
Municipal solid waste combustors		Rules agenda	MISC 98-06-084	
emission guidelines	PERM 98-01-037		MISC 98-02-082	
Surface coating application	PROP 98-07-029			
		USURY RATES		
SPOKANE, COMMUNITY COLLEGES OF		(See inside front cover)		
Meetings	MISC 98-05-015			
		UTILITIES AND TRANSPORTATION COMMISSION		
SUPREME COURT, STATE		Low-level radioactive		
Admissibility of documents	MISC 98-03-035	waste disposal rates	PREP 98-06-050	
Capital cases, indigent appellate defense	MISC 98-01-048	Public records, accessibility	PERM 98-02-011	
Meetings	MISC 98-03-019	Telecommunications		
Trial court		service obligation	PREP 98-07-111	
decision review	MISC 98-03-036	Telephones		
		prepaid calling card services		
TACOMA COMMUNITY COLLEGE		billing exemption	PERM 98-02-003	
Meetings	MISC 98-01-042	rules development	PREP 98-05-055	
		schools and libraries, rates	PERM 98-04-028	
		subscriber rates, calling areas	PROP 98-03-011	
TAX APPEALS, BOARD OF		Transportation services		
Meetings	MISC 98-01-016	limousines	PERM 98-02-004	
Public records	PREP 98-02-021	Water companies		
		rules review	PREP 98-05-056	
TRANSPORTATION COMMISSION		WALLA WALLA COMMUNITY COLLEGE		
Meetings	MISC 98-05-032	Meetings	MISC 98-01-087	
			MISC 98-01-095	
TRANSPORTATION IMPROVEMENT BOARD		WASHINGTON STATE HISTORICAL SOCIETY		
Meetings	MISC 98-01-017	Capital projects fund	PROP 98-04-059	
	MISC 98-07-013	Meetings	MISC 98-01-089	
			MISC 98-05-018	
		Public records, availability	PROP 98-04-060	

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	PERM 98-07-071
WASHINGTON STATE LIBRARY	
Library commission	
meetings	MISC 98-04-008
	MISC 98-04-048
	MISC 98-06-034
WASHINGTON STATE PATROL	
Fire protection policy board	
meetings	MISC 98-01-214
	MISC 98-02-025
	MISC 98-04-013
Fireworks	
retail sale	PERM 98-04-007
Kidnapping offender registration	PERM 98-01-021
Motor vehicles	
lamp standards	PERM 98-04-054
lighting device standards	PERM 98-04-053
sound level measurement	PERM 98-01-060
special built vehicles, construction and equipment	PERM 98-04-052
WENATCHEE VALLEY COLLEGE	
Meetings	MISC 98-01-105
WESTERN WASHINGTON UNIVERSITY	
Housing and dining	PREP 98-01-011
	PROP 98-05-048
WHATCOM COMMUNITY COLLEGE	
Meetings	MISC 98-04-030
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD	
Meetings	MISC 98-01-216
	MISC 98-06-068
YAKIMA VALLEY COMMUNITY COLLEGE	
Meetings	MISC 98-01-040
Student rights and responsibilities	PREP 98-07-007