

Washington State Register

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OLYMPIA, WASHINGTON

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filed not later than June 2, 1999

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 June 1999 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.

John G. Schultz
Chair, Statute Law Committee

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Code Reviser

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Chief Assistant Code Reviser

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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 nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1998 - 1999

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 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>
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
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99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
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99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

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;

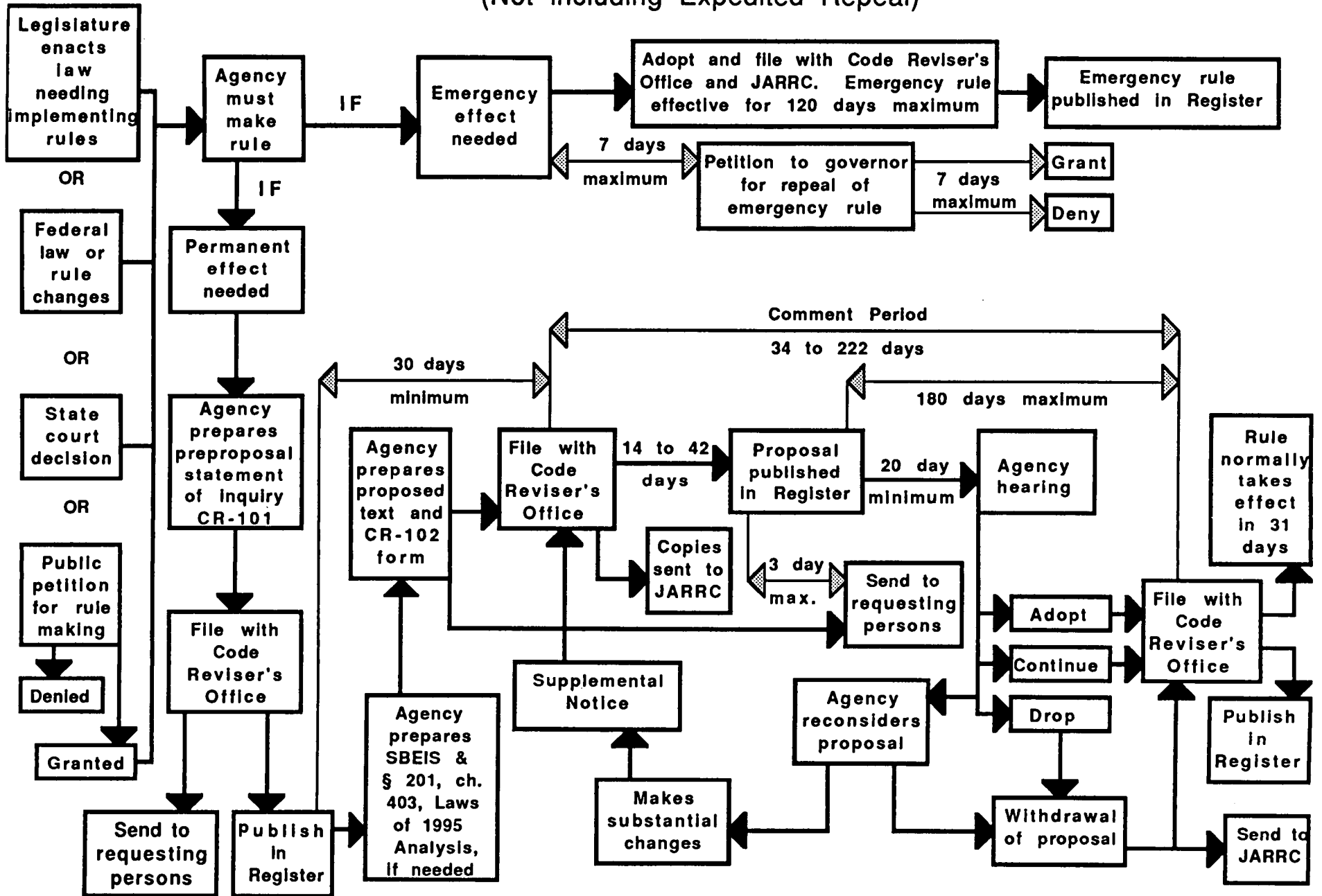
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 99-12-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 19, 1999, 2:39 p.m.]

Subject of Possible Rule Making: Requiring special bins for storing organic fruit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Organic handling standards require that organic food products are not contaminated during handling. Analysis of organic fruit held in controlled atmosphere has indicated low levels of diphenylamine present. Additional requirements are needed to prevent the contamination of organic fruit by diphenylamine residues. Special dedicated bins for organic fruit should prevent the contamination of organic fruit with diphenylamine residues.

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 agency is developing the proposal in coordination with the Organic Advisory Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, or e-mail mmcevoy@agr.wa.gov. Comments should be made by June 30, 1999.

May 17, 1999
Candace Jacobs
Assistant Director

WSR 99-12-015**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed May 21, 1999, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 180-40 WAC, Pupils.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160, 28A.600.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

May 20, 1999

Larry Davis
Executive Director

WSR 99-12-016**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed May 21, 1999, 11:47 a.m.]

Subject of Possible Rule Making: WAC 180-40-305 Emergency expulsion—Prehearing and hearing process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160, 28A.600.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

May 20, 1999

Larry Davis
Executive Director

WSR 99-12-018**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

(Business and Professions Division)

(Master License Service)

[Filed May 21, 1999, 1:10 p.m.]

Subject of Possible Rule Making: Chapter 308-87 WAC, Limousine carrier businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.72A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are being

reviewed in compliance with Executive Order 97-02 in order to determine if they are still needed, are easily understood, and meet the needs for which they are intended. No other rule-making activity is planned at this time, but the findings from this review may indicate the need to amend, repeal or adopt rules.

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

Process for Developing New Rule: Agency study; and modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments and suggestions will be used in determining whether rule making is necessary and in developing any subsequent new, amended, or repealed rules. Comments may be sent in writing, or by phone, fax or e-mail to Clyde Zahn, Master License Service, P.O. Box 9034, Olympia, WA 98507-9034, voice (360) 664-1447, fax (360) 586-1596, TDD (360) 586-2788, e-mail czahn@dol.wa.gov. Comments should be sent in time to be received by June 30, 1999, by the individual named above.

The Department of Licensing has a policy of providing equal access to its services. If you need special accommodations, please call (360) 664-1400 or TDD (360) 586-2788.

May 21, 1999

Nancy A. Skewis, Administrator
Master License Service

WSR 99-12-029

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed May 25, 1999, 3:43 p.m.]

Subject of Possible Rule Making: (1) Nursing facility (NF) direct care rates for residents who have unmet exceptional care needs; (2) exceptional care payments for therapy care provided to NF residents under age sixty-five and not eligible for Medicare and who can achieve significant progress in functioning when provided with intensive therapy care services; and (3) criteria for designating which nursing facilities will be certified to provide the exceptional therapy care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Enrollment SHB 2152, chapter 181, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For unmet exceptional care needs, the department by rule will establish criteria, patient categories, and methods of direct care rate payments. Also, the department will adopt rules implementing a system of exceptional care payments for therapy care to no more than twelve NFs that have demonstrated excellence in therapy care. The department will adopt in rule criteria to determine whether an NF has demonstrated excellence in therapy care.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule(s). Anyone inter-

ested in participating should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague by phone (360) 753-0631, fax (360) 586-5923, e-mail haguepe@dshs.wa.gov or write Office of Rates Management, Mailstop 45600, Olympia, WA 98504-5600.

May 24, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-12-037

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 26, 1999, 11:37 a.m.]

Subject of Possible Rule Making: Powered industrial truck (forklifts), chapters 296-24, 296-54, 296-56, 296-78, 296-155, 296-304, and 296-307 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17.]040, and [49.17.]050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Introduce OSHA mandated operator training requirements and rewrite to update operator restraint requirements, various industry standards, charts and reorganize data for clarity and ease of use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known to regulate this subject.

Process for Developing New Rule: Questions, suggestions or comments should be addressed to the project manager, identified below. All interested parties may also provide written comments, or oral testimony, during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, fax (360) 902-5529.

May 4, 1999

Gary Moore
Director

WSR 99-12-040**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed May 26, 1999, 2:55 p.m.]

Subject of Possible Rule Making: Chapter 180-82 WAC, Certificate endorsements and assignment of certificated personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

May 27, 1999

Larry Davis

Executive Director

WSR 99-12-042**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 26, 1999, 2:58 p.m.]

Subject of Possible Rule Making: Amend rules to comply with new laws, recodifications and rule revisions; include TRS 3 in portability rules; revise rules to conform to legislation passed in 1977 regarding post retirement employment; and clarify that in certain situations members can accrue PERS and first class city service credit simultaneously.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

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

- Comply with RCW 41.32.010, 31.32.802 [41.32.802], 41.32.862, 41.32.831 et seq., 41.40.010, 41.40.023 (4)(12), 41.40.037, passed after rules were adopted.
- Include TRS Plan 3 in portability rules.
- Conform to clear rule writing principles.

- Clarify that in certain situations members can accrue PERS and first class city service credit simultaneously.

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

Process for Developing New Rule: Because the department already has existing rules on this subject in place, the department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rules will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees, family members and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elyette M. Weinstein, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7307, fax (360) 664-3618.

May 7, 1999

Elyette M. Weinstein

Rules Coordinator

WSR 99-12-071**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed May 27, 1999, 2:09 p.m.]

Subject of Possible Rule Making: WAC 388-550-6000 Payment—Outpatient hospital services, and related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 42 U.S.C. 1320B-5.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to improve the area of outpatient expenditures, the department has elected to implement a new Medicaid payment method for outpatient services provided to Medicaid clients. The new method is the outpatient prospective payment system (OPPS). OPPS will allow better management of outpatient expenditures and related data. Since the payment calculation process in the new OPPS is significantly different from the current reimbursement system, the current rules need to be amended to allow the department to make the necessary changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Labor and Industries (L&I) is also developing rules to implement OPPS. The Health Care Authority (HCA) is implementing OPPS as well. Therefore, DSHS/MAA is working in coordination with L&I and HCA to develop rules that are consistent and equitable.

Process for Developing New Rule: In order to be consistent with the Governor's Executive Order 97-02, several agencies are coordinating rule development efforts; DSHS/MAA is working with L&I and HCA through the Interagency Work Group. External stakeholders will be

involved through the existing outpatient prospective payment system Technical Advisory Group (OPPS-TAG). The department also invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Program Assistance and Support Services, Medical Assistance Administration, Olympia, WA 98504-5530, fax (360) 753-7315, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

May 25, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 99-12-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 28, 1999, 11:04 a.m.]

Subject of Possible Rule Making: WAC 458-20-135 Extracting natural products, 458-20-136 Manufacturing, processing for hire, fabricating, and 458-20-13601 Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment.

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: WAC 458-20-135 is being revised to incorporate legislative changes and clarify when an extracting process ends and a manufacturing process begins. WAC 458-20-136 is being revised to incorporate legislative changes, including provisions of chapter 211, Laws of 1999, which in part revised the statutory definition of "to manufacture" to include certain logging activities and rock crushing activities. WAC 458-20-13601 is a new rule explaining the retail sales and use tax exemptions (RCW 82.08.02565 and 82.12.02565) available for certain machinery and equipment purchased or used by manufacturers, processors for hire.

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. Revised drafts of the proposed changes will be available upon request after June 30, 1999. Written comments on and/or requests for copies of the rule may be directed to Alan R. Lynn, Legislation and Policy, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-9040, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Location and Date of Public Meeting: General Administration Building, 2nd Floor Conference Room #207, 210

West 11th and Columbia Streets, Olympia, WA, on July 14, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date TDD 1-800-451-7985 or (360) 586-0721.

May 28, 1999

Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 99-12-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 99-10—Filed June 1, 1999, 4:17 p.m.]

Subject of Possible Rule Making: The objective of this proposed rule development process is to evaluate how air quality fees are determined in order to ensure fair and equitable treatment for regulated sources. Existing fee provisions may be consolidated into new chapter 173-409 WAC. Various fee models will be considered and analyzed for administrative efficiency, anticipated revenue stability, and fee equity. Rule amendments consistent with this objective may be proposed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington Clean Air Act provides that costs of protecting the air resource and operating state and local air pollution control programs should be distributed equitably among the sources that cause air pollution. As a result of this proposed rule development process, fees will be evaluated in order that the air quality program can ensure fair and equitable treatment for all regulated sources.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The agency is delegated the authority to impose these fees directly by the legislature. No other federal or state agencies regulate the air quality fees charged by ecology.

Process for Developing New Rule: Agency study; and experienced internal work groups composed of economists, budget analysts, fiscal office staff, and permit fee administration experts will provide guidance throughout this process. Discussion drafts will be available for public review, and public hearings will be scheduled to receive comments and feedback. Stakeholder-based focus groups may be created and consulted as necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you would like to receive notification of scheduled public hearings, please send requests to Robert Huber at the following e-mail address: rhub461@ecy.wa.gov.

Requests may also be sent via surface mail to the following address: Robert C. Huber, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

Information is available on the Internet at <http://www.wa.gov/ecology/leg/ecywac.html>.

May 24, 1999
Stuart A. Clark
for Mary E. Burg
Program Manager

WSR 99-12-098

PREPROPOSAL STATEMENT OF INQUIRY HUMAN RIGHTS COMMISSION

[Filed June 1, 1999, 4:50 p.m.]

Subject of Possible Rule Making: Chapter 162-12 WAC, Preemployment inquiries, chapter 162-18 WAC, Corrective employment programs, chapter 162-20 WAC, Age discrimination in public employment, chapter 162-28 WAC, Public education, and chapter 162-40 WAC, Credit transactions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt improvements to current commission rules under Executive Order 97-02 relating to clarity, need, consistency, effectiveness, cost, coordination, and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC), along with the Washington State Department of Personnel, Office of Minority and Women's Business Enterprises, and the Office of the Superintendent of Public Instruction have been invited to participate in the advisory workgroups that will help to develop possible improvements to current commission rules.

Process for Developing New Rule: Advisory workgroups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by taking part in the advisory workgroups or submit written comments. Please contact Heriberto (Ed) Ruiz, Human Rights Commission, 1511 Third Avenue, Suite 921, Mailstop TB-41, Seattle, WA 98101-1626, phone (206) 464-6505, fax (206) 464-7463.

June 1, 1999
Sue J. Jordan
Executive Director

WSR 99-12-099

PREPROPOSAL STATEMENT OF INQUIRY HUMAN RIGHTS COMMISSION

[Filed June 1, 1999, 4:51 p.m.]

Subject of Possible Rule Making: Chapter 162-30 WAC, Sex discrimination, clarifying the definitions of "pregnancy" and "pregnancy related conditions" and regulating

employer-provided health insurance coverage of prescription contraceptives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the scope of pregnancy and pregnancy related conditions for the purposes of the law against discrimination as related to sex discrimination in employment. To provide guidance on whether the law requires employer-provided health insurance to cover pregnancy related conditions, including prescription contraceptives, no less favorably than other covered medical conditions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC) enforces federal civil rights law. The EEOC and the Washington State Departments of Health, Personnel, Social and Health Services, and the Office of the Insurance Commissioner, have been invited to participate in the advisory workgroup that will help to develop possible rules.

Process for Developing New Rule: Advisory workgroups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The commission encourages interested parties to take part in the advisory workgroups or submit written comments. Please contact Martin Casey, P.O. Box 42490, Olympia, WA 98504-2490, phone (360) 586-5765, fax (360) 586-2282.

June 1, 1999
Sue J. Jordan
Executive Director

WSR 99-12-100

PREPROPOSAL STATEMENT OF INQUIRY HUMAN RIGHTS COMMISSION

[Filed June 1, 1999, 4:51 p.m.]

Subject of Possible Rule Making: Chapter 162-04 WAC, General provisions, chapter 162-22 WAC, Employment—Disability discrimination, chapter 162-26 WAC, Public accommodations—Disability discrimination, and chapter 162-38 WAC, Real estate transactions—Disability discrimination. Defining "disability" for purposes of the law against discrimination and clarifying the rights and duties of employers and employees in the area of reasonable accommodation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the scope of covered disabilities under the state law against discrimination. To provide guidance to employees and employers on their rights and duties with respect to reasonable accommodation under the state law against discrimination. To provide guidance on how the state law against discrimination applies to chemical dependency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD) enforce federal civil rights law and fair housing law. These federal agencies, along with the Washington State Departments of Health, Personnel, Social and Health Services, the Rehabilitation Advisory Council, and the Governor's Committee on Disability Issues in Employment, have been invited to participate in the advisory workgroups that will help to develop possible rules.

Process for Developing New Rule: Advisory workgroups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The commission encourages interested parties to take part in the advisory workgroup or submit written comments. Please contact Martin Casey, P.O. Box 42490, Olympia, WA 98504-2490, phone (360) 586-5765, fax (360) 586-2282.

June 1, 1999

Sue J. Jordan
Executive Director

WSR 99-12-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 2, 1999, 8:07 a.m.]

Subject of Possible Rule Making: Rules relating to commercial feeds, chapter 16-200 WAC. We are proposing to adopt feed labeling requirements that are consistent with the model regulations adopted by the Association of American Feed Control Officials.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.53.9012 Administration and administrative rules. (1) "The department...may adopt rules necessary to carry out its purpose. In adoption such rules... (2) The director when adopting rules in respect to the feed industry shall consult with affected parties, such as manufacturers and distributors..."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To better inform customers of the purpose of the commercial feed and to identify the animal species and the use for which the feed is intended. Additionally, to provide the customer of commercial feed, other than customer-formula feed, pet food and specialty pet food, additional information by establishing expanded feed labeling requirements. When adopted, the proposed changes will accomplish providing more information on most feed labels and provide uniformity with model feed regulations adopted by the Association of American Feed Control Officials.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The proposed revisions will not be regulated by any other agencies.

Process for Developing New Rule: WSDA representatives will meet and work with Feed Advisory Committee and other stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For additional information and/or to make comments please contact Ali Kashani, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2028, fax (360) 902-2093. Comments must be received before August 20, 1999, for consideration.

June 2, 1999

Bob Arrington
Assistant Director

WSR 99-12-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 2, 1999, 8:15 a.m.]

Subject of Possible Rule Making: Sellers of Travel Registration Act rule update to chapter 308-129 WAC due to new legislative changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.138.170(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislative changes to chapter 19.139 RCW and the continued growth within the industry has deemed it essential to revise the rules for the seller of travel industry in order to provide effective protection to Washington state consumers.

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 Michael W. Schneider, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 753-3713, fax (360) 664-2550.

June 1, 1999

Michael W. Schneider
Manager

WSR 99-12-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 2, 1999, 8:16 a.m.]

Subject of Possible Rule Making: Professional boxing and martial arts rule update to chapter 36-12 WAC due to new legislative changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislative changes to chap-

ter 67.08 RCW and the recent renewed growth in industry activity has deemed it essential to revise the rules for professional athletics in order to assure the health, safety, and welfare of the participants.

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 Michael W. Schneider, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 753-3713, fax (360) 664-2550.

June 1, 1999

Michael W. Schneider
Manager

would ensure that the rule was reviewed; at that time it could be expanded, narrowed, altered, extended, or allowed to expire.

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 send written comments by July 22, 1999, 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.

June 2, 1999

Robert A. Harkins
Chief Deputy Commissioner

WSR 99-12-105

PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 99-5—Filed June 2, 1999, 8:59 a.m.]

Subject of Possible Rule Making: Deregulation of commercial property casualty lines of insurance. Rate and form filing requirements may be suspended for large policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.100(6), and 48.19.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This subject was suggested in the commissioner's regulatory improvement process as a regulatory scheme that should be revisited. The subject has also been discussed extensively by members of the NAIC and by the legislatures of several states. Purchasers of large commercial property casualty policies are sophisticated buyers who have the ability to negotiate as equals over the rates and provisions of their policies and to adequately safeguard their interests. This may save insurers some time and expense and these savings may be passed along to the purchasers. Large policyholders may benefit from insurers' increased flexibility. The commissioner will seek comments from businesses and business associations as well as the insurance industry.

Among the concepts that will be explored and discussed in the development of a new regulatory scheme are: (1) Suspending filing requirements for rates and forms used on any commercial property casualty insurance policy with estimated annual premium of \$25,000 or more. Coverages that may be excepted from this suspension include motor vehicle service contract reimbursement insurance (chapter 48.96 RCW) and professional liability insurance, including medical malpractice; (2) providing that the commissioner retains the ability to examine these rates and forms to ascertain whether they meet statutory requirements; (3) providing that property rates and forms used on these policies will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006; and (4) attaching a "sunset provision" that would cause the suspension of filing requirements to expire after an adequate trial period unless the rule is amended. This

WSR 99-12-114

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 2, 1999, 9:47 a.m.]

Subject of Possible Rule Making: Revise sections of the medical aid rules, including chapter 296-20 WAC, General rules; chapter 296-23 WAC, Reimbursement policies; and chapter 296-23A WAC, Hospitals to allow reimbursement of selected outpatient services and supplies through a prospective payment system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to the above statutes, the Department of Labor and Industries (L&I) establishes and adopts rules governing administration of the industrial insurance laws. The purpose of the proposed rule changes is to allow the department to implement an outpatient prospective payment system (OPPS) in order to better manage outpatient expenditures, improve consistency of payment policies, improve consistency between payment levels and actual costs of service, establish greater uniformity between state agencies regarding reimbursement methodologies, allow for greater analysis and prediction of utilization and costs, and allow for rate adjustments to be based on more consistent and applicable data.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: L&I is working in coordination with the Health Care Authority (HCA) and the Department of Social and Health Services/Medical Assistance Administration (MAA) to develop and implement an OPPS system and develop rules. L&I is coordinating closely with MAA to draft OPPS rules.

Process for Developing New Rule: The department meets regularly with the HCA and the MAA through the interagency project work group to develop consistency in its health care purchasing rules and policies. External stake-

holders will be involved through the existing outpatient prospective payment system technical advisory group (OPPS-TAG) and regional meetings. The proposed rule changes will be presented to variety of advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Dick, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-5131, fax (360) 902-4249, Internet dija235@Ini.wa.gov.

May 28, 1999

Gary Moore

Director

WSR 99-12-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 2, 1999, 11:03 a.m.]

Subject of Possible Rule Making: Chapter 16-144 WAC, Processing frozen desserts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.021 and 69.04.398(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Scheduled for review under executive order requiring review of rules currently in effect.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Food and Drug Administration (FDA). Local FDA office will be involved in review of rule through membership in Food Safety Advisory Committee (FSAC) and Dairy Inspection Advisory Committee (DIPAC).

Process for Developing New Rule: Rule amendments proposed will be submitted for review and comment of Food Safety Advisory Committee (FSAC) and Dairy Inspection Program Advisory Committee (DIPAC) and frozen dessert processors.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860, fax (360) 902-2087.

June 2, 1999

Candace A. Jacobs, DVM

Assistant Director

WSR 99-12-124

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 2, 1999, 11:04 a.m.]

Subject of Possible Rule Making: Chapter 16-147 WAC, Sanitary certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.07.020, 69.07.085, and chapter 15.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed in 1999 legislative session has given the Washington Department of Agriculture authority to issue sanitary certificates to milk processing plants. This rule that covers issuance of sanitary certificates to food processing plants needs to be extended to cover milk processing plants.

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

Process for Developing New Rule: Industry will have opportunity for input and to comment on draft rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860, fax (360) 902-2087.

June 2, 1999

Candace A. Jacobs, DVM

Assistant Director

WSR 99-12-125

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 2, 1999, 11:40 a.m.]

Subject of Possible Rule Making: Rules that are applicable to nonretail licensees, such as breweries, wineries, importers, and distributors. Rules that will be reviewed are contained in the following chapters of the Washington Administrative Code: Beer—Brewers, holders, importers, etc., chapter 314-20 WAC and Domestic wineries and domestic wine distributors, chapter 314-24 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.012, 66.24.150, 66.24.160, 66.24.170, 66.24.185, 66.24.200, 66.24.203, 66.24.206, 66.24.210, 66.24.215, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.261, 66.24.270, 66.24.290, 66.24.300, 66.24.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules regarding nonretail licensees, such as breweries, wineries, importers, distributors, etc.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator,

P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648,
fax (360) 704-4920, e-mail teb@liq.wa.gov.

June 2, 1999
Eugene Prince
Chair

WSR 99-12-126
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 2, 1999, 11:41 a.m.]

Subject of Possible Rule Making: Notice and opportunity for hearing in contested cases, WAC 314-08-080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010(3), 34.05.434.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Administrative Procedure Act, specifically RCW 34.05.434, states that an agency must give written notice to all parties of a hearing, at least seven days in advance. Currently, WAC 314-08-080 states the Liquor Control Board will notify all parties at least twenty days before the hearing. The board would like to consider revising WAC 314-08-080, in order to have the option of notifying parties involved in contested cases not less than seven days in advance. The board intends to give parties as much notice as possible above the seven days required by law. The board would like to retain the option of notifying at least seven days in advance in certain cases that warrant prompt action, such as cases of emergency suspensions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the Attorney General. The Liquor Control Board will contact this agency for input into the proposed rule making.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail teb@liq.wa.gov.

June 2, 1999
Eugene Prince
Chair

WSR 99-12-127
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 2, 1999, 11:41 a.m.]

Subject of Possible Rule Making: Rules that are applicable to motel liquor licenses, chapter 314-15 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.540, chapter 129, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules regarding the motel liquor license. Changes were made to this license with the passage of chapter 129, Laws of 1999, which will need to be reflected in these rule changes.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4920, e-mail teb@liq.wa.gov.

June 2, 1999
Eugene Prince
Chair

WSR 99-12-128
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 2, 1999, 11:42 a.m.]

Subject of Possible Rule Making: Rules that are applicable to the majority of liquor licensees. Rules that will be reviewed are contained in the following chapters of the Washington Administrative Code: General—Applicable to all licensees, chapter 314-12 WAC and Retail licensees, chapter 314-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.012, 66.24.025, 66.24.120, 66.28.010, 66.28.030, 66.28.040, 66.28.042, 66.28.043, 66.28.045, 66.28.070, 66.28.080, 66.28.090, 66.28.100, 66.28.130, 66.28.140, 66.28.150, 66.28.15 [66.28.155], 66.28.160, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.210, 66.28.220, 66.28.230, 66.28.240 [66.28.240], chapter 66.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Liquor Control Board is currently undergoing a review of all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. This notice concerns the board's intent to review its rules that outline general requirements for the majority of liquor licensees.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator,

P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648,
fax (360) 704-4920, e-mail teb@liq.wa.gov.

June 2, 1999
Eugene Prince
Chair

WSR 99-12-090
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 1, 1999, 1:58 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 296-50 WAC, Safety standards for manufacture of explosives in its entirety. Individual sections proposed for repeal are WAC 296-50-010, 296-50-020, 296-50-030, 296-50-040, 296-50-050, 296-50-060, 296-50-070, 296-50-080, 296-50-090, 296-50-100, 296-50-110, 296-50-120, 296-50-130, 296-50-140, 296-50-150, 296-50-160, 296-50-170, 296-50-180, 296-50-190, 296-50-200, 296-50-210, 296-50-220, and 296-50-230.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001.

Reason the Expedited Repeal of the Rule is Appropriate: There are currently no explosive manufacturers in the state of Washington with which to regulate. The necessary requirements to ensure the safety, health and welfare of explosive manufacturing are located within chapters 296-24, 296-52, and 296-67 WAC. In addition, there is no equivalent federal (OSHA) regulation to chapter 296-50 WAC.

May 19, 1999
 Gary Moore
 Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-50-010	Foreword.
WAC 296-50-020	Introductory.
WAC 296-50-030	Management's responsibility.
WAC 296-50-040	Employee's responsibility.
WAC 296-50-050	Minimum requirements for first aid.
WAC 296-50-060	First-aid kit.
WAC 296-50-070	First-aid room.
WAC 296-50-080	General regulations.
WAC 296-50-090	Dope house.
WAC 296-50-100	Dynamite mixing house.
WAC 296-50-110	Dynamite pack machine house.

WAC 296-50-120	Gelatin mixing house.
WAC 296-50-130	Gelatin cartridge machine house.
WAC 296-50-140	Handpack house.
WAC 296-50-150	Waste opening house.
WAC 296-50-160	Box packing house.
WAC 296-50-170	Powder repair shop.
WAC 296-50-180	Batch nitrator.
WAC 296-50-190	Separator and prewash operation.
WAC 296-50-200	N.G. neutralizing house and store house.
WAC 296-50-210	Acid operations.
WAC 296-50-220	Spare parts houses.
WAC 296-50-230	Nitrocotton screening and drying houses.

WSR 99-12-108

EXPEDITED REPEAL

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 2, 1999, 9:10 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 192-16-002 Employer reports—Further defining hours worked.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: George Mante, UI Tax Regulatory Reform Coordinator, UI Tax Administration, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9556.

Reason the Expedited Repeal of the Rule is Appropriate: On May 19, 1999, we filed WAC 192-310-040 Employer reports—Further defining hours worked—RCW 50.12.070, with the Code Reviser's Office inadvertently omitting the repealer clause for WAC 192-16-002.

This action merely deletes (repeals) WAC 196-16-002 which has been replaced by WAC 192-310-040 per Governor Locke's Executive Order 97-02.

This repeal action corrects an administrative error of omission.

May 25, 1999
 Carver Gayton
 Commissioner

EXPEDITED REPEAL

**WSR 99-12-113
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 2, 1999, 9:46 a.m.]

requirements in the former rules covering the custom farm slaughterers, custom meat facilities and custom slaughterers making them redundant.

June 2, 1999
Candace A. Jacobs, DVM
Assistant Director

EXPEDITED REPEAL

The Following Sections are Proposed for Expedited Repeal: WAC 296-125-019 Prerequisites to employing minors.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Selwyn Walters, Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504, fax (360) 902-4202.

Reason the Expedited Repeal of the Rule is Appropriate: The provisions of WAC 296-125-019 Prerequisites to employing minors, are contained in the WAC section immediately following, WAC 296-125-0200 If I plan to employ minors in my business, what general requirements do I have to satisfy? The section should have been repealed during the recent process of amending and clear rule writing the chapter.

May 20, 1999

Gary Moore

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-125-019 Prerequisites to employing minors.

**WSR 99-12-122
EXPEDITED REPEAL
DEPARTMENT OF AGRICULTURE**

[Filed June 2, 1999, 11:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: All sections in chapters 16-20, 16-21, 16-22, and 16-23 WAC.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Verne E. Hedlund, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1860.

Reason the Expedited Repeal of the Rule is Appropriate: These WAC chapters have been replaced by chapter 16-19 WAC. This new rule updates, clarifies and condenses the

**WSR 99-12-013
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed May 21, 1999, 8:52 a.m.]

Continuance of WSR 99-11-024.
Preproposal statement of inquiry was filed as WSR 98-23-087.

Title of Rule: Washington state red raspberry grade, labeling and handling standards.

Name of Proponent: Washington Red Raspberry Commission, governmental.

Date of Intended Adoption: May 26, 1999.

May 20, 1999
Monte Maberry
President, Board of Directors

**WSR 99-12-026
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed May 25, 1999, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-036.

Title of Rule: WAC 308-10-010 Definitions.

Purpose: Clarify definitions to help avoid confusion.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: This rule is being amended to help avoid confusion in defining certain terms.

Reasons Supporting Proposal: AGO 1998 No. 2 supports the change in definition of "commercial purpose."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Walt Fahrer, Highways-Licenses Building, Olympia, (360) 902-3640.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will clarify the definition of commercial purpose so that the department can have a common base to judge whether lists of licensees should be disclosed during a public records request.

Proposal Changes the Following Existing Rules: The definition of "lists" and "commercial purpose" is changed in this proposal.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact of any kind to any business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Licensing is exempt from this statute.

Hearing Location: Highways-Licenses Building, 1125 Washington Street S.E., Room 107, Olympia, WA 98507-9020, on August 10, 1999, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Walt Fahrer by August 2, 1999, (360) 902-3640.

Submit Written Comments to: Walt Fahrer, 1125 Washington Street S.E., Olympia, WA 98507-9020, fax (360) 753-7500, by August 9, 1999.

Date of Intended Adoption: August 11, 1999.

May 25, 1999
Walt Fahrer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-05-036, filed 2/15/96, effective 3/17/96)

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(3) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

- (a) They have not been processed, edited or interpreted.
- (b) They are unevaluated and unorganized.
- (c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, evaluated and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means ~~((a) an item-by-item series of ((items of any kind including)) names, figures, words or numbers ((no matter what the arrangement or purpose. When applied to the release of department record information it means the names of two or more individuals contained in:))~~ written or printed one after the other.

- ~~((- Data processing magnetic tapes~~
- ~~- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs~~
- ~~- Data processing print-outs in the form of labels~~
- ~~- Computer data bases~~
- ~~- Any form of writing~~
- ~~- Microfiche/microfilm.))~~

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means using or intending to use information ~~((obtained, to contact or personally affect an individual identified on a list to facilitate))~~ for the purpose of facilitating a profit expecting business activity.

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.

PROPOSED

WSR 99-12-028
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 25, 1999, 1:16 p.m.]

Original Notice.

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

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 41% increase in all categories to be charged for pilotage services in the Grays Harbor pilotage district for the 1999-00 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 2911 2nd Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Grays Harbor Pilots Association, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire on July 31, 1999. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Grays Harbor Pilots Association would increase the tariff for pilotage services in the Grays Harbor pilotage district by 41% over the present tariff in all categories.

Proposal Changes the Following Existing Rules: The proposed rule is a 41% increase over the existing tariff in all categories.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 41% increase is clear in the proposed tariff shown below.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on July 8, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by July 2, 1999, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, fax (206) 515-3969, by July 1, 1999.

Date of Intended Adoption: July 8, 1999.

May 24, 1999
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 98-19-036, filed 9/11/98, effective 9/15/98)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ((9-15-98)) 8-1-99 through 2400 hours ((7-31-99)) 7-31-00.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be (((\$61.89)) \$87.26 per meter (or (((\$18.83)) \$26.55 per foot) and the tonnage charge shall be (((\$0.1974)) \$0.2783 per net registered ton. The minimum net registered tonnage charge is (((\$690.60)) \$973.75. The charge for an extra vessel (in case of tow) is (((\$394.65)) \$556.46.

Boarding fee:

Per each boarding/deboarding from a boat (((\$297.75)) \$419.83

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage (((\$495.05)) \$698.02

Delays per hour (((\$118.05)) \$166.45

Cancellation charge (pilot only) (((\$197.31)) \$278.21

Cancellation charge (pilot boat only) (((\$591.95)) \$834.65

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance (((\$91.62)) \$129.18

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid (((\$690.62)) \$973.77 for each day or fraction thereof, and the travel expense incurred (((\$690.62)) \$973.77

Bridge transit:

Charge for each bridge transited (((\$216.71)) \$305.56

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Additional surcharge for each bridge
transited for vessels in excess of 27.5
meters in beam ~~(\$600.00)~~
\$846.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 99-12-030
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Vocational Rehabilitation)
[Filed May 25, 1999, 3:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-081.

Title of Rule: New chapter 388-890 WAC, Rehabilitation services for individuals with disabilities, will replace the following rules which are being repealed: Repealing WAC 490-500-005 Definitions, 490-500-010 Application for services, 490-500-015 Initial interview, 490-500-022 Assessment for determining eligibility and vocational rehabilitation needs, 490-500-025 Eligibility for services, 490-500-030 Eligibility for services—Criteria, 490-500-050 Certification for decision of eligibility or ineligibility, 490-500-055 Notice to applicant, 490-500-065 Ineligibility—Review required, 490-500-070 Extended evaluation, 490-500-080 Extended evaluation—Plan, 490-500-170 Criteria for order of selection, 490-500-180 Economic need, 490-500-185 Economic need—Financial statement required, 490-500-190 Economic need—Standards for determining, 490-500-200 Economic need—Notification of decision, 490-500-205 Comprehensive assessment, 490-500-257 Individualized, written rehabilitation plan, 490-500-260 Individualized, written rehabilitation plan—Content, 490-500-270 Individualized, written rehabilitation plan—Participation, 490-500-275 Individualized, written rehabilitation plan—Review, 490-500-300 Vocational rehabilitation—Employment outcome, 490-500-325 Comparable services and benefits available from other agencies, 490-500-350 Vocational rehabilitation services, 490-500-380 Vocational rehabilitation services—Counseling, guidance, and work-related placement services, 490-500-385 Vocational rehabilitation services—Physical and mental restoration, 490-500-389 Vocational rehabilitation services—Telecommunications, sensory, and other technological aids and devices, 490-500-390 Vocational rehabilitation services—Training, 490-500-418 Vocational rehabilitation services—Rehabilitation assistive technology services, 490-500-420 Vocational rehabilitation services—Additional living expenses, 490-500-430 Vocational rehabilitation services—Occupational licenses, tools, equipment, and initial stocks and supplies, 490-500-435 Vocational rehabilitation services—Transportation, 490-500-437 Vocational rehabilitation services—Interpreter services and reader services,

490-500-445 Vocational rehabilitation services—Services to family members, 490-500-450 Vocational rehabilitation services—Other goods and services, 490-500-455 Vocational rehabilitation services—Post employment services, 490-500-460 Vocational rehabilitation services—Information and referral services, 490-500-465 Vocational rehabilitation services—Recruitment and training services, 490-500-470 Vocational rehabilitation services—Transition services, 490-500-475 Vocational rehabilitation services—Supported employment, 490-500-477 Vocational rehabilitation services—Independent living services, 490-500-480 Vocational rehabilitation services—On-the-job or other related personal assistance, 490-500-485 Vocational rehabilitation services—Services to groups, 490-500-500 Purchase of services, 490-500-505 Purchase of services—Selection criteria—Schools or training organizations, 490-500-510 Purchase of services—Selection criteria—On-the-job training, 490-500-525 Termination of services under an individualized, written rehabilitation plan—Ineligible, 490-500-530 Termination of services under an individualized, written rehabilitation plan—For reasons other than ineligibility, 490-500-542 Termination of services under an individualized written rehabilitation plan—Rehabilitated, 490-500-545 Notification of termination, 490-500-555 Confidential information—Disclosure, 490-500-560 Administrative review, 490-500-580 Fair hearing—Adjudicative proceeding, 490-500-590 Client records, 490-500-600 Independent living program, 490-500-605 Independent living program—Eligibility/ineligibility, 490-500-615 Independent living program—Economic need and comparable services and benefits, 490-500-620 Independent living program—Written independent living plan, 490-500-622 Independent living program—Independent living services, 490-500-625 Independent living program—Termination, 490-500-627 Independent living program—Client records, 490-500-630 Statewide independent living council, and 490-500-635 State rehabilitation advisory council.

Purpose: To repeal old rehabilitation rules and adopt new rules to comply with the Rehabilitation Act of 1973 as amended in August, 1998 including the following Titles: I Vocational Rehabilitation Services; VI Employment Opportunities for Individuals with Disabilities; and VII Independent Living Services and Centers for Independent Living. These rules have been written to comply with the Governor's Executive Order 97-02, Regulatory Improvement.

Statutory Authority for Adoption: RCW 74.29.020, 74.08.090.

Statute Being Implemented: Chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998.

Summary: The rules inform the public what rehabilitation services and/or benefits are provided by the Division of Vocational Rehabilitation (DVR) and under what conditions DVR provides the services and/or benefits.

Reasons Supporting Proposal: To comply with Rehabilitation Act of 1973 as amended in August 1998 and the Governor's Executive Order 97-02, Regulatory Improvement.

Name of Agency Personnel Responsible for Drafting: Phyllis Hansen, Kelly Boston, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, (360) 438-8047, (360) 438-8000 V/TTY; Implementation and Enforcement: Don Kay, Division of Vocational Rehabilitation

PROPOSED

tion, P.O. Box 45340, Olympia, WA 98504-5340, (360) 438-8015.

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

Rule is necessary because of federal law, Rehabilitation Act of 1973 as amended in August 1998.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules inform the public what rehabilitation services and/or benefits are provided by the Division of Vocational Rehabilitation (DVR) and under what conditions DVR provides the services and/or benefits. Major areas covered include: Informed choice; application and eligibility; vocational rehabilitation program; supported employment program; independent living program; participant rights to appeal; confidentiality; access to DVR services for limited English speaking people; order of selection; and vocational rehabilitation services for groups of individuals with disabilities.

The rules are intended to increase the rights and responsibilities of DVR applicants and eligible individuals with disabilities, support full partnership between service participants and DVR, and support DVR's mission to help people with disabilities go to work. The new rules are organized for ease in use and simplified for clear understanding.

Proposal Changes the Following Existing Rules: DVR is repealing the old program rules in chapter 490-500 WAC and replacing them with new easier to read rules in new chapter 388-890 WAC. Major content changes include adding and changing definitions, adding options for applicants and eligible individuals to make informed choices, changing elements of eligibility, extending the period of time to close a case service record after a participant becomes employed, changing from an individualized written rehabilitation plan to an individualized plan for employment, changes to the appeals process, changes to the use of comparable services and benefits, and changes to economic need and financial participation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not regulate any businesses. The proposed rules regulate DVR in the provision of rehabilitation services and anyone interested in receiving rehabilitation services from DVR.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule" and a cost benefit analysis has been prepared. To obtain a copy, contact Phyllis Hansen or Kelly Boston, DVR Program Administrators, P.O. Box 45340, Olympia, WA 98504-5340, phone (360) 438-8000 V/TTY, (Phyllis) e-mail hansepa@dshs.wa.gov, (Kelly) e-mail bostok@dshs.wa.gov.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 27, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by July 16, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 27, 1999.

Date of Intended Adoption: August 27, 1999.

May 24, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-13 issue of the Register.

WSR 99-12-032

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health Plan)

[Order 99-02—Filed May 26, 1999, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-107 and 99-05-077.

Title of Rule: WAC 182-25-030 Eligibility and 182-25-040 Enrollment in the plan.

Purpose: Revise WAC 182-25-030 to clarify eligibility criteria; revise WAC 182-25-040 to incorporate changes related to recoupment of subsidy overpayments.

Statutory Authority for Adoption: RCW 70.47.050 and 70.47.060.

Statute Being Implemented: RCW 70.47.060.

Summary: WAC 182-25-030 is revised to clarify eligibility criteria, particularly as they apply to applicants or enrollees eligible for Medicare. WAC 182-25-040 is revised to incorporate changes related to recoupment of subsidy overpayments and to clarify and reduce duplication or unnecessary language as required by Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Rebecca Loomis, Lacey, Washington, (360) 923-2996.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revision to WAC 182-25-030 clarifies that persons eligible to purchase Medicare are considered eligible for Medicare and are not eligible for basic health.

Revisions to WAC 182-25-040(8) clarify criteria and establish deadlines for adding family members to existing basic health accounts. Revisions to WAC 182-25-040(9) update recertification rules to be consistent with current statute and allow for recoupment of subsidy overpayments when, in the process of recertification, members are found to have under-reported income. Other revisions remove duplication or unnecessary language.

Proposal Changes the Following Existing Rules: Clarifies eligibility criteria, especially as they apply to applicants or members eligible for Medicare. Updates rules regarding recertification and allows for recoupment of subsidy overpayment. Other changes for clarification or to remove duplication or unnecessary language.

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No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. Little or no cost to businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, 3rd Floor Conference Room, Lacey, WA 98504, on July 6, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by June 28, 1999, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, fax (360) 412-4276, by July 9, 1999.

Date of Intended Adoption: July 26, 1999.

May 26, 1999
Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must be a Washington state resident who is not:

(a) ~~((Reside within the state of Washington;~~
(b) ~~Not be))~~ Eligible for free Medicare ~~(; and~~
(c) ~~Not be))~~ coverage or eligible to buy Medicare coverage; or

(b) Institutionalized at the time of enrollment.

(2) 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 the criteria in (a) and (b) of this subsection,))~~ is no longer a Washington resident, who becomes eligible for free or purchased Medicare, or who is later determined to have failed to meet 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))~~ (3) Eligibility for ~~((DSHS-coordinated programs, such as))~~ BHP Plus and ~~((S-Medical, are))~~ maternity benefits through medical assistance is determined by DSHS, based on Medicaid eligibility criteria.

~~((3))~~ (4) To be eligible for subsidized enrollment in BHP, an individual must meet the eligibility criteria in subsection (1) of this section, 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.

~~((4))~~ (5) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level, must meet the eligibility criteria in subsection (1) of this section, 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.

~~((5))~~ (6) 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) 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;

(d) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

(e) Eligible individual home care providers;

(f) Licensed foster care workers;

(g) Limited enrollment of new employer groups; and

(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 98-07-002, filed 3/5/98, effective 4/5/98)

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. 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 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 for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system 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) When a managed health care system~~((s may))~~ assists BHP applicants in the enrollment process, ~~((but))~~ it must provide them with the toll-free number for BHP~~((;))~~ and information on all MHCS available within the applicant's county of residence and ~~((an estimate of))~~ the estimated premiums ~~((the applicant would pay))~~.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's

training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems 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))~~ (6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) 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))~~ (6).

(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." "Qualifying changes in family status" include:

(a) The loss of other ~~((continuous))~~ health care coverage, for a family member~~((s))~~ who ~~((have))~~ has previously waived coverage, ~~((upon))~~ provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) ~~((Birth, adoption or change in dependency or custody of a child or adult dependent))~~ Addition of an eligible newborn child or ((newly adopted children may be enrolled effec-

tive from the date of birth or physical placement)) a child newly placed for adoption provided ((that)) BHP receives the child's application for enrollment ((is submitted to BHP)) within sixty days of the date of birth or ((such)) placement for adoption. These children may be enrolled effective from the date of birth or 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 to determine 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)) an enrollee('s) has not reported 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)) or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

WSR 99-12-038

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 98-18—Filed May 26, 1999, 1:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-18-074.

Title of Rule: Chapter 173-230 WAC, Certification of operators of wastewater treatment plants.

Purpose: Protect public health and the state's waters by insuring a minimum level of competency of individuals responsible for operating domestic wastewater treatment plants. The rule establishes minimum standards for obtaining and maintaining a wastewater operator certificate.

Statutory Authority for Adoption: Chapter 70.95B RCW.

Statute Being Implemented: Chapter 70.95B RCW.

Summary: The rule establishes who must be certified, the minimum education and experience qualifications to be eligible for certification, how to become certified, the conditions for maintaining a certificate, and the criteria for classifying wastewater treatment plants.

Reasons Supporting Proposal: This revision streamlines administrative processes; eliminates obsolete language; clarifies existing language; eliminates the subsidy of free exam retakes; provides the ability to use updated certification exams, and simplifies the way wastewater treatment plants are classified which is used to determine the level of certification necessary to properly operate and maintain a plant.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Myra Barker, Ecology Headquarters, Lacey, (360) 407-6449.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes qualifications for obtaining and maintaining a wastewater operator certificate. It also establishes mandatory certification for the operator in charge of a plant or a shift at a plant. This helps to insure that these plants are properly operated and maintained to protect public health and the state's waters. The rule also provides the criteria for classifying wastewater treatment plants so that an operator's certification level is commensurate with the level or complexity of the wastewater treatment plant being operated.

The rule affects owners of domestic wastewater treatment plants, primarily local governments, and operators of those plants.

Proposal Changes the Following Existing Rules: The revision would:

- Clarify the language in the rule to eliminate conditions established when it was first adopted and have been met and includes changes made to the statute by the legislature.
- Streamline the certificate renewal process by changing to first class mail service for mailing notices of revocation of operator certificates to the employer resulting in cost savings of \$300 per year.

PROPOSED

- Eliminate exam free retakes and add an exam fee to help cover the costs of administering exams and to be able to obtain validated exams to provide a better measure of competency.
- Add a condition that requests for temporary certificates be accompanied by an application and application fee.
- Simplify the classification system for wastewater treatment plant.

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

Small Business Economic Impact Statement

INTRODUCTION: The Regulatory Fairness Act (chapter 19.85 RCW) requires that proposed rules or rule amendments be evaluated to determine if disproportionate burdens are imposed on small versus large businesses. If any are found, mitigation must be provided to the extent feasible and legal under the statute being implemented. Evaluation of the above-referenced proposed rule-making action has resulted in the conclusions that costs or other burdens imposed on businesses are minor, and unlikely to be disproportionate as between small and large businesses in any event. The remainder of this document summarizes the basis for these conclusions.

BACKGROUND: Chapter 70.95 RCW and the currently existing chapter 173-230 WAC require that principal operating personnel (operators in responsible charge and operators in charge of shifts) of wastewater treatment plants be certified as to their experience, education and training, and competence to perform their duties. Other operating personnel are encouraged to become certified on a voluntary basis. The existing rule also sets forth the experience and education and training qualifications for various levels of wastewater treatment plant operator certification, establishes an examination process and fee schedule, and a system for classifying wastewater treatment plants in order to determine the level of operator certification needed in each case. The proposed rule amendments modify the fee schedule and plant classification system and, in addition, eliminate obsolete provisions, revise language for greater clarity, and incorporate other statutory changes that have occurred since the last revision of the rule. The revisions to the fee schedule and classification system are considered below.

AFFECTED INDUSTRIES: Current water quality program records indicate that some three hundred and twenty wastewater treatment plants are subject to chapter 173-320 WAC. Of these, the vast majority (approximately two hundred and eighty) are publicly owned. Of the remainder, approximately fourteen appear to be owned by homeowners associations or other not for profit entities (religiously affiliated camps, schools, etc.) The Regulatory Fairness Act does not apply to either of these groups.

The remaining, approximately thirty, treatment plants are owned/operated by private sector businesses as an adjunct to their principal lines of activity. Wastewater treatment plant operation represents part of the cost of operation for these entities. Industries where at least one firm appears to be affected include:

- SIC 2011 - Meat Packing Plants

- SIC 2621 - Paper Mills
- SIC 2911 - Petroleum Refining
- SIC 3334/3353 - Primary Aluminum Production; Aluminum Plate, Sheet, Foil
- SIC 651 - Real Estate Operators (insufficient information to specify at four digit level)
- SIC 7011 - Hotels and Motels
- SIC 9032 - Sporting and Recreational Camps

In addition, private sewerage system firms (SIC 4952) would be affected by this rule. Since their principal line of activity is the construction and/or operation of collection systems and treatment plants for small municipalities and others, no such firms show up as treatment plant owners in program records. However, Employment Security Department information indicates that there were eight employer units in this industry in Washington in 1997. All were small businesses as measured by employment and would usually be expected to process small volumes of wastewater using relatively simple treatment processes. Some information about these firms provides benchmarks for the discussion below.

IMPACTS OF THE PROPOSED RULE AMENDMENTS:

a) Fee Schedule Revisions: Presently, chapter 173-230 WAC imposes a \$50 application and testing fee on first-time certificate candidates or upon those seeking certification level upgrades. This fee provides for one free retake of the examination, either on account of failing on the first try or absence from the scheduled examination administration. Annual certificate renewal carries a fee of \$30. In general, these costs would be borne by the applicant. In some cases, however, they may be covered by his/her employer.

The proposed amendments to this rule element include:

- Levying an examination use charge, if required, when an examination provided by a source other than the Department of Ecology is used. This charge would be paid directly to the provider of the examination.

The department is currently planning on using wastewater examinations provided by the Association of Boards of Certification. This organization charges a fee of \$20 per examination, implying that the cost of a first time or upgrade examination would increase from \$50 to \$70. This increase amounts to \$0.01 per hour of labor (assuming full time, year around employment), whether paid by the applicant or his/her employer. Put another way, this represents 0.08% of the average wage of \$25,600 per year paid by private sewerage system firms. (Certificated operating personnel would likely be paid wages higher than this; probably substantially higher at larger treatment plants using advanced processes. However, this value provides a useful benchmark.) This impact is minor. Further, since the number of employees for whom certification would be required or voluntarily obtained would normally be expected to be related to the size of the plant and/or the size of the business if the plant is privately owned, the impact would not be expected to be disproportionate.

- Levying an additional application and examination use charge for retakes of examinations, whether on

account of failure of the examination or absence. Provision is made to waive part of these fees at the department's option. On its face, this would seem to imply a second \$70 charge. However, program staff indicate that they plan to waive \$20 of the fees and charges for retakes. This would reduce the additional charge to \$50. Using the same measurement bases as above, this represents a (potential) additional impact of \$0.02 per hour of labor for a full time, year around applicant or his/her employer. Alternatively, this represents 0.2 percent of the average 1997 wages paid by private sewerage treatment firms. Again, these costs are minor and not likely to be disproportionate for small firms versus large ones. Additionally, these added costs would occur only in those cases where the applicant failed the examination the first time or was absent. Program records indicate that this applies to about one third of a normal annual workload of some 500 to 600 examinations.

- Levying a \$50 application fee for temporary permits.

This would have the same impacts, per hour of labor or relative to the average wage paid by private sector sewerage treatment firms as described above.

b) Revision of the Treatment Plant Classification System: The proposed amendments to chapter 173-230 WAC changes the current wastewater treatment plant classification system to a system based on flow and treatment type. This is expected to simplify and streamline this aspect of program administration and to lead to greater consistency in the ratings of treatment plants across the state. However, it is possible that some treatment plants may be shifted to higher level categories as this revised system is implemented. This would imply an increase in the certification levels of key operating personnel, and may result in higher labor costs to the extent that treatment plant compensation programs are tied to certification levels. The extent to which this will happen is unknown at this time.

To the extent that this does occur, mitigation is provided in two ways. First one-time provisional certificates may be issued to certified personnel if a treatment plant is reclassified upward due only to the implementation of the proposed new rating system - thus providing time for any needed increases in certification levels to be obtained. Second, the new system will be phased in over time as wastewater discharge permits come due for renewal - essentially over the next five years.

Mitigation: Steps taken to mitigate impacts on individuals or businesses have been described above.

Involvement of Small Businesses in Rule Development: The department formed and utilized an advisory committee during the rule development process. This afforded private sector certified treatment plant operators (or their employers) opportunity for input. Program staff also addressed Pacific Northwest Pollution Control Association members concerning the proposed rule revisions at five regional meetings. Further opportunity for small business involvement is afforded through the hearings, review, and public comment elements of the rule adoption process.

Effect on Sales or Revenue: These proposed amendments are not expected to affect the sales or revenue of private sector business firms to which they may apply.

A copy of the statement may be obtained by writing to Myra Barker, e-mail mbar461@ecy.wa.gov, phone (360) 407-6449, fax (360) 407-6426; or mailing your request to Myra Barker, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696; or by accessing ecology's web site at www.wa.gov/ecology/leg/wac_173230/98-18intro.html.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule is significant under RCW 34.05.328 because it establishes, alters or revokes qualification or standard for the issuance, suspension or revocation of a license or permit. No changes are proposed to the qualifications, issuance, suspension, or revocation of a wastewater certificate. The agency will conduct the additional analysis, the cost benefit analysis, required under RCW 34.05.328.

Hearing Location: On July 27, at 1 p.m., at Room 1212, Math Science Building, Big Bend Community College, 7662 Chanute Street, Moses Lake; and on July 28, at 1 p.m., at the Department of Ecology, 300 Desmond Drive, Lacey.

Assistance for Persons with Disabilities: Contact Myra Barker by July 9, 1999, TDD (360) 407-6006.

Submit Written Comments to: Myra Barker, P.O. Box 47696, Olympia, WA 98504-7696, e-mail mbar461@ecy.wa.gov, fax (360) 407-6426, by August 13, 1999.

Date of Intended Adoption: December 1, 1999.

May 21, 1999

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-010 ((General)) What is the purpose of this regulation? ~~((One of the basic requirements of the Wastewater Treatment Plant Operator Certification Act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every operator in responsible charge of a wastewater treatment plant certified at a level equal to or higher than the classification rating of the treatment plant being operated. Certification under this act is available to all individuals who can meet the minimum qualifications for a given classification. Operating personnel not required to be certified by chapter 70.95B RCW are encouraged to become certified on a voluntary basis.))~~ When wastewater treatment plants are properly operated public health and the state's waters are protected. Operators must meet minimum standards to help assure their competency to operate and maintain wastewater treatment plants. This regulation establishes the requirements for obtaining a wastewater certificate and for the level of certificate required for an operator in responsible charge of a treatment plant. An operator in responsible charge of a wastewater treatment plant must be certified at a level that is equal to or greater than the classification of the wastewater treatment plant.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-020 Definitions. (1) (~~"Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.~~

~~(2)) "Activated sludge process" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation and wasted or returned to the process as needed.~~

~~(2) "Biofiltration" means the process of passing a liquid through a biological filter containing fixed media on the surfaces of which develop zoogical films that absorb and adsorb fine suspended, colloidal, and dissolved solids and release end products of biochemical action.~~

~~(3) "Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator's certification program.~~

~~((3)) (4) "Certificate holder" means the individual to whom a certificate is issued.~~

~~((4)) (5) "CEU" means continuing education unit which is a nationally recognized unit of measurement similar to college credit. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.~~

~~((5)) (6) "College" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. College shall also mean CEUs. Forty-five CEUs equals forty-five quarter credits equals thirty semester credits.~~

~~((6)) (7) "Department" means the Washington state department of ecology.~~

~~((7)) (8) "Director" means the director of the department of ecology or the director's designee.~~

~~((8)) (9) "Extended aeration" means a modification of the activated sludge process that uses long aeration periods to promote aerobic digestion of the biological mass by endogenous respiration.~~

~~(10) "GED" means a General Education Development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.~~

~~((9)) (11) "Group and class" for the purpose of operator certification and wastewater treatment plant classification (~~shall mean~~) are the same.~~

~~((10)) (12) "Lagoon" means any large holding or detention pond, usually with earthen dikes, used to contain wastewater while sedimentation and biological stabilization occurs.~~

~~(13) "OIT" means operator-in-training. This is the entry level certification classification offered by the department.~~

~~((11)) (14) "Operating experience" means the routine performance of duties, on-site in a wastewater treatment plant, that affect plant performance and/or effluent quality.~~

~~((12)) (15) "Operator" means an individual who performs routine duties on-site at a wastewater treatment plant which affect plant performance and/or effluent quality.~~

~~((13)) (16) "Operator in charge of each shift" means the individual on-site at a wastewater treatment plant whose primary responsibility is to operate the wastewater treatment plant on a regularly run shift. The operator in charge of each shift shall be subordinate to the operator in responsible charge.~~

~~((14)) (17) "Operator in responsible charge" means the individual who is routinely on-site and in direct charge of the overall operation of a wastewater treatment plant.~~

~~((15)) (18) "Owner" means in the case of:~~

• ~~A town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; ((in the case of)~~

• ~~A county, the chairman of the county legislative authority or the chairman's designee; ((in the case of)~~

• ~~A sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; ((in the case of)~~

• ~~A privately owned wastewater treatment plant, the legal owner.~~

~~((16)) (19) "Primary wastewater treatment" means unit processes consisting of one or more of the following: Screening, comminution and grinding, flotation, precipitation, sludge pumping, and disinfection. Treatment consists of clarification followed by removal, treatment, and disposal of sludge.~~

~~(20) "Reciprocity" means the exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a written examination for an equivalent level of certification without further examination.~~

~~((17)) (21) "Tertiary" means the treatment of wastewater beyond the secondary or biological stage.~~

~~(22) "Wastewater certification program coordinator" means an employee of the department who is appointed by the director to serve on the board and who administers the wastewater treatment plant operator certification program.~~

~~((18)) (23) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.~~

~~((19)) (24) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It (~~shall~~) will not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.~~

~~(25) "Wetlands treatment" means those wetlands intentionally constructed and managed for the primary purpose of wastewater treatment.~~

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-040 (~~Certification required~~) To whom does this regulation apply? ((1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator

designated by the owner in responsible charge of the plant holds a valid certificate of at least the same classification as that of the wastewater treatment plant being operated. When a wastewater treatment plant is operated on more than one daily shift, the individual in charge of each regularly run shift at the wastewater treatment plant being operated shall also be certified.

(2) After January 1, 1989, it shall be unlawful to operate a wastewater treatment plant on more than one daily shift as described in subsection (1) of this section unless the operator in charge of each shift, as designated by the owner, is certified at a level not less than one class lower than the class of plant being operated. The operator in charge of each shift shall be subordinate to the operator in responsible charge of the plant who is certified at a level equal to or higher than the classification of the plant being operated.

(3) When a position required to be filled by a certified wastewater treatment plant operator as described herein is vacated due to a scheduled vacation or a short-term illness, these requirements may be waived temporarily at the director's discretion.)) This regulation applies to anyone who owns or operates a wastewater treatment plant.

The operator in charge of the wastewater treatment plant must be certified at least at a level equal to or higher than the classification of the plant. When the plant is operated on more than one daily shift, the operator in charge of each shift must be certified at a level not lower than one level below the classification of the plant.

All individuals operating wastewater treatment plants that are not required to be certified are encouraged to seek certification.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-061 ((Applications and certification requirements.)) Levels of certificates and qualifications.

((1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the wastewater certification program coordinator. The wastewater certification program coordinator shall make application forms available upon request.

(2) Upon receipt of a completed application, the wastewater certification program coordinator shall screen the application against the following criteria to determine eligibility for examination or reciprocal certification:

(3) Certification requirements: Applicants for certification by examination or reciprocity must meet the minimum education and operating experience requirements or equivalents set forth below:

Certification Classification	Education	Operating Experience
OIT	High school diploma	3 months
Group I	High school diploma	1 year

Group II	High school diploma	3 years
Group III	High school diploma plus two years college	4 years
Group IV	High school diploma plus four years college	4 years

(a) Applicants for Group I certification may not substitute equivalent work experience or college for any portion of the operating experience requirement.

(b) At least half of the operating experience requirement for Class II, III, or IV certification must be gained on-site, in a wastewater treatment plant with a classification rating not less than one class lower than the class of certification desired:

(c) College claimed by an applicant for certification shall be credited toward the certification requirements only when documented on a transcript or a certificate of completion.

(4) Equivalent education

(a) A GED is equivalent to a high school diploma.

(b) One year of excess operating experience may be substituted for one year of high school or two years of grade school—no limit.

(c) Applicants for Group III and IV certification may substitute one year of excess operating experience for one year of college for up to half of the college requirement.

Note: Operating experience substituted for an education requirement may not also be applied to the operating experience requirement.

(5) Equivalent operating experience

(a) OIT applicants may substitute three CEUs or equivalent for the operating experience requirement provided the CEUs are earned upon completion of coursework in wastewater treatment plant operation:

(b) Applicants for Group II certification may substitute up to one and one-half years of college for one and one-half years of the operating experience requirement.

(c) Applicants for Group III and IV certification may substitute up to two years of excess college for two years of the operating experience requirement.

(d) Applicants may substitute work experience in the fields identified below for up to half of the operating experience requirement for Group II, III, and IV certification at a rate determined by the board:

- Experience as an environmental or operations consultant.
- Experience in an environmental or engineering branch of federal, state, county, or local government.
- Experience as a wastewater collection system operator.
- Experience as a water distribution system operator and/or manager.
- Experience as a wastewater pump station operator.
- Experience as a water treatment plant operator.

The board may also consider work experience in fields such as building and equipment maintenance, boiler operation, machinist, laboratory technician, engineering, welding, or other related fields on a case-by-case basis when presented with a written description of the duties performed on the job by the applicant for certification.

PROPOSED

Note: College substituted for an operating experience requirement cannot also be applied to the education requirement.

(6) Exemptions

In the event an applicant for Group III or IV certification cannot meet the minimum college education requirements or equivalents set forth in subsections (3), (4), and (5) of this section, the board shall consider the applicants eligibility for certification using the following substitution formula:

After providing verification of a high school diploma or GED, Group III and IV applicants may substitute three years of excess operating experience in a wastewater treatment plant with a classification rating not less than one classification lower than the level of certification desired, for one year of college — no limit.

(7) If no examination is required, the wastewater certification program coordinator shall present the application to the board for consideration. The board shall make a recommendation to the director regarding the approval or denial of the request for certification.

(8) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(9) If an examination is required, the wastewater certification program coordinator shall notify, schedule, and examine all applicants for certification.)) There are five levels of certification offered by the department to individuals who meet minimum qualifications. Those minimum qualifications include required levels of education and experience.

PROPOSED

<u>Certification level</u>	<u>Education required</u>	<u>Experience required</u>	<u>Substitutions allowed for education</u>	<u>Substitutions allowed for experience</u>
Operator-in-Training	High school diploma or GED	3 months	One year of excess operating experience may be used for one year of high school and/or two years of grade school.	May use 3 credits or CEUs in course work related to wastewater treatment plant operation for experience.
Group I	High school diploma or GED	1 year	One year of excess operating experience may be used for one year of high school and/or two years of grade school.	None.
Group II	High school diploma or GED	3 years	One year of excess operating experience may be used for one year of high school and/or two years of grade school.	May use relevant work experience or credits or CEUs for half of the operating experience.
Group III	High school diploma or GED and 2 years of college (90 credits or CEUs)	4 years with at least 2 years operating experience at a Class II plant	May use excess operating experience for college at a rate of one year of excess operating experience for half of the college (one year). Three years of excess operating experience may be used for the second year of college.	May use relevant work experience and/or excess credits for half of the operating experience.
Group IV	High school diploma or GED and 4 years of college (180 credits or CEUs)	4 years with at least 2 years at a Class III plant	May use excess operating experience for college at a rate of one year of excess operating experience for one year of college for up to half of the college (two years). Three years of excess operating experience may be substituted for one year of college. This rate may be used for the remaining two years of college.	May use excess operating experience for credits. May use related work experience and/or excess credits for half of the operating experience.

Relevant work experience may be substituted for up to one-half of the operating experience required to qualify for the Group II, III and IV levels. This includes environmental or operations consultant; environmental or an engineering branch of federal, state, county, or local government; wastewater collection system operator; water distribution system operator and/or manager; wastewater pump station operator; or water treatment plant operator. Other related work experience may include building and equipment maintenance, boiler operation, machinist, laboratory technician, engineer-

ing, welding, or other related fields on a case-by-case basis with a written description of the duties performed on the job by the applicant.

College substituted for an operating experience requirement cannot also be applied to the education requirement.

NEW SECTION

WAC 173-230-065 How do I apply? Any person seeking certification must submit a completed application and

fees to the department. Application forms are available from the wastewater certification program coordinator.

Applicants must meet minimum education and experience requirements to be eligible for examination or reciprocity. Applicants accepted for examination will be scheduled and notified of the date, place, time, and cost of the examination.

If the application is denied, the applicant will be notified of the reason for the denial.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-070 Examination. (1) The ~~((board shall prepare written examinations to be used in determining))~~ department will use written examinations to determine the competency of operators. If examinations are prepared by an organization other than the department, the applicant must pay any costs associated with the use of the exam.

(2) Examinations ~~((shall))~~ will be held at least three times annually at places and times set by the ~~((board))~~ department. ~~((These examinations shall be held on the first Monday of February, June, and October each year. In the event the exam date falls on a holiday, the examination shall be rescheduled by the wastewater certification program coordinator.))~~

(3) ~~((All examinations shall be graded by the wastewater certification program coordinator and))~~ The wastewater certification program coordinator or designee will score all exams. The applicant ~~((shall))~~ will be notified of the score ~~((attained and pass or fail)).~~ Examinations ~~((shall))~~ will not be returned to the applicant.

(4) ~~((An applicant who fails to pass an examination may be reexamined at the next scheduled examination with no additional application or fee.))~~ Certificates will be issued to applicants who pass a written examination.

(5) An applicant who fails to pass ~~((a second))~~ the examination ~~((as provided for in WAC 173-230-070(4))~~ must reapply for further examination ~~((as provided for in WAC 173-230-090(2))~~). No individual will be allowed to retake the same examination more than twice consecutively. ~~((After two consecutive examinations, one examination period must be skipped.))~~

(6) ~~The board shall forward its recommendations for certification of those examined to the director.))~~

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-080 Certificate term and renewal ~~((s))~~ conditions. An owner may request a temporary certificate for an individual when the designated certified operator unexpectedly terminates employment. This request must be made in writing to the wastewater certification coordinator and must include an application and fee. The department may issue a temporary certificate at its discretion. A temporary certificate may not exceed a one-year period, is nonrenewable, and cannot be transferred to another individual.

(1) Except ~~((as provided for in WAC 173-230-050 (2)(e),~~ the term for any certificate or renewal thereof shall be

~~from the first of January of the year of issuance until the thirty-first of))~~ for a temporary certificate, a certificate is valid from January 1 until December 31 of the same year or the year designated by the department.

(2) Except ~~((as provided in WAC 173-230-050 (2)(e), and))~~ for a temporary certificate, a certificate ~~((s shall be))~~ is renewable ~~((upon presentation of evidence that))~~ only when the certificate holder demonstrates and provides documentation to the department of continued professional growth in the field. The department ~~((shall))~~ will mail renewal notices to all certificate holders eligible ~~((for renewal prior to the date))~~ to renew before the certificate expires.

(3) ~~((In order to demonstrate continued professional growth in the field.))~~ Each certificate holder must accomplish one of the following activities during a three-year period ending December 31, 1979, and each three-year period ~~((thereafter))~~ after that date.

(a) Accumulate a minimum of three CEUs or college credits in coursework relevant to the field;

(b) Advance by exam to a higher level of certification in Washington's wastewater treatment plant operator's certification program. Advancement from OIT to Group I certification ~~((shall))~~ will not fulfill this requirement;

(c) Achieve certification by examination in the waterworks certification program administered by the Washington department of ~~((social and))~~ health ~~((services))~~ in the water treatment plant operator, water distribution manager, or the cross connection control specialist classifications;

(d) ~~((Achieve certification by examination in a different classification of the waterworks certification program administered by DSHS as shown below:~~

- ~~Water Distribution Manager (WDM) to Water Treatment Plant Operator (WTPO)~~
- ~~WTPO to WDM~~
- ~~Water Distribution Specialist (WDS) to WDM or WTPO~~
- ~~Cross Connection Control Specialist (CCS) to WDM or WTPO or WDS;~~

~~((e) On or after January 1, 1989,))~~ Achieve certification by examination or advance by examination to a higher level in Washington's voluntary wastewater collection system operator's certification program administered by the Washington Wastewater Collection System Personnel Association. ~~((Advancement from the in-training certification classification to the Level 1 classification shall not fulfill this requirement.))~~

(4) It is the responsibility of each certificate holder to ~~((satisfy))~~ meet the ~~((continued))~~ professional growth requirement ~~((on or))~~ and document to the department before December 31 of the last year of the three-year period described in subsection (3) of this section. The department ~~((shall))~~ will mail a written notice to each certificate holder who has not fulfilled the continued professional growth requirement. If this requirement is not satisfied, the certificate ~~((shall))~~ is not ~~((be))~~ renewable. Failure to renew a certificate for any reason ~~((shall))~~ will be handled as described in WAC 173-230-100.

(5) ~~((On and after January 1, 1989,))~~ The department may collect renewal fees for a period not to exceed three calendar years. The department ~~((shall))~~ will notify certificate holders who are eligible for renewal as described in subsec-

tion (2) of this section the amount of fees owed and the date ~~((by which))~~ the fees must be paid.

AMENDATORY SECTION (Amending Order 90-61, filed 6/17/91, effective 7/18/91)

WAC 173-230-090 Fees. (1) ~~((Except for applications for certificates under WAC 173-230-050 (2)(a),))~~ Applications for certification by examination or reciprocity or a temporary certificate will be accepted for processing only when accompanied by a fee of fifty dollars. ~~((Applications for certification by reciprocity will be accepted for processing only when accompanied by a fee of fifty dollars.))~~

(2) ~~((Except as provided under WAC 173-230-070(4),))~~ Applications for reexamination will be accepted for processing only when accompanied by an application fee ~~((of fifty dollars)).~~ The department may waive a portion of the application fee for reexamination.

(3) ~~((In the event an application for certification is denied, the department may reimburse up to half the fee amount provided the department receives a written request for reimbursement within thirty days after the letter of denial is mailed.))~~ Application fees are nonrefundable.

(4) Applications for certificate renewals will be accepted for processing only when accompanied by a renewal fee of thirty dollars for each year of renewal.

(5) All receipts ~~((hereunder shall))~~ will be paid into the state general fund.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-100 Suspension and revocation of a certificate. (1) When a certificate is not renewed, ~~((such certificate, upon notice by the director, shall be))~~ the director will notify the certificate holder that the certificate is suspended for sixty days. If ~~((renewal of))~~ the certificate is not ~~((completed))~~ renewed during the suspension period, the director ~~((shall))~~ will mail a written notice of revocation to the ~~((certificate holder's employer))~~ owner of the wastewater treatment plant employing the individual as last known by the department and to the certificate holder at the address last known by the department. ~~((This))~~ The notice of revocation ((shall)) mailed to the certificate holder will be sent by certified mail. If, during the revocation notice period, the certificate is not renewed, the certificate ~~((shall))~~ will be revoked ten days after ~~((such))~~ the notice is mailed.

(2) Certificates may also be revoked when ~~((the board so recommends to))~~ the director ~~((, upon finding))~~ finds:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation ~~((shall))~~ will be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, ~~((has))~~ been advised of the ~~((grounds therefor))~~ reason and ~~((has))~~ been given an oppor-

tunity to appear before the ~~((board))~~ director and be heard on the matter.

(4) ~~((Whenever an individual's certificate is revoked, the individual shall not be certified again until he or she has applied for certification pursuant to WAC 173-230-061 paid the application fee, and passed the written examination for the classification of certification desired.))~~ A certificate will be suspended immediately when the director is notified by the department of social and health services that a person is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, the certificate will be reissued when the director is notified by the department of social and health services that the person is in compliance with the order.

If a certificate is revoked, the individual must meet all conditions of certification including application fees, and passing a written examination.

(5) If revocation was made ~~((pursuant))~~ due to subsection (2) of this section, the operator ~~((shall))~~ will not be eligible to reapply for a certificate for one year from the date the revocation became final.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-110 Reciprocity. The director may ~~((with the approval of the board,))~~ waive examinations for applicants holding valid wastewater treatment plant operators certificates or licenses issued by other states having equivalent standards as determined by the ~~((board))~~ department or its designee.

(1) Applications for reciprocity will be considered for approval only when the department receives ~~((written))~~ confirmation from the certifying authority of the state or province in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the ~~((board))~~ department or its designee.

(2) ~~((The board shall review and compare out of state examinations with Washington's exams to determine at which level the exam is most equivalent.))~~

~~((3))~~ Certificates ~~((shall))~~ will be issued to each reciprocity applicant who meets the minimum education and experience requirements ~~((set forth in WAC 173-230-061))~~ for the certification level requested and who passes a written examination comparable to Washington's exam as determined ~~((by the board))~~ and approved by the director.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-120 Appeals. Decisions of the director under this chapter may be appealed within thirty days from the date of notice ~~((thereof))~~ to the pollution control hearings board ~~((pursuant to))~~ as required by chapter 43.21B RCW and chapter 371-08 WAC.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-130 Violations. Violation of this chapter is a misdemeanor. Each day of operation in violation ((hereof)) constitutes a separate offense. Upon conviction, violators are subject to fines not exceeding one hundred dollars for each offense. Injunctions may be obtained for continuing violations.

AMENDATORY SECTION (Amending Order 87-36, filed 10/23/87)

WAC 173-230-140 Classification of wastewater treatment plants. ((Wastewater treatment plants are classified in four groups, according to the total point rating as derived from the items listed below. Assignment of points for wastewater treatment plants shall be made by the director.

- (1) **PLANT CLASS:**
 - (a) Class I 1-25 total points.
 - (b) Class II 26-50 total points.
 - (c) Class III 51-70 total points.
 - (d) Class IV 71 or more total points.
- (2) **DESIGN FLOW** 1 per 5 mgd, not to exceed 20 points
 (Example: 5 mgd and less = 1 point; 5.1 to 10 mgd = 2 points, etc.)
- (3) **POPULATION EQUIVALENT (P.E.)** 1 per 5,000 P.E., not to exceed 20 points

$$PE = \frac{(\text{Flow, mgd})(\text{BOD, mg/L})(8.34 \text{ lbs/gal})}{0.2 \text{ lbs BOD/person/day}}$$
- (4) **PRETREATMENT UNITS**
 - (a) Manually cleaned screens 1
 - (b) Mechanically cleaned screens 2
 - (c) Grit removal 3
 - (d) Preaeration 1
 - (e) Comminutor, barminutors, grinders, etc. 1
 - (f) Plant pumping 3
- (5) **PRIMARY TREATMENT UNITS**
 - (a) Imhoff tanks, spirogesters, Clarigesters, etc. 3
 - (b) Primary clarifiers 5
 - (c) Primary clarifiers utilizing settling aid chemicals 9
- (6) **SECONDARY TREATMENT UNITS**
 - (a) Trickling filter (without recirculation) 5
 - (b) Trickling filter (with recirculation) 7
 - (c) Activated sludge
 - (i) Mechanical aeration 8

- (ii) Diffused or dispersed air 10
- (iii) Oxidation ditch 8
- (iv) Pure oxygen 13
- (d) Stabilization ponds 5
- (e) Stabilization ponds with aeration 7
- (f) Secondary clarifiers 5
- (7) **TERTIARY TREATMENT UNITS**
 - (a) Polishing pond 2
 - (b) Land disposal of effluent 5
 - (c) Chemical treatment for phosphorus-removal 5
 - (d) Activated carbon beds (with carbon regeneration) 10
 - (e) Activated carbon beds (without carbon regeneration) 8
 - (f) Sand or mixed-media filters 4
 - (g) Other nutrient removal processes following secondary treatment 10
- (8) **DISINFECTION** 4
- (9) **SLUDGE TREATMENT**
 - (a) Sludge digesters (anaerobic) 4
 - (i) If heated, add 3
 - (ii) If mechanically or gas mixed, add 2
 - (b) Sludge digesters (aerobic) 6
 - (c) Drying beds or evaporation lagoons 2
 - (d) Thickener clarifier 5
 - (e) Vacuum filter 7
 - (f) Centrifuge 7
 - (g) Incinerator 10
 - (h) Utilizing digester gas for other than heating purposes 3

When a wastewater treatment plant handles a complex waste or a unique treatment process that is not reflected in the classification system, the director upon recommendations of the board may establish a classification consistent with the intent of the above classification system. The director must classify all wastewater treatment plants according to the following criteria.

Treatment type	Design flow MGD	Classification
Primary	≤ 1	I
	≥ 1 ≤ 10	II
	≥ 10 ≤ 20	III
	≥ 20	IV

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Treatment type	Design flow MGD	Classification
Lagoon (Non-aerated)	All	I
Lagoon (Aerated)	≤ 1	I
	≥ 1	II
Biofiltration	≤ 1	II
	> 1 ≤ 10	III
	≥ 10	IV
Extended aeration	≤ 5	II
	≥ 5	III
Activated sludge	≤ 1	II
	> 1 ≤ 10	III
	≥ 10	IV
Wetlands	≤ 1	I
	> 1 ≤ 5	II
	≥ 5	III
Tertiary	≤ 5	III
	≥ 5	IV

Plants may be classified in a group different than indicated in this section if:

- (1) They have characteristics that make operation more difficult than other similar plants of the same flow range; or
- (2) The conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control; or
- (3) They use an approved method of wastewater treatment that is not included in this section.

Beginning January 2000, the department may issue a one-time provisional certificate to the certified operator in charge of a plant or the certified operator in charge of a shift at the plant only if the plant's rating level increased solely due to the adoption of the treatment type and design flow rating system. The provisional certificate will not apply if the rating of a plant increases due to an upgrade, to a change to treatment processes, or to flow. The provisional certificate will be issued only for the operation of a specific plant and may not be transferred if that certified operator leaves employment with that plant.

The holder of a provisional certificate must continue to meet all certificate renewal requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-230-030 Duties of the board.
- WAC 173-230-050 Certification prerequisites.

**WSR 99-12-083
PROPOSED RULES
STATE BOARD OF HEALTH**

[Filed May 28, 1999, 3:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-19-089 on September 23, 1998.

Title of Rule: Chapter 246-100 WAC, HIV surveillance.
Purpose: This rule institutes reporting of asymptomatic HIV infection, contains provisions to safeguard confidentiality, and ensures access to anonymous HIV testing.

Statutory Authority for Adoption: RCW 70.24.125.

Statute Being Implemented: RCW 70.24.125.

Summary: This rule institutes reporting of asymptomatic HIV infection, contains provisions to safeguard confidentiality, and ensures access to anonymous HIV testing.

Reasons Supporting Proposal: Because of the advent of new medical therapies, AIDS case reporting alone does not provide the information that public health officials need in order to understand the course of the HIV/AIDS epidemic in our state, plan and conduct effective HIV prevention programs or efficiently carry out disease control measures.

Name of Agency Personnel Responsible for Drafting: John Peppert, P.O. Box 47840, Olympia, WA 98504-7840, (360) 236-3427; Implementation: Chris Spitters, P.O. Box 47840, Olympia, WA 98504-7844, (360) 236-3416; and Enforcement: Jack Jourden, P.O. Box 47840, Olympia, WA 98504-7844, (360) 236-3466.

Name of Proponent: Washington State 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 rule requires (1) reporting of asymptomatic HIV disease, in addition to the currently reportable symptomatic HIV infection by health care providers and others with a duty to report; (2) laboratories to report certain tests indicative of HIV infection; (3) local and state health officers take measures to protect the confidentiality of those reports; (4) persons considering HIV testing to be notified of testing options and reporting requirements; (5) local health officers to provide reasonable access to anonymous HIV testing; and (6) the state health officer to provide a report on the HIV surveillance system. The purpose of the rule is to provide the information that public health officials need in order to understand the course of the HIV/AIDS epidemic in our state, plan and conduct effective HIV prevention programs or efficiently carry out disease control measures. The anticipated effects include receipt of additional reports by public health

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officials and better targeting and use of HIV prevention resources. Some persons may be deterred from confidential HIV testing because of the reporting requirements.

Proposal Changes the Following Existing Rules: This rule institutes reporting of asymptomatic HIV infection, contains provisions to safeguard confidentiality, and ensures access to anonymous HIV testing.

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

Small Business Economic Impact Statement

Background: Infection with human immunodeficiency virus (HIV) causes significant morbidity and mortality among Washington state residents. In 1996, it accounted for: 177 (15%) deaths among men 35-44 years of age; 87 (13%) deaths among men 25-34; and 11 (4%) deaths among women 25-34.¹ HIV deaths totaled the fifth greatest number of productive life-years lost before age 65, following unintentional injury, cancer, heart disease, and suicide. The majority of HIV infections result from unprotected sexual intercourse with an HIV-infected partner or sharing HIV-contaminated drug injection equipment. The public health system works to modify behaviors that create HIV transmission risks. One obstacle to this effort is people's ignorance about their own infection status. The Centers for Disease Control and Prevention (CDC) currently estimate that up to one-third of HIV-infected persons are not aware of their serostatus.²

One way to redress this ignorance is through partner notification (PN), a process through which individuals are notified of their exposure to a sexually transmitted disease, including HIV, and referred for counseling, testing, and appropriate treatment. Trained staff within local health departments perform PN activities. However, early in the HIV/AIDS epidemic the Washington State Department of Health (DOH) made a policy decision against implementing an HIV reporting system.³ The absence of effective treatments along with public concerns about individual privacy, discrimination, and the stigma of being identified as HIV positive contributed to DOH's decision. The absence of an HIV surveillance system constrained DOH's efforts towards partner notification, case management, and other medical and social support services.

The introduction of antiretroviral therapies in 1995, including protease inhibitors, changed the AIDS epidemic. The new therapies reduce viral loads and delay the progression to AIDS and death among HIV-infected individuals. As a result, newly diagnosed AIDS cases declined 31% between 1993 and 1996, and deaths declined 28% between 1995 and 1996 in Washington state.⁴ At the same time, the number of persons living with AIDS increased 31% between 1996 (2,697 as of January 1996) and 1998 (3,527 as of January 1999).⁵

The development of effective antiretroviral treatment has rekindled the department's interest in establishing an HIV surveillance system. Antiretroviral drugs are especially effective at slowing the progression of the disease when given soon after HIV infection.^{6,7} Medical authorities advocate treating persons at the earliest stage of infection, i.e., during primary HIV infection.^{8,9} Reporting of positive HIV test results would allow DOH to renew PN efforts and,

through early intervention, improve the health prospects of those exposed to the disease.

The new therapies have also made AIDS case reporting an unreliable indicator of underlying trends in HIV infection. Twenty-five states with name-based HIV reporting in addition to AIDS surveillance report that declines in AIDS incidence have not been accompanied by comparable declines in HIV incidence.¹⁰ HIV reporting could help DOH and other public health agencies to monitor the scope of the epidemic, guide the allocation of care and prevention resources, and evaluate the effectiveness of alternative prevention and treatment activities.

Is an SBEIS necessary? Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The act defines a business as any "...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...." Thus, the department is not required to assess the cost that a rule may impose on a public or nonprofit institution. This exemption is important for this proposed rule since a significant portion of the burden falls on public entities. The department has identified the following types of entities as affected by the proposed rule.

- a. **Laboratories.** The costs of generating and transmitting reports of positive HIV test results,
- b. **Providers.** The costs (to physicians, infection control practitioners, other medical care providers) of completing case reports,
- c. **Local Health Jurisdictions.** The costs of conducting follow-up investigations with providers to obtain completed case reports and to store these case reports securely,
- d. **DOH.** The costs of processing and maintaining confidential HIV case reports and of performing surveillance activities for counties with inadequate surveillance capacity, and
- e. **HIV-Infected Persons.** The potential costs of not being tested if the reporting system becomes a deterrent to testing.

Of these entities, only laboratories and providers meet the definition of a business seeking to make a profit. The "more than minor" thresholds for laboratories and providers are \$300 and \$240, respectively.¹¹

The first step in determining the cost of the proposed regulations to laboratories and providers is to project the annual number of positive HIV test results occurring in Washington state.

1. HIV Assumptions: Incidence, Prevalence, Number of HIV Infections Diagnosed, Number Newly Diagnosed Each Year: The department anticipates that approximately 600 new (incident) infections occur each year in Washington state. This number, derived in 1995, is based on AIDS cases reported nationally, adjusted for the proportion of total United States cases reported among Washington state residents.¹² Prior to 1996 and the introduction of potent antiretroviral therapy, trends among AIDS cases suggested that infections among men who have sex with men (MSM) had

begun to decline from late 1980's levels in Washington state. But current trends in AIDS cases also show an increase in infections among women, injection drug users, and persons exposed through heterosexual contact.^{13, 14} HIV incidence data in states with HIV reporting show that, while the demographic characteristics and risk behaviors of newly infected persons may have changed, overall rates of infection have not declined; therefore, the Washington state rate is assumed to be similar to the rate estimated in 1995.

The department used a formula published by CDC to estimate that approximately 12,000 of Washington citizens currently live with HIV, of whom 3,500 have AIDS (see Table 1 for a county-by-county breakdown).¹⁵ This leaves about 8,500 persons living with HIV but not AIDS. The department projects that about 6,860 infected persons know of their HIV status (see Table 1). This translates to roughly 81% of the infected population—a rate that is higher than CDC's 67% national estimate. The department arrived at this figure by adjusting each county's "knowledge of risk" based on risk, gender distribution of cases, and when the HIV epidemic was first identified in the county. Specifically, DOH assumed a high "knowledge of risk" factor in counties with a high proportion of cases among gay and bisexual men. A telephone survey of gay and bisexual men in Seattle found

that 82% had been tested for HIV.¹⁶ Reasoning that knowledge of HIV/AIDS and risk factors is similar in other urban areas, DOH presumed that 80-85% of persons living with HIV in urban areas know of their infections. The department also reasoned that people in rural counties and counties with a high proportion of cases among women and persons exposed through heterosexual contact have a lower "knowledge of risk."

The department based the estimates presented in Table 1 on adjusted "knowledge of risk" considerations.

The department based estimates of the annual number of HIV infections diagnosed each year on a survey of laboratories conducting Western Blot (WB) antibody tests - the principal confirmatory test used to diagnose HIV infection. The department projects between 800-900 individuals will have newly diagnosed HIV infections each year. These cases include both incident (new) HIV infections and prevalent (old) infections which, for whatever reason, are being diagnosed for the first time.

Table 1. Estimated number of persons living with AIDS and HIV, persons with diagnosed infections, and persons with newly diagnosed HIV infections

County	Persons Living with AIDS	Persons Living with HIV (includes AIDS)	Newly Diagnosed HIV (WB)	Persons Living with HIV (excludes AIDS)	Persons Diagnosed with HIV (not AIDS)
ADAMS	2	7	0	5	3
ASOTIN	7	24	2	17	12
BENTON-FRANKLIN	39	133	9	94	65
CHELAN/DOUGLAS	10	34	2	24	17
CLALLAM	19	65	5	46	36
COLUMBIA	1	3	0	2	2
COWLITZ	34	116	8	82	65
FERRY	2	7	0	5	4
GRANT	7	24	2	17	11
GRAYS HARBOR	16	54	4	38	30
ISLAND	17	58	4	41	35
JEFFERSON	9	31	2	22	18
KING	2219	7550	532	5331	4400
KITSAP	55	187	13	132	105
KITTITAS	6	20	1	14	10
KLICKITAT	2	7	0	5	4
LEWIS	9	31	2	22	18
LINCOLN	0	12	0	12	4
MASON	40	136	10	96	82
OKANOGAN	10	34	2	24	17
PACIFIC	3	10	1	7	6
PEND OREILLE	4	14	1	10	7
PIERCE	321	1092	77	771	614
SAN JUAN	5	17	1	12	10
SKAGIT	15	51	4	36	29
SNOHOMISH	193	657	46	464	369
SOUTHWEST WA	131	446	31	315	250
SPOKANE	141	480	34	339	259
STEVENS	8	27	2	19	14
THURSTON	58	197	14	139	111

WAHKLAKUM	1	3	0	2	2
WALLA WALLA	24	82	6	58	40
WHATCOM	60	204	14	144	114
WHITMAN	3	10	1	7	6
YAKIMA	56	191	13	135	94
TOTAL	3,527	12,014	842	8,487	6,860

2. Laboratory Costs: Number of Laboratories Reporting, Number of Tests, Time Required for Reporting of Results: According to a recent survey by DOH's Infectious Disease and Reproductive Health Assessment Unit, twenty-one laboratories perform HIV Western Blot (WB) antibody testing in Washington state. This number excludes public health laboratories, where anonymous HIV testing is conducted for public counseling and testing sites. Of these laboratories, ten also currently conduct CD4 lymphocyte testing and report their AIDS-defining results, by coded patient identifier, to DOH on a monthly or quarterly basis. During the 4th quarter of 1998, these ten laboratories performed 73.5% of all HIV positive WB antibody tests.

To estimate the laboratory cost of name-based HIV reporting, DOH staff interviewed knowledgeable representatives of nine of these laboratories. The representatives predicted the number of HIV antigen (viral load) and reportable CD4 tests performed annually, as well as the time required to report each positive result by name. These laboratories use computer programs to identify reportable tests and generate the required disease reports for DOH. The standard for

reporting for other reportable diseases is by name, and with the advent of coded CD4 reporting in 1993, laboratories were required to alter their computer programs to address this anomaly. The proposed amendments would replace reporting by code with name-based reporting, and would thereby simplify and standardize the reporting process.

Results of the survey indicated that laboratories spend an average of two minutes per test result reported. Staff time spent on this effort was calculated at \$20/hour (including overhead and benefits). The resultant costs per laboratory for CD4, HIV antibody, and viral load test results are shown in Table 2. The department assumes that the cost to laboratories of the proposed name-to-code conversion system would be similar to this standard name-based model. The proposed rule would require laboratories to report HIV positive test results by name and local health departments to convert the names-to-code. The annual cost to laboratories of a confidential named system of HIV reporting varies between \$287 and \$6,401 per year. The cost to implement the proposed standards generally exceeds \$300 threshold and, therefore, an SBEIS is required.

Table 2. Estimated volume of laboratory reports and costs for named HIV reporting, including AIDS. Assumes the costs to laboratories of a name-to-code conversion system would be similar.

Laboratory	1	2	3	4	5	6	7	8	9
Cost per Reportable CD4 Specimen	\$0.67	\$0.67	\$0.67	\$0.67	\$0.67	\$0.67	\$0.67	\$0.67	\$0.67
Positive CD4 Tests per Year†	622	496	148	254	324	1292	112	1874	784
Cost of Named CD4 Reporting	\$417	\$332	\$99	\$170	\$217	\$866	\$75	\$1,256	\$525
Annual HIV Viral Load Tests	3096	1844	475	480	1188	2250	312	7200	1960
Cost of Named Viral Load Reporting	\$2,074	\$1,235	\$318	\$322	\$796	\$1,508	\$209	\$4,824	\$1,313
Positive WB Tests per Year‡	68	28	4	16	40	80	4	480	48
Cost of Named Western Blot Reporting	\$46	\$19	\$3	\$11	\$27	\$54	\$3	\$322	\$32
Total Cost of all HIV-associated Test Reporting	\$2,537	\$1,587	\$420	\$503	\$1,040	\$2,427	\$287	\$6,401	\$1,871

† Estimated as annualized average of 1st and 4th quarters of 1997

‡ Estimated as annualized number of positive Western Blot tests 1st quarter 1998

3. Cost to Providers: Time Required for Completing Case Reports, Number of Reports, Number of Unnecessary Case Report Investigations: The department asked four AIDS disease investigators at the Seattle-King County Department of Public Health and DOH to independently estimate the average length of time it takes a provider to complete a named AIDS case report. Each estimated that a case report could typically be completed in fifteen minutes. The department assumes that a named HIV report would take the same amount of time since similar information is required. Assuming a staff time cost of \$20/hour (physicians regularly delegate their reporting authority to office staff), the provider cost per completed case report is estimated at \$5/report.¹⁷ The proposed rule would impose three categories of costs on pro-

viders: Costs associated with the number of HIV-infected persons identified through Western Blot (WB) testing (i.e., newly diagnosed cases); the number of HIV-infected persons identified through viral load testing; and the self-initiated reporting by providers of patients receiving HIV-related care (i.e., prevalent cases). As illustrated in Table 1, DOH predicts that 842 persons are likely to be newly diagnosed with HIV each year in Washington state.

Table 3 shows the estimated costs of a name-to-code system of HIV reporting for four modeled scenarios. Each model presents a different assumption about the proportion of infected individuals who seek care, the number of incident HIV infections averted through targeted prevention activities, and the proportion of prevalent cases who are in care and who are reported. For example, Model 1 assumes that 80% of cases are in care and 85% of these cases are reported during Year 1 of a name-to-code system of HIV reporting, the cost

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to providers is estimated to be \$29,077. This is a maximum estimate of reported cases, since it reflects a higher proportion of cases who seek care than has been reported nationally,¹⁸ and it reflects a completeness of case reporting similar to that achieved with the implementation of CD4 reporting in Washington state in 1993.

Model 2 assumes that 65% of cases are in care and 65% of these cases are reported during Year 1 of a name-to-code system of HIV reporting, the cost to providers is estimated to be \$19,747. This model reflects the national rate of cases who seek care and a relatively high level of case reporting. Model 3 assumes that 46% of cases are in care and 30% of these cases are reported, the cost to providers is estimated to be \$9,446. This estimate assumes fewer cases who seek care than current national and state levels and a moderate level of case reporting.

The department finds the levels of case reporting assumed in Models 1, 2, and 3 to be too high. Neither DOH or local health jurisdictions have the staff capacity to handle all these reports in the first year. For this reason, the reporting by laboratories of viral load test results - which will trigger the investigations leading to the majority of reports of prevalent cases - will be phased in as capacity allows. The department does anticipate that 65% of infected individuals will seek care, a level on par with the current proportion.

As a result of these considerations, DOH anticipates that Model 4 gives the most likely estimate of provider costs. Model 4 assumes that 65% of cases are in care and 10-15% of these cases will be reported in Year 1. Under these assumptions, the cost to providers is estimated to be approximately \$6,801, or \$6,679 when annualized over five years.

Table 3. Estimated provider cost for four models of a name-to-code HIV reporting system

	Model 1	Model 2	Model 3	Model 4
Total Cases Reported				
Year 1	5507	3740	1789	1288
Year 2	2335	2516	1658	1256
Year 3	1320	1809	1545	1226
Year 4	995	1400	1448	1197
Year 5	891	1164	1365	1171
Provider Cost per Case Report	\$5	\$5	\$5	\$5
Annual Cost of Named HIV/AIDS Reporting				
Year 1	\$27,535	\$18,700	\$8,945	\$6,440
Year 2	\$11,675	\$12,580	\$8,290	\$6,280
Year 3	\$6,600	\$9,045	\$7,725	\$6,130
Year 4	\$4,975	\$7,000	\$7,240	\$5,985
Year 5	\$4,455	\$5,820	\$6,825	\$5,855
Provider Cost per Unnecessary Investigation	\$1	\$1	\$1	\$1
Cost of Unnecessary Investigations				
Year 1 (7% of Lab Reports)	\$1,542	\$1,047	\$501	\$361
Year 2 (9% of Lab Reports)	\$841	\$906	\$597	\$452
Year 3 (11% of Lab Reports)	\$581	\$796	\$680	\$539
Year 4 (13% of Lab Reports)	\$517	\$728	\$753	\$622
Year 5 (15% of Lab Reports)	\$535	\$698	\$819	\$703
Provider Cost for Completed Reports and Unnecessary Investigations				
Year 1	\$29,077	\$19,747	\$9,446	\$6,801
Year 2	\$12,516	\$13,486	\$8,887	\$6,732
Year 3	\$7,181	\$9,841	\$8,405	\$6,669
Year 4	\$5,492	\$7,728	\$7,993	\$6,607
Year 5	\$4,990	\$6,516	\$7,644	\$6,558
Annualized Provider Cost for Completed Reports and Unnecessary Investigations	\$12,398	\$11,781	\$8,519	\$6,679

Estimating the cost to individual providers is very difficult because of the significant variation in provider size and the communities they serve. On average this proposed rule would cost providers well less than \$240 since hundreds of providers operate in Washington state and the total reporting cost of all providers is estimated at about \$6,700. However, some providers will face more than \$240. For example, an individual practitioner specializing in treating HIV/AIDS patients could have costs substantially higher than \$240. On the other hand, reporting costs for a large provider in a rural

setting with minimal HIV prevalence will likely be well less than \$240 per year. Since some providers will face more than \$240 an SBEIS is required for this business category.

Does the proposed rule affect both large and small businesses? With certain restrictions the act requires the government agencies to provide regulatory relief whenever a rule imposes a disproportionate cost burden on small businesses. The act defines a small business as one that employs less than fifty individuals. The department looked to its records and determined that thirty-two laboratories conduct

HIV/AIDS tests in Washington state.¹⁹ The number of testing personnel at these laboratories ranges from 1 to 297 - eighteen labs have fewer than fifty people and fourteen have over fifty people. Therefore, the proposed rule will clearly affect both large and small laboratories.

With regard to providers, DOH did not find specific information about the employment patterns of providers who would likely be affected by this proposed rule. Nevertheless, DOH is aware that providers span a range of sizes; from individuals in sole practices to large managed care companies. Therefore, DOH believes it reasonable to assume that the proposed rule will affect both large and small providers.

Does the proposed rule impose disproportionate cost on small businesses? The act provides specific direction to agencies on how to determine if a proposed regulation imposes disproportionate costs on small business (RCW 19.85.040(1)).

Table 4. Per Employee Laboratory cost of Reporting HIV Positive Test Results

Laboratory	1	2	3	4	5	6	7	8	9
Annual HIV Viral Load Tests	3096	1844	475	480	1188	2250	312	7200	1960
Total Cost of HIV-associated Test Reporting (from Table 2)	\$2,537	\$1,587	\$420	\$503	\$1,040	\$2,427	\$287	\$6,401	\$1,871
Employment	68	53	297	140	87	205	109	16	129
Cost Per Employee	\$37.31	\$29.94	\$1.41	\$3.59	\$11.95	\$11.84	\$2.63	\$400.06	\$14.50

The department finds that on a cost per hour of labor basis, the proposed rule would not impose a disproportionate cost impact on small providers. To make this finding, DOH considered the cost of reporting relative to the time required to draw and prepare a specimen for an HIV WB test. The WB test has standardized protocols for preparing a specimen.²⁰ Therefore, DOH presumed that the time to draw and prepare the specimen would be similar at large and small institutions. Consideration of economics of scale (i.e., efficiency gains resulting from drawing many samples) does not change this presumption. As Table 4 illustrates, some small providers conduct a high number of tests while some large providers do not. Therefore, including consideration of economics of scale provides no clear direction regarding the relative cost of drawing a specimen at large and small providers. Similarly, DOH reasoned that including consideration of economics of scale provides no clear direction as to whether named reporting is more or less expensive for small providers. Based on this reasoning, DOH concluded that the proposed rule does not impose disproportionate costs on small providers. Therefore, the department is not obligated to provide relief for this category of businesses.

What Regulatory Mitigation is Provided? This assessment found that the proposed rule will impose disproportionately higher costs on small laboratories. Requirements of the Regulatory Fairness Act are very specific in this situation.²¹

"Based upon the extent of the disproportionate impact on small business... the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

"To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- a) Cost per employee;
- b) Cost per hour of labor; or
- c) Cost per one hundred dollars of sales."

On a cost per employee basis, the proposed regulation would affect small laboratories significantly more than large laboratories. According to the data available, the one laboratory with fewer than fifty employees would face substantially higher compliance costs than the larger laboratories on a per employee basis than large laboratories. Based on this finding DOH must provide relief for small businesses in this business category, if legal and feasible.

- a) Reducing, modifying, or eliminating substantive regulatory requirements;
- b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- c) Reducing the frequency of inspections;
- d) Delaying compliance timetables;
- e) Reducing or modifying fine schedules for noncompliance; or
- f) Any other mitigation techniques."

To mitigate the impact of this new requirement, DOH will phase in the reporting of HIV antigen (viral load) test results over a 1-3 year period. The schedule for any individual laboratory will depend on its ability to comply with the new regulation. (The department will determine ability to comply using a survey of all laboratories.) The department anticipates that small laboratories will generally have more difficulty reporting viral loading and therefore, quality for the longest phase-in period. Phasing-in the requirement to report HIV antigen tests will provide significant relief to laboratories since as many as 40,000 of these tests are annually performed in Washington state. (By contrast, fewer than 850 positive Western Blot tests are performed annually.)

The department will also work collaboratively with laboratories to identify and implement the most cost-effective means of reporting viral load test results, including the use of electronic media, pre-packaged data entry screens and transmittal software, and encryption software. Individual laboratories will not be required to report the results of viral load tests until there is mutual agreement that this can be accomplished without undue hardship and without compromising the security of the data. The reporting requirement will be enacted on a case-by-case basis as these conditions are satisfied, "upon written request of the state department of health."

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Other Requirements: 1. How DOH involved small businesses in the development of the rule:

The department involved small businesses in the development of this proposed rule in several ways. Beginning in 1997, a series of public forums were held across the state to discuss the need for HIV reporting and to receive stakeholder input to help determine the most desirable reporting system. These forums were widely advertised through public announcements in various media and through direct communications with self-identified "interested parties," including the Washington State Medical Association (WSMA), individual physicians, and representatives of clinical laboratories. Physicians and other providers were members of panels who lead these public discussions in King, Yakima, Spokane, and Pierce counties, and representatives of clinical laboratories were in attendance.

At their October 1998 meeting, the State Board of Health (BOH) directed DOH to draft WAC language to require reporting of symptomatic HIV infection. At this meeting, a representative of the WSMA testified in support of a name-based system of HIV reporting. Copies of the rule change drafted by DOH were subsequently circulated to all interested parties and stakeholders, including physicians, representatives of the WSMA, and representatives of clinical laboratories. Their comments were reviewed and incorporated wherever possible. At the November BOH meeting, members of the medical community provided further testimony in favor of these changes.

In December 1998, DOH surveyed representatives of nine clinical laboratories performing HIV tests and five major AIDS medical providers and informed them that there would be at least one more opportunity to give testimony to the BOH. They were also invited to provide comments directly to DOH regarding the proposed WAC changes. In addition, DOH held a public meeting at Sea-Tac to receive comments on the proposed rule changes. This meeting was attended by a representative of the Washington State Laboratory Association.

In early 1999, the BOH gave further direction to DOH to modify its original proposal to include requirements for local health jurisdictions and DOH to convert names to code and destroy patient names within ninety days after receipt of a completed HIV case report. As before, this updated draft of the rule changes was circulated to interested parties and stakeholders, including representatives of the clinical laboratory and provider communities, and their comments were solicited.

2. The industries required to comply with the proposed rule: Two for-profit industries are required to comply with this rule: Laboratories and medical care providers.

¹ Washington State Vital Statistics 1994 & 1995. Published by the Washington State Department of Health, Center for Health Statistics, Olympia, WA.

² CDC. Commonly asked questions about HIV reporting. *Update*, April 1998.

³ DOH operates a name-based Acquired Immunodeficiency Syndrome (AIDS) surveillance system. AIDS is the end-stage of damage caused by HIV represented by a variety of immunologic and clinical conditions.

⁴ Annual Communicable Disease Report 1997. Published by the Washington State Department of Health, Epidemiology, Health Statistics, and Public Health Laboratories, Seattle, WA.

⁵ Monthly AIDS Surveillance Report, 1/31/99. Published by the Washington State Department of Health, Office of Infectious Disease and Reproductive Health, Olympia, WA.

⁶ Carpenter CC, Fischl MA, Hammer SM, et al. Antiretroviral therapy for HIV infection in 1997: update recommendations of the International AIDS society-USA panel. *JAMA* 1997;277:1962-1969.

⁷ Ryland LM. Survival among Washington state AIDS cases, 1987-1996. *HIV/AIDS Quarterly Epidemiology Report* 2nd Quarter, 1998:11-13.

⁸ Havlir DV, Richman DD. Viral dynamics of HIV: complications for drug development and therapeutic strategies. *Ann Intern Med* 1996;124:984-994.

⁹ Ho DD. Viral counts in HIV infection. *Science* 1996;272:1124-1125.

¹⁰ CDC. Diagnosis and reporting of HIV and AIDS in states with integrated HIV and AIDS surveillance—United States, January 1994-June 1997. *MMWR* 1998;47:309-314.

¹¹ Washington State Department of Community, Trade and Economic Development, "Facilitating Regulatory Fairness, A Resource Guide to Implementation for Rule Writers," January, 1995. The Cost threshold for Laboratories was from SIC code 807 - Medical & Dental Laboratories, the cost threshold for Providers was from SIC code 801 - Offices & Clinics of Doctors of Medicine.

¹² *HIV/AIDS Estimates and Forecasts*. Published by the Washington State Department of Health and the Seattle-King County Department of Public Health, October 1996.

¹³ Ryland LM. AIDS among Washington State residents living outside Seattle-King County. *HIV/AIDS Quarterly Epidemiology Report, 3rd Quarter* 1998:8-13.

¹⁴ Barkan S. Annual review of the epidemiology of AIDS in King County. *HIV/AIDS Quarterly Epidemiology Report, 3rd Quarter* 1998:14-21.

¹⁵ CDC. Update: Trends in AIDS incidence—United States, 1996. *MMWR* 1997;46:861-867.

¹⁶ Campsmith ML, Goldbaum GM, Brackbill RM, et al. HIV testing among men who have sex with men—results of a telephone survey. *Prev Med* 1997;26:839-844.

¹⁷ A laboratory report may trigger an investigation which reveals that the case has already been reported. Based on DOH's experience with CD4 T-lymphocyte reporting, the proportion of lab report-triggered investigations which reveal previously reported cases tends to increase over time. Generally, these investigations take less time than new case reports, and this analysis assumes that they will cost the provider \$1.

¹⁸ Studies conducted by RAND, the California-based think-tank, suggest that between 46%-65% of persons who are aware of their HIV infections are likely to be seeing a doctor on a regular basis.

¹⁹ This number includes both public and private laboratories.

²⁰ Constantine NT, Callahan J, Watts DM. *Retroviral testing: Essentials for quality control and laboratory diagnosis*. CRC Press, 1992, Boca Raton.

²¹ RCW 19.85.030(3).

A copy of the statement may be obtained by writing to Michelle Davis, P.O. Box 47890, Olympia, WA 98504-7890, phone (360) 236-4044, fax (360) 596-7424.

RCW 34.05.328 applies to this rule adoption. Under the provisions of RCW 70.24.080 and 70.24.084, violation of any lawful rule adopted by the board may subject the person to criminal or monetary penalties.

Hearing Location: DoubleTree Inn, 18740 International Boulevard, Sea-Tac, WA, on July 14, 1999, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact State Board of Health by July 7, 1999, TDD (800) 833-6388, or (360) 548-5275.

Submit Written Comments to: John Peppert, P.O. Box 47840, Olympia, WA 98504-7840, fax (360) 236-3400, by July 7, 1999.

Date of Intended Adoption: July 14, 1999.

May 27, 1999

James W. Robertson

Acting Executive Director

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-016 Confidentiality. Identifying information about any individual with a reportable disease or condition pursuant to chapter 246-100 WAC shall be protected by persons with knowledge of such identity.

(1) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with sexually transmitted disease, following the basic principles of health care providers, which respect the human dignity and confidentiality of patients:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall establish and implement policies and procedures to maintain confidentiality related to a patient's medical information.

(2) For the purpose of RCW 70.24.105(6), customary methods for exchange of medical information shall be limited as follows:

(a) Health care providers may exchange confidential medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to the patient.
Meaning:

(i) The information shared impacts the care or treatment decisions concerning the patient; and

(ii) The health care provider requires the information for the patient's benefit.

(b) "Health care services to the patient" means personal interaction, treatment, consultation, or intervention for patient care.

(c) Health care facility administrators are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those persons permitted access under this section of the requirement to maintain confidentiality of such information as defined under this section and chapter 70.24 RCW. Professional duties means the following or functionally similar activities:

(i) Medical record or chart audits;

(ii) Peer reviews;

(iii) Quality assurance;

(iv) Utilization review purposes;

(v) Research (~~review board reviews~~) as authorized under chapters 42.48 and 70.02 RCW;

(vi) Risk management; and

(vii) Reviews required under federal or state law or rules.

(d) Health care facility administrators and health care providers responsible for office management are authorized to permit access to a patient's medical information and medical record by health care facility and medical staff or office staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(e) Health care facility administrators are authorized to permit exchange of medical information for training and teaching of health care providers and students when exchange of confidential medical information is necessary for such training and specifically related to the care of the patient.

(3) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with a reportable disease or condition, other than those specified in subsections (1) and (2) of this section, shall release identifying information only to other individuals responsible for protecting the health and well being of the public through control of communicable and certain other diseases.

(4) Local and state health department personnel shall maintain individual case reports as confidential records consistent with WAC 246-100-091.

(5) Local and state health department personnel shall not disclose identifying information received as a result of WAC 246-100-076 (1)(c)(i) and (xiv) or WAC 246-100-236 (1)(a)(xviii) and (xix) unless:

(a) Explicitly and specifically required to do so by state or federal law; or

(b) Authorized by written patient consent.

(6) Local and state health department personnel are authorized to use HIV identifying information obtained as a result of WAC 246-100-076 (1)(c)(i) and (xiv) and WAC 246-100-236 (1)(a)(xviii) and (xix) only for the following purposes:

(a) Notification of persons with substantial exposure, including sexual or syringe-sharing partners;

(b) Referral of the infected individual to social and health services; and

(c) Linkage to other public health data bases, provided that the identity or identifying information on the HIV-infected person is not disclosed outside of the health department.

(7) Public health data bases do not include health professions licensing records, certifications or registries, teacher certification lists, other employment rolls or registries, or data bases maintained by law enforcement officials.

(8) State and local health officers shall require and maintain signed confidentiality agreements with all health department employees with access to HIV identifying information. Such agreements will be renewed at least annually and

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include reference to criminal and civil penalties for violation of chapter 70.24 RCW and other administrative actions that may be taken by the agency.

(9) State and local health officers shall investigate potential breaches of the confidentiality of HIV identifying information by health department employees. All breaches of confidentiality shall be reported to the state health officer or their authorized representative for review and appropriate action.

(10) The Washington state public health laboratory, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient-identifying information shall maintain the identifying information accompanying submitted laboratory specimens as confidential records.

((6)) (11) Statistical summaries and epidemiologic studies based on individual case reports may be public information provided no individual is identified or identifiable.

AMENDATORY SECTION (Amending WSR 97-15-099, filed 7/21/97, effective 7/21/97)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall review and determine appropriate action for:

(a) Each reported case or suspected case of a reportable disease or condition;

(b) Any disease or condition considered a threat to public health;

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and

(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.

(2) Local health officers shall:

(a) Submit reports to the state health officer as required in chapter 246-100 WAC;

(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease case reports consistent with WAC 246-100-016;

(c) Notify health care providers within the health district regarding requirements in this chapter;

(d) Distribute appropriate report forms to persons responsible for reporting;

(e) Notify the principal health care provider((:));

(i) If possible, prior to initiating a case investigation by the local health department; and

((#)) (ii) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:

(A) The principal health care provider cannot be identified; or

(B) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;

(f) Ensure anonymous HIV testing is reasonably available;

(g) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

((e)) (h) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

((#)) (i) Use identifying information on HIV-infected individuals provided according to WAC ((246-100-072)) 246-100-076 and 246-100-236 only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, ((including)) and spouses; ((and

((#)) or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and

(j) Destroy case report identifying information on asymptomatic HIV-infected individuals received as a result of WAC 246-100-076 within three months of receiving a complete case report;

(k) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.

(4) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the ((fifteenth)) sixteenth edition ((1990)) 1995 of *Control of Communicable Diseases in Man*, edited by Abram S. Benenson, published by the American public health association, except:

(a) When superseded by more up-to-date measures, or

(b) When other measures are more specifically related to Washington state.

AMENDATORY SECTION (Amending Order 354B, filed 4/1/93, effective 5/2/93)

WAC 246-100-041 Responsibilities and duties—State health officer. (1) The state health officer shall have authority to:

(a) Require reporting of cases and suspected cases of disease and conditions in addition to those required in WAC

246-100-076 for a period of time less than thirty-six months when:

(i) The disease or condition is newly recognized or recently acknowledged as a public health concern, and

(ii) Epidemiologic investigation based on reports of cases may contribute to understanding of the disease or condition, and

(iii) Written notification is provided to all local health officers regarding:

(A) Additional reporting requirements, and

(B) Rationale or justification for specifying the disease or condition as reportable.

(b) Require laboratories to submit specimens indicative of infections in addition to those required in WAC 246-100-231 for a period of time less than thirty-six months, provided:

(i) The infection is of public health concern, and

(ii) Written notification is provided to all local health officers and all directors of medical laboratories registered as described in WAC 246-100-221 explaining:

(A) Actions required, and

(B) Reason for the addition.

~~((c) Eliminate the requirement for laboratories to report CD4+ counts and CD4+ percents as specified in WAC 246-100-236 if state and federal funding of HIV/AIDS-related health services do not depend on numbers of reported AIDS cases or if less than ten percent of cases reported are discovered through laboratory reporting of CD4+ count and CD4+ percent results.))~~

(2) The state health officer's authorization to require reporting of cases or submission of laboratory specimens, other than those specified in WAC 246-100-076 and 246-100-231, shall expire thirty-six months from the date of written notification of local health officers and laboratory directors unless amended rules are adopted by the state board of health.

(3) The state health officer shall distribute periodic epidemiologic summary reports and an annual review of public health issues to local health officers and local health departments.

NEW SECTION

WAC 246-100-043 Surveillance report to the board—State health officer. Within twelve months of the effective date of the HIV infection reporting system established in WAC 246-100-076, the state health officer, in cooperation with local health officers, will report to the board on:

(1) The ability of the reporting system to meet surveillance performance standards established by the federal Centers for Disease Control and Prevention;

(2) The cost of the reporting system for state and local health departments;

(3) The reporting system's effect on disease control activities; and

(4) The impact of HIV reporting on HIV testing among persons at increased risk of HIV infection.

AMENDATORY SECTION (Amending WSR 97-15-099, filed 7/21/97, effective 7/21/97)

WAC 246-100-072 Rules for notification of partners at risk of HIV infection. (1) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual (~~without identifying the individual~~).

(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment-sharing partners, including spouses, of an HIV-infected individual to the local health officer or an authorized representative:

(a) After being informed of the necessity to notify sex and injection-equipment sharing partners, including spouses, and confirm notification to the health care provider, the HIV-infected individual either refuses or is unable to notify partners that partners:

(i) May have been exposed to and infected with HIV; and

(ii) Should seek HIV-pretest counseling and consider HIV testing; and

(b) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners.

(3) Only in the specific circumstances listed below, shall a principal health care provider (~~shall report the identity of an individual with a positive HIV test result to~~) notify the local health officer or an authorized representative to directly contact the HIV-infected person for the purpose of partner notification:

(a) The HIV-infected person agrees to meet with the local health officer or authorized representative; or

(b) The principal health care provider provided pretest counseling as described in WAC 246-100-209(1) before the individual was tested; and

~~((b))~~ (c) The principal health care provider made efforts, but was unable to meet face-to-face with the individual to notify the individual of the HIV-test result and to provide post-test counseling as required in WAC 246-100-209 in order to assure partner notification.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners, including spouses, at risk of HIV infection, except as authorized in RCW 70.24.105, WAC 246-100-072, or 246-100-076.

(5) Local health officers and authorized representatives shall:

(a) Confirm conditions in subsections (2) and (3) of this section were met prior to initiating partner notification or receiving referral of identity of an HIV-infected individual; and

(b) Use identifying information, provided according to this section, on HIV-infected individuals only for contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners, including spouses; and

(c) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk

partners of that individual, immediately after notifying partners or within three months of the date information was received, whichever occurs first.

AMENDATORY SECTION (Amending WSR 96-23-064, filed 11/20/96, effective 12/21/96)

WAC 246-100-076 Reportable diseases and conditions. (1) The following diseases and conditions shall be reported as individual case reports by health care providers and others with a duty to report to the local health department in accordance with requirements and procedures described throughout chapter 246-100 WAC:

(a) Category A diseases require an immediate report at the time a case is suspected or diagnosed and include:

- (i) Anthrax,
- (ii) Botulism (including food-borne, infant, and wound),
- (iii) Cholera,
- (iv) Diphtheria, noncutaneous,
- (v) Measles (rubeola),
- (vi) Paralytic shellfish poisoning,
- (vii) Plague,
- (viii) Poliomyelitis, and
- (ix) Rabies.

(b) Category B diseases or conditions require a case report within one day of diagnosis and include:

- (i) Brucellosis,
- (ii) Gastroenteritis of suspected food-borne or water-borne origin,
- (iii) Hemophilus influenzae invasive disease (excluding otitis media) in children age five years and under,
- (iv) Hepatitis A and B, acute,
- (v) Leptospirosis,
- (vi) Listeriosis,
- (vii) Meningococcal disease,
- (viii) Paratyphoid fever (see salmonellosis),
- (ix) Pertussis,
- (x) Rubella, including congenital,
- (xi) Salmonellosis, including paratyphoid fever and typhoid fever,
- (xii) Shigellosis,
- (xiii) Syphilis—primary, secondary, or congenital (for other, see Category C),
- (xiv) Tuberculosis (suspected or diagnosed),
- (xv) Typhoid fever, including carrier (see salmonellosis),
- (xvi) Unusual communicable disease (see definition WAC 246-100-011).

(c) Category C diseases or conditions require a case report within seven days of diagnosis and include:

- (i) Acquired immunodeficiency syndrome (AIDS) (~~(class IV)~~) and symptomatic human immunodeficiency virus (HIV(~~(-HTLV-III, or LAV)~~)) disease for adults and adolescents (as classified by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), (~~(May 23, 1986)~~) December 19, 1992, Volume (~~(35)~~) 41, Number (~~(20)~~) RR-17), and (~~(class P-2)~~) for pediatric HIV (illness) cases (as classified by the Centers for Disease Control, U.S. Public Health Service, MMWR, April 24, 1987, Volume 36, Number 15),

- (ii) Amebiasis,
- (iii) Campylobacteriosis,
- (iv) Chancroid,
- (v) Chlamydia trachomatis infection,
- (vi) Ecoli 0157:H7 infection,
- (vii) Encephalitis, viral,
- (viii) Giardiasis,
- (ix) Gonorrhea,
- (x) Granuloma inguinale,
- (xi) Herpes simplex, initial genital infection,
- (xii) Herpes simplex, neonatal,
- (xiii) Hepatitis non-A, non-B, and unspecified,
- (xiv) Human immunodeficiency virus (HIV) infection.
- (xv) Kawasaki syndrome,
- (~~(xvi)~~) (xvi) Legionellosis,
- (~~(xvii)~~) (xvii) Leprosy (Hansen's disease),
- (~~(xviii)~~) (xviii) Lyme disease,
- (~~(xix)~~) (xix) Lymphogranuloma venereum,
- (~~(xx)~~) (xx) Malaria,
- (~~(xxi)~~) (xxi) Mycobacteriosis,
- (~~(xxii)~~) (xxii) Mumps,
- (~~(xxiii)~~) (xxiii) Nongonococcal urethritis,
- (~~(xxiv)~~) (xxiv) Pelvic inflammatory disease, acute,
- (~~(xxv)~~) (xxv) Pseudomonas folliculitis of suspected waterborne origin,
- (~~(xxvi)~~) (xxvi) Psittacosis,
- (~~(xxvii)~~) (xxvii) Q fever,
- (~~(xxviii)~~) (xxviii) Relapsing fever (borreliosis),
- (~~(xxix)~~) (xxix) Reye Syndrome,
- (~~(xxx)~~) (xxx) Rheumatic fever,
- (~~(xxxi)~~) (xxxi) Rocky mountain spotted fever,
- (~~(xxxii)~~) (xxxii) Syphilis—other (see also Category B),
- (~~(xxxiii)~~) (xxxiii) Tetanus,
- (~~(xxxiv)~~) (xxxiv) Tick paralysis,
- (~~(xxxv)~~) (xxxv) Toxic shock syndrome,
- (~~(xxxvi)~~) (xxxvi) Trichinosis,
- (~~(xxxvii)~~) (xxxvii) Tularemia,
- (~~(xxxviii)~~) (xxxviii) Vibriosis,
- (~~(xxxix)~~) (xxxix) Yersiniosis, and
- (~~(xl)~~) (xl) Severe adverse reaction to immunization.

(2) Any cluster or pattern of cases, suspected cases, deaths, or increased incidence of any disease or condition beyond that expected in a given period which may indicate an outbreak, epidemic, or related public health hazard shall be reported immediately by telephone to the local health officer. Such patterns include, but are not limited to, suspected or confirmed outbreaks of food borne or waterborne disease, chickenpox, influenza, viral meningitis, nosocomial infection suspected due to contaminated products or devices, or environmentally related disease.

(3) A health care provider conducting a clinical HIV research project shall be required to report the identity of an individual participating in the project unless:

(a) The project has been approved by an institutional review board; and

(b) The project has a system in place to remind referring health care providers of their reporting obligations under this section.

(4) In implementing the reporting requirements in subsection (1)(c)(i) and (xiv), the department of health will seek

the input of local health departments, HIV-infected persons, and community organizations serving persons with HIV infection or AIDS.

(5) Effective September 1, 1999, health care providers are required to report to the local health department all cases of HIV infection consistent with the provisions of chapter 246-100 WAC, provided the HIV-infected person receives health care or treatment services on or after September 1, 1999, regardless of the date of initial diagnosis. Local health officials will report asymptomatic HIV infection cases to the state health department according to a standard code developed by the state health department.

(6) When providing technical assistance to a local health department, authorized representatives of the state health department may temporarily and subject to the time limitations in WAC 246-100-036 (2)(j) receive the names of reportable cases of asymptomatic HIV infection for the purpose of HIV surveillance, partner notification, or special studies. Upon completion of the activities by representatives of the state health department, named information will be:

(a) Provided to the local health department subject to the provisions of WAC 246-100-036 (2)(j); and

(b) Converted to code and maintained as code only until the person is diagnosed with AIDS.

(7) Diagnosed cases of symptomatic HIV infection, including AIDS, as defined in this section remain a reportable condition, by name, regardless of the date of diagnosis.

(8) Local health officers may require reporting of additional diseases and conditions.

AMENDATORY SECTION (Amending WSR 97-15-099, filed 7/21/97, effective 7/21/97)

WAC 246-100-206 Special diseases—Sexually transmitted diseases. (1) Definitions.

(a) "Anonymous HIV testing" means that the name or identity of the individual tested for HIV will not be recorded or linked to the HIV test result. However, once the individual testing positive receives HIV health care or treatment services, reporting of the identity of the individual to the state or local public health officer is required.

(b) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

(i) Anal or vaginal intercourse without a latex condom;
or

(ii) Shared use of blood-contaminated injection equipment;

(iii) Donating or selling HIV-infected blood, blood products, or semen; and

(iv) Under the following specified conditions:
(A) The infected individual received post-test counseling as described in WAC 246-100-209 prior to repeating activities in subsection (1)((a)) (b)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection (1)((a)) (b)(i) and (ii) of this section occurred, of his or her infectious status.

((b)) (c) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements;
or

(D) Throwing or smearing of blood, semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (1)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

((e)) (d) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection (1)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

((d)) (e) "Confidential HIV testing" means that the name or identity of the individual tested for HIV will be recorded and linked to the HIV test result, and that the name of the individual testing positive for HIV will be reported to the state or local health officer in a private manner.

(f) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

((e)) (g) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

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(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

((~~(F)~~)) (h) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 246-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(3) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(4) Local health officers, health care providers, and others, in addition to requirements in chapter 246-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(5) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(6) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 246-100-036(4) in conducting investigations.

(7) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in RCW 70.24.024.

(b) Issue written orders for treatment under RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (7)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsections (7)(a) and (b) of this section; and

(d) Seek court orders for detention under RCW 70.24.034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (7)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(8) Conditions for detention of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (8)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detention setting where the individualized counseling and education plan may be carried out consistent with subsections (8)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsections (8)(d) and (f) of this section; and

(iii) Provide to the court an individualized plan for education and counseling consistent with subsection (8)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and
(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and
(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection (8)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (8)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 246-322 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 246-325 WAC;

(D) Private adult treatment homes, per chapter 246-325 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 246-323 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

(9) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to RCW 70.24.360 only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk"; and

(ii) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or independent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk"; and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior to try to assure understanding of the basis for HIV testing; and

(vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

(10) When an individual experiences a substantial exposure to another individual's body fluids and requests HIV testing of that other individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other individual providing:

(a) The alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities;

(v) Funeral director;

(vi) Embalmer; and

(b) The alleged substantial exposure occurred on the job; and

(c) The request to the health officer for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure; and

(d) The local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure"; and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(11) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.

AMENDATORY SECTION (Amending WSR 97-04-041, filed 1/31/97, effective 3/3/97)

WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling described under WAC 246-100-209;

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW; ~~((and))~~

(c) Inform, orally or in writing, the individual to be tested of the availability of anonymous HIV testing and of the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(d) Provide or refer for post-test counseling described under WAC 246-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Any person authorized to order or prescribe an HIV test for another may offer anonymous HIV testing without restriction.

(3) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations; ~~((and))~~

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session; and

(d) Inform the individual that the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer.

~~((3))~~ (4) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renew-

ing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

- (i) What an HIV test is;
- (ii) Behaviors placing a person at risk for HIV infection;
- (iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;
- (iv) The potential risks of HIV testing; and
- (v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer; and

~~((3))~~ (4)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(4) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the state or local health department for interpretation and post-test counseling.

~~((4))~~ (5) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155.

~~((5))~~ (6) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

~~((6) Medical laboratories testing for the presence of HIV shall:~~

~~(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155); quarterly or more often; and~~

~~(b) Include in the report:~~

- ~~(i) Number of samples tested;~~
- ~~(ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);~~

~~(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;~~

~~(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;~~

~~(v) Number of specimens tested by viral culture; and~~

~~(vi) Number of positive test results from viral cultures.)~~

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

- (a) HIV is isolated by viral culture technique; or
- (b) HIV nucleic acid (RNA or DNA) is detected; or
- (c) HIV is detected through a P24 antigen (neutralizable) test; or

(d) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as ~~((defined and described in the AIDS office manual, April, 1988, Department of Health, Office on AIDS, P.O. Box 47840, Olympia, Washington 98504-7840))~~ approved by the United States Food and Drug Administration (FDA) in a published list or other written FDA communication.

~~((e))~~ (e) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-100-208 Counseling standard—AIDS counseling. (1) Principal health care providers shall counsel or ensure AIDS counseling for:

- (a) Each pregnant woman; and
- (b) Each patient seeking treatment of a sexually transmitted disease.

(2) Drug treatment programs under chapter 70.96A RCW shall provide or ensure provision of AIDS counseling for each person in a drug treatment program.

(3) Health care providers, persons, and organizations providing AIDS counseling shall:

(a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);

(b) Maintain a nonjudgmental environment during counseling which:

- (i) Considers the individual's particular circumstances; and
- (ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(d) Provide or ensure provision of personalized risk reduction education to individuals who:

- (i) Are men who had sex with other men at any time since 1977;
- (ii) Used intravenous substances at any time since 1977;

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(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contact with persons listed in subsection (3)(d)(i), (ii), and (iii) of this section;

(v) Have been exposed to or known to have had a sexually transmitted disease at any time since 1977;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control;

(vii) Are enrolled in a drug treatment program under chapter 69.54 RCW; or

(viii) Received multiple transfusions of blood, plasma, or blood products from 1977 to 1985.

(e) Encourage individuals assessed to be at other than virtually no risk of HIV infection to:

(i) Receive AIDS risk reduction counseling;

(ii) Consider information about the nature, purpose, and potential ramifications of HIV testing;

(iii) Receive pretest counseling;

(iv) Consider confidential or anonymous voluntary HIV testing if appropriate(+) and understand the differences between "anonymous HIV testing" and "confidential HIV testing"; and

(v) "Virtually no risk of HIV infection" means persons with medical histories absent of and reporting none of the following factors:

(A) Transfusion with blood or blood products at any time since 1977;

(B) Residence at any time in countries where HIV is considered endemic since 1977;

(C) Unprotected sex between men at any time since 1977;

(D) Use of intravenous substances at any time since 1977, especially when sharing injection equipment;

(E) Engagement in sex for money or drugs at any time since 1977;

(F) Sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(e)(~~(iii)~~) (v)(C), (D), and (E) of this section;

(G) Exposure to a sexually transmitted disease; and

(H) Increased risk of HIV infection by definition of United States Public Health Service, Centers for Disease Control.

(4) Persons and organizations providing AIDS counseling may provide additional or more comprehensive counseling than required in this section.

AMENDATORY SECTION (Amending WSR 97-15-099, filed 7/21/97, effective 7/21/97)

WAC 246-100-209 Counseling standards—Human immunodeficiency virus (HIV) pretest counseling—HIV post-test counseling. (1) Health care providers and other persons providing pretest counseling shall:

(a) Assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors;

(b) Provide at least one individual counseling session prior to HIV testing;

(c) Inform in writing or orally any individual planning to be tested for HIV that:

(i) Anonymous HIV testing is available through the local health department, home testing kits, or may be available through other community sources, and explain the differences between "anonymous HIV testing" and "confidential HIV testing"; and

~~((ii))~~ If the test result is positive, ~~((the tested individual needs to notify))~~ sex and injection equipment-sharing partners ~~((that partners))~~, including spouses must be notified that they:

(A) May have been exposed to and infected with HIV; and

(B) Should seek HIV pretest counseling and consider HIV testing; and

~~((ii))~~ ~~Unless HIV testing is anonymous;~~ (iii) The principal health care provider is required to refer identities of at-risk partners to the local health officer or authorized representative if:

(A) The HIV-infected individual either refuses or is unable to notify partners of exposure, possible infection, and need for pretest counseling and HIV testing; or

(B) The HIV-infected individual neither accepts assistance nor agrees to referral to the local health officer or an authorized representative for assistance in notifying partners; and

~~((iii))~~ (iv) Unless HIV testing is anonymous, the principal health care provider is required to confidentially refer the ~~((identify))~~ identity of the individual testing positive to the local health officer or an authorized representative ~~((if the principal health care provider made efforts, but was unable to meet face-to-face with the individual to:~~

~~(A) Notify the individual of the HIV test result; and~~

~~(B) Provide post-test counseling, as required in this section, to assure partner notification)).~~

(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v) a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:

(a) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(b) Explain the nature, purpose, value, and reason for the HIV tests;

(c) In writing or orally, inform the individual to be tested that anonymous HIV testing is available through the local health department, home testing kits, or may be available through other community sources, and explain the differences between "anonymous HIV testing" and "confidential HIV testing";

(d) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance, housing, and other potential legal, social, and personal consequences;

~~((d))~~ (e) Develop and maintain a system of referral and make referrals that:

- (i) Are accessible and confidential for those counseled;
- (ii) Are acceptable to and supportive of those counseled;
- (iii) Provide assistance to those counseled in maintaining risk reduction behaviors.

~~((e))~~ (f) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing positive; and

~~((f))~~ (g) Maintain disclosure and confidentiality requirements in WAC 246-100-016.

(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC 246-100-208 (3)(e)(v), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:

(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by RCW 70.24.095 and 70.24.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment-sharing partners, including spouses, if test results are positive;

(d) Advise individuals listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or reemphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended.

(4) Persons providing post-test counseling shall:

(a) Follow requirements in subsection (1) of this section;

(b) Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii) Reporting practice of behaviors listed in (3)(b)(i), (ii), and (iii) of this section.

(c) If the individual being counseled tested positive for HIV infection:

(i) Unless testing was anonymous, remind the individual that the identity of the individual testing positive for HIV infection will be confidentially reported to the state or local health officer:

(ii) Provide assistance to persons in notifying partners, including spouses, and confirm those partners including spouses have been notified; and/or

~~((ii) Offer)~~ (iii) Seek agreement to refer the name of the individual~~((s))~~ to the local health officer ~~((as necessary))~~ for assistance in notifying partners; and/or

~~((iii))~~ (iv) Offer to refer partners for counseling and testing; and

~~((iv))~~ (v) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

~~((v))~~ (vi) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

~~((vi))~~ (vii) Provide or refer for medical evaluation and antiretroviral treatment; and

(viii) Refer for tuberculosis screening.

AMENDATORY SECTION (Amending WSR 95-13-037, filed 6/14/95, effective 7/15/95)

WAC 246-100-236 Duties of laboratories—Reporting of laboratory results indicative of certain reportable diseases. (1) By December 31, 1987, medical laboratories which perform testing or are responsible for referring the specimen to an out-of-state laboratory for testing shall:

(a) Report each positive culture or other suggestive test results to the local health officer by phone, written report, or submission of specimen within two working days, unless specified otherwise, for:

- (i) Anthrax (*Bacillus anthracis*),
- (ii) Botulism (*Clostridium botulinum*),
- (iii) Cholera (*Vibrio cholerae*),
- (iv) Diphtheria (*Corynebacterium diphtheriae*) - toxigenic strains,
- (v) Gonorrhea (*Neisseria gonorrhoeae*) (report within seven days),
- (vi) Measles (rubeola) (measles virus),
- (vii) Plague (*Yersinia pestis*),
- (viii) Rabies (rabies virus),
- (ix) Brucellosis (*Brucella* species),
- (x) Leptospirosis (*Leptospira interrogans*),
- (xi) *Listeria* infection of blood or spinal fluid (*Listeria monocytogenes*),
- (xii) Meningococcal infection of blood or spinal fluid (*N. meningitidis*),
- (xiii) Pertussis (*Bordetella pertussis*),
- (xiv) Salmonellosis (*Salmonella* species),
- (xv) Shigellosis (*Shigella* species), and
- (xvi) Hepatitis A (positive anti-HAV IgM),
- (xvii) Mycobacteriosis,

(xviii) Human immunodeficiency virus (HIV), including positive Western Blot assays, P24 antigen or viral culture tests.

(xix) CD4+(T4) lymphocyte counts less than 200 and/or CD4+(T4) percents less than fourteen percent of total lymphocytes, for patients aged thirteen or older, or positive results on HIV nucleic acid tests (RNA or DNA), (report monthly or quarterly).

(b) For the diseases and conditions listed in (a)(i) through (xvii) of this subsection, send a copy of the state form accompanying specimen submitted as required in WAC 246-100-231 or identifying information including:

- (i) Type of specimen tested (e.g., serum or sputum),
- (ii) Test result,
- (iii) Name of reporting laboratory,
- (iv) Date of report,
- (v) Name of requesting health care provider or health care facility, and
- (vi) Name of patient.

(c) After September 1, 1999, for the diseases and conditions listed in (a)(xviii) and (xix) of this subsection, upon written request of the state department of health, send to the state or local health department identifying information including:

- (i) Type of specimen tested (e.g., serum),
- (ii) Test result,
- (iii) Name of reporting laboratory,
- (iv) Date of report,
- (v) Name of requesting health care provider or health care facility,
- (vi) Name of patient, if submitted by the health care provider, or other patient identifier if the name is not submitted by the health care provider, and
- (vii) Patient date of birth and gender, if submitted by the health care provider.

(2) By December 31, 1987, medical laboratories shall report positive cultures or other suggestive test results for chlamydial infection (*chlamydia trachomatis*) to local health departments monthly including either:

(a) Identifying information specified in subsection (1)(b)(i-vi) of this section, or

(b) Aggregate numbers of positive tests including age, sex, and site of infection when known.

(3) Medical laboratories shall label or stamp reports appropriately with information indicating "reportable disease" and the telephone number of the local health department, if such labels or stamps are provided by the local health department.

(4) State and local health officers and health departments receiving reports from medical laboratories shall:

(a) Allow time for the laboratory to notify the principal health care provider prior to contact if:

- (i) Delay is unlikely to jeopardize public health, and
- (ii) The laboratory requests a delay.

(b) Try to contact the principal health care provider and discuss circumstances prior to contact of a patient when possible.

~~((5) By June 1995, medical laboratories performing CD4+(T4) tests or sending specimens for CD4 testing out of state shall submit to the state HIV/AIDS office monthly or quarterly reports on the enumeration of CD4+(T4) lymphocyte counts (CD4+counts) and CD4+(T4) percents of total lymphocytes (CD4+percents) for specimens submitted after January 1, 1995, of patients aged thirteen or older with CD4+ counts less than two hundred or CD4+percents less than fourteen. Laboratories may, but are not required to, exclude information concerning specimens which are unrelated to HIV infection or performed in conjunction with medical research, but otherwise shall report the following information:~~

~~(a) Patient-specific identifier or anonymous code or, if authorized by the patient, the patient's name submitted to the laboratory; and~~

~~(b) Name of the patient's health care provider; and~~

~~(c) Address of patient's health care provider; and~~

~~(d) CD4+ count (and CD4+ percent if available); and~~

~~(e) Date of CD4+ count or CD4+ percent.) (c) Comply~~

~~with the requirements of WAC 246-100-036(2).~~

WSR 99-12-092

PROPOSED RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 701—Filed June 1, 1999, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-08-116.

Title of Rule: WAC 332-52-065 Milwaukee Road Corridor—Recreational use.

Purpose: To better carry out the purposes of chapter 174, Laws of 1984 by extending the open period for nonmotorized recreational use to year around.

Statutory Authority for Adoption: RCW 79.08.277, 79.08.279, and 79.08.281.

Statute Being Implemented: RCW 79.08.277, 79.08.279, and 79.08.281.

Summary: To extend the open period for nonmotorized recreational use from October 1 through June 15 to year around on the Milwaukee Road Corridor (MRC).

Reasons Supporting Proposal: 60% of the recreation use requests (most being out of state) of the MRC were made during and for use of the months of June through September which is the best weather, prime vacation and travel time. The open period would be consistent with the portion of the MRC managed by state parks (Iron Horse State Park) which is open year around.

Name of Agency Personnel Responsible for Drafting: James A. Munroe, Department of Natural Resources, Southeast Region, Ellensburg, (509) 925-0948; Implementation: William O. Boyum, Department of Natural Resources, Southeast Region, Ellensburg, (509) 925-0954; and Enforcement: James A. Munroe, Department of Natural Resources, Southeast Region, Ellensburg, (509) 925-0948.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current WAC 332-52-065 describes the open or use period for nonmotorized recreational use on the Milwaukee Road Corridor to be October 1 through June 15. The rule change if adopted would extend the open or use period to year around. This would allow use during the summer months which are the prime vacation and travel time. If adopted the use period would be the same as the portion of the MRC managed by state parks known as Iron Horse State Park. There would be increase in recreational use from approximately 400 to 600-800 recreationists. This change could possibly bring in more revenue to the towns the MRC goes through.

Proposal Changes the Following Existing Rules: Only rule affected is WAC 332-52-065. The revised rule language changes the open or use period for nonmotorized use from October 1 through June 15 to open or use period of year around.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change is not expected to impose any costs on businesses.

The impact of this rule change on business in terms of imposing costs will be minor, if any, since the rule change provides more opportunity to businesses that may be affected by recreational use of the corridor. No direct costs as a result of this rule change are associated with businesses. There is no burden placed on small businesses from the effects of this rule.

RCW 34.05.328 applies to this rule adoption. A rule implementation plan and the rule-making criteria are being completed as a part of the rule making.

Hearing Location: Issaquah Community Hall, 190 East Sunset Way, on July 6, 1999, at 7:00 p.m., Warden Town Hall, Council Chambers, on July 7, 1999, at 7:00 p.m.; and

Rosalia City Hall, Council Chambers, on July 8, 1999, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact James A. Munroe by July 1, 1999, TDD (509) 925-8527, or (509) 925-0948.

Submit Written Comments to: Department of Natural Resources, James A. Munroe, 713 East Bowers Road, Ellensburg, WA 98926-9341, fax (509) 925-8522, by July 8, 1999.

Date of Intended Adoption: July 12, 1999.

June 1, 1999

Kaleen Cottingham

for Charles Baum

Department Supervisor

AMENDATORY SECTION (Amending Order 577, filed 2/11/92, effective 3/13/92)

WAC 332-52-065 Milwaukee Road Corridor - Recreational use. Motorized vehicles including snowmobiles are prohibited on the corridor at all times, except for motorized use for authorized administrative purposes or motorized use approved by the department for reasons of health and safety. The corridor (~~will be~~) is open for nonmotorized use, by permit only, (~~from October 1 through June 15~~) year around, east of the Columbia River. (~~The remainder of the year the corridor will be closed to all recreation use.~~) The department may close portions of the corridor, at any time of the year, to reduce fire danger or protect public safety after consultation with local legislative authorities and fire districts. After December 31, (~~1999~~) 2000 the department may, if determined necessary to better carry out the purposes of chapter 174, Laws of 1984, adjust the designated periods of the year during which permits will be issued, after first giving public notice and holding at least one public hearing each in Eastern and Western Washington.

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

WSR 99-12-094

PROPOSED RULES

DEPARTMENT OF ECOLOGY

{Order 95-17a—Filed June 1, 1999, 4:20 p.m.}

Continuance of WSR 99-08-124.

Preproposal statement of inquiry was filed as WSR 95-22-068.

Title of Rule: Chapter 173-26 WAC, State master program approval/amendment procedures.

Purpose: To extend the public comment period from June 21, 1999, to August 4, 1999, and to schedule four additional public hearings.

Hearing Location: Hal Holmes Community Center, 201 North Ruby, **Ellensburg**, on Wednesday, May 19, 1999.
Open House: 5:30 p.m. **Public Hearing:** 7:00 p.m.

Public Health Center, West 1101 College, Room 140, **Spokane**, on Thursday, May 20, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Ecology Headquarters Auditorium, 300 Desmond Drive, **Olympia/Lacey**, on Tuesday, May 25, 1999. **Open House:** 6:00 p.m. **Public Hearing:** 7:30 p.m.

Mountaineers Building, 300 Third Avenue West, **Tahoma Room 2, Seattle**, on Wednesday, May 26, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Cedars Inn, Banquet Room, One Apple Way, **Okanogan**, on Wednesday, July 7, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Columbia Basin College, Workforce Training Center, Room 180, 2600 North 20th Avenue, **Pasco**, on Thursday, July 8, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Western Washington University, Miller Hall, Room 163, **Bellingham**, on Wednesday, July 14, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Montesano City Hall, Upstairs Hall, 112 North Main Street, **Montesano**, on Thursday, July 15, 1999. **Open House:** 5:30 p.m. **Public Hearing:** 7:00 p.m.

Assistance for Persons with Disabilities: Contact Tim Gates by June 30, 1999, TDD (360) 407-6006 or (360) 407-7256, e-mail tgat461@ecy.wa.gov.

Submit Written Comments to: Amy Johnson, Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail ajoh461@ecy.wa.gov, fax (360) 407-6902, by August 4, 1999.

Date of Intended Adoption: September 21, 1999.

May 27, 1999

Daniel J. Silver
Deputy Director

WSR 99-12-096

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 98-27—Filed June 1, 1999, 4:26 p.m.]

Original Notice.

Expedited Adoption—Proposed rule-making notice was filed as WSR 99-04-097.

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.

Purpose: This rule amendment will correct typographical errors, clarify existing rule language, and adopt federal requirements.

Other Identifying Information: WAC 173-400-030, 173-400-040, 173-400-060, 173-400-070, 173-400-075, 173-400-104, and 173-400-115.

Statutory Authority for Adoption: RCW 70.94.331, 70.94.510.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: This rule change corrects and clarifies existing rule language in chapter 173-400 WAC. Adoption of federal national emission standards for hazardous air pollutants

(NESHAP) and standards of performance for new sources (NSPS) will ensure continued compliance with federal law.

Reasons Supporting Proposal: The changes will improve readability and increase usability of state regulations. Incorporation of federal requirements are necessary to comply with federal Clean Air Act requirements.

Name of Agency Personnel Responsible for Drafting: Tom Todd, P.O. Box 47600, Lacey, (360) 407-6776; Implementation and Enforcement: Department of Ecology, P.O. Box 47600, Lacey, (360) 407-6800.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Comments on the incorporation of the proposed rule language into the state implementation plan will be accepted at the July 8, 1999, hearing.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Correction of typographical errors and clarification of existing rule language will assist the reader in understanding the rule. No substantive policy issues are raised by these changes.

Adoption of federal requirements by reference is the least burdensome alternative in assisting regulated sources to comply with federal requirements. Application of this rule will not result in any different effects to either private or public entities.

Proposal Changes the Following Existing Rules: WAC 173-400-030(84) Definition, this rule amendment will amend the state definition of volatile organic compounds to be identical with the federal definition located in the C.F.R.

WAC 173-400-040 General standards for maximum emissions, the rule contains a reference to "section 8, chapter 252, Laws of 1993." Changing the form of this reference - to "RCW 70.194.154" - will aid those who read the statute.

WAC 173-400-060 Emission standards for general process units, correction of typographical error.

WAC 173-400-070 Emission standards for certain source categories, adoption of federal requirements for landfill emissions, and hospital and medical waste incinerators.

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants, in order to remain current with federally adopted national emission standards for hazardous air pollutants (NESHAP), this amendment will add the following subparts to be adopted by reference:

- Subpart EEE—NESHAP from Hazardous Waste Combustors
- Subpart III—NESHAP for Flexible Polyurethane Foam Production
- Subpart JJJ—NESHAP for Group IV Polymers and Resins

Text of existing dry cleaning facility rule will be amended to improve usability without changing the underlying substantive meaning of the rule.

WAC 173-400-104 Registration fees, correction of typographical error.

WAC 173-400-115 Standards of performance for new sources, subparts Ea and Eb (Municipal Waste Combustors),

Ec (Medial Waste Incinerators), OOO (Nonmetallic Mineral Processing Plants), and WWW (Municipal Solid Waste Landfills) of 40 C.F.R. Part 63 will be adopted by reference.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The purpose of this rule amendment is to correct typographical errors, clarify and simplify existing regulatory language, and to adopt without material change federal regulatory requirements. For these reasons, the requirements of the Regulatory Fairness Act do not apply to this rule of adoption, see RCW 19.85.061. In lieu of an SBEIS, a statement citing the federal regulations to be adopted and the consequences to the state if the rule is not adopted will be prepared.

RCW 34.05.328 does not apply to this rule adoption. The purpose of this rule amendment is to correct typographical errors, clarify and simplify existing regulatory language, and to adopt without material change federal regulatory requirements. For these reasons, RCW 34.05.328 does not apply to this rule adoption, see RCW 34.05.328 (5)(b).

Hearing Location: Department of Ecology Headquarters, 300 Desmond Drive, Lacey, WA 98503, on July 8, 1999, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Pat Norman by July 7, 1999, TDD (360) 407-6006, or (360) 407-6841, e-mail pnor461@ecy.wa.gov.

Submit Written Comments to: Tom Todd, P.O. Box 47600, Olympia, WA 98504, e-mail ttod461@ecy.wa.gov, fax (360) 407-7534, by July 15, 1999.

Date of Intended Adoption: August 15, 1999.

May 28, 1999

Daniel J. Silver
Deputy Director

AMENDATORY SECTION (Amending Order 96-01, filed 12/23/97, effective 1/23/98)

WAC 173-400-030 Definitions. Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(9) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(10) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account

energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on March 1, 1996, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(11) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

(13) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(14) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- North Cascades National Park;
- Olympic National Park;
- Pasayten Wilderness;
- Spokane Indian Reservation.

(15) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(16) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(17) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(18) "Director" means director of the Washington state department of ecology or duly authorized representative.

(19) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(20) "Ecology" means the Washington state department of ecology.

(21) "Emission" means a release of air contaminants into the ambient air.

(22) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(23) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(24) "Emissions unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

(25) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(26) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

(27) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(28) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(29) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(30) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(31) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(32) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(33) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(34) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

(35) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(36) "In operation" means engaged in activity related to the primary design function of the source.

(37) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

(38) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(39) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;
 Glacier Peak Wilderness;
 Goat Rocks Wilderness;
 Mount Adams Wilderness;
 Mount Rainier National Park;
 North Cascades National Park;
 Olympic National Park;

Pasayten Wilderness;

(40) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(41) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone non-attainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NO_x shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cements plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(42) "Masking" means the mixing of a chemically nonre-active control agent with a malodorous gaseous effluent to change the perceived odor.

(43) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(44) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(45) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Parts 61 and 63.

(46) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(47) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not

relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(48) "New source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

(49) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(50) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(51) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

(52) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(53) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

(54) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(55) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

(56) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(57) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(58) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(59) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(60) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(61) "PM-10 emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.

(62) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(63) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(64) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(65) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(66) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(67) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

(68) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

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Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics.	0.0000035
(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	
Municipal waste combustor metals (measured as PM)	15

(69) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(70) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(71) "Source category" means all sources of the same type or classification.

(72) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(73) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(74) "Standard conditions" means a temperature of 20° (68° F) and a pressure of 760 mm (29.92 inches) of mercury.

(75) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

(76) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(77) "Synthetic minor" means any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

(78) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

(79) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on October 17, 1996.

(80) "Toxic air pollutant (TAP)" or "toxic air contaminant" means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(81) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(82) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(83) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(84) "Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes:

(a) Any such organic compound other than the following, which has been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; (~~acetones perchloroethylene (tetrachloroethylene);~~) acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-

32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonfluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CF₂OCH₂); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonfluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CF₂OCH₂); methyl chloride and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear completely fluorinated alkanes;
 - (ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; ((and))
 - (iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and
 - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-040 General standards for maximum emissions. All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, as pro-

vided in ((section 8, chapter 252, Laws of 1993)) RCW 70.194.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess

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of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM-10 nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(3).

AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-400-060 Emission standards for general process units. General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 gram((s)) per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Parts 51, 60, 61, and 63 and any other approved test procedures which are contained in ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, will be used to determine compliance.

AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-400-070 Emission standards for certain source categories. Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) **Wigwam burners.**

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) **Orchard heating.**

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) **Grain elevators.**

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) **Catalytic cracking units.**

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

(8) Sewage sludge incinerators. Standards for the incineration of sewage sludge found in 40 CFR Part 503 subparts A (General Provisions) and E (Incineration) in effect on July 1, 1997, are adopted by reference.

(9) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991. A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Resource Conservation and Recovery Act including the following: Commercial solid waste, non-hazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. A MSW landfill may be either publicly or privately owned. A MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

(a) Applicability. These rules apply to each existing MSW landfill constructed, reconstructed, or modified before May 30, 1991. (See WAC 173-400-115(2) for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.)

(b) Exceptions. Any physical or operational change to an existing MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.

(c) Recordkeeping and reporting. All existing MSW landfills must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submission of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements). Exceptions to these requirements are located in 40 CFR 60.24.

(d) Test methods and procedures.

(i) All existing MSW landfills must calculate the landfill nonmethane organic compound (NMOC) emission rates following the procedures listed in 40 CFR 60.754.

(ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii) through the following procedures:

(A) The systems must follow the operational standards in 40 CFR 60.753.

(B) The systems must follow the compliance provisions in 40 CFR 60.755 (a)(1) through (a)(6) to determine whether the system is in compliance with 40 CFR 60.752 (b)(2)(ii).

(C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.

(e) Conditions. Existing MSW landfills that meet the following conditions must install a gas collection and control system:

(i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition:

(ii) The landfill has design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and

(iii) The landfill has a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or greater.

(f) Change in conditions. After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.

(g) Gas collection and control systems.

(i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii).

(ii) The design plans must be prepared by a licensed professional engineer and submitted to ecology within one year after the adoption date of this section.

(iii) The system must be installed within eighteen months after the submittal of the design plans.

(iv) The system must be operational within thirty months after the adoption date of this section.

(v) The emissions that are collected must be controlled in one of three ways:

(A) An open flare designed and operated according to 40 CFR 60.18;

(B) A control system designed and operated to reduce NMOC by 98 percent by weight; or

(C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis to three percent oxygen, or less.

(10) Hospital, medical and infectious waste incinerators.

(a) Scope. This subsection contains emission standards and compliance times for the control of certain emissions from hospital, medical, and infectious waste incinerators (HMIWI) in accordance with sections 111 and 129 of the federal Clean Air Act and subparts B and Ce of 40 CFR Part 60. The provisions in these emission standards supersede the provisions of 40 CFR 60.24(f).

(b) Definitions. Terms used but not defined in this subsection have the meaning given them in the federal Clean Air Act and in subparts A, B, Ce and Ec of 40 CFR Part 60.

(i) "Large HMIWI" means a hospital, medical and infectious waste incinerator that burns over 500 pounds of hospital, medical and infectious waste per hour.

(ii) "Medium HMIWI" means a hospital, medical and infectious waste incinerator that burns from 200 pounds to 500 pounds of hospital, medical and infectious waste per hour.

(iii) "Small HMIWI" means a hospital, medical and infectious waste incinerator that burns less than or equal to 200 pounds of hospital, medical and infectious waste per hour.

(iv) "Remote small HMIWI" means a hospital, medical and infectious waste incinerator that is located more than 50 miles from the boundary of a Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste. The 2,000 pound per week limitation does not apply during performance tests.

(v) "Standard Metropolitan Statistical Area," or SMSA, means any area listed in OMB Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993.

(c) Applicability. This rule applies to each HMIWI for which construction was commenced on or before June 20, 1996.

(d) Exceptions.

(i) A combustor is not subject to this subsection during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 60.51c) is burned, provided the owner or operator of the combustor does the following:

(A) Notifies ecology or the local air authority of an exemption claim; and

(B) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

(ii) Any co-fired combustor (defined in 40 CFR 60.51c) is not subject to this subsection, provided the owner or operator of the co-fired combustor does the following:

(A) Notifies ecology or the local air authority of an exemption claim;

(B) Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and

(C) Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(iii) Any combustor required to have a permit under Section 3005 of the federal Solid Waste Disposal Act is not subject to this subsection.

(iv) Any combustor which meets the applicability requirements under subparts Cb, Ea or Eb of 40 CFR Part 60 (standards or guidelines for certain municipal waste combustors) is not subject to this subsection.

(v) Any pyrolysis unit (defined in 40 CFR 60.51c) is not subject to this subsection.

(vi) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this subsection.

(vii) Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with these rules are not considered a modification and will not result in an existing HMIWI becoming subject to this subsection.

(e) Emission requirements.

(i) Each small HMIWI must comply with the emission limits listed below in Table 1.

Table 1
Pollutant Emission Limits for Small Existing HMIWI
Less than or equal to 200 lbs./hour

Note: The footnoted references are found after Table 4 in WAC 173-400-070 (10)(e)(iv)

Pollutant	Emission Limit ²	Compliance Testing & Monitoring Requirements	Frequency of Monitoring
PM	115 mg/dscm (0.05 gr/dscf)	EPA reference method 5 ⁴ or 29	Annual or third year stack test ²
CO	40 ppm _{dv}	EPA reference method 10 ⁴ or 10B	CEMS, 12-hour arithmetic average
Dioxin/furan	2.3 ng/dscm TEQ (1.0 gr/10 ² dscf) or 125 ng/dscm (55 gr/10 ² dscf) total dioxin/furan	EPA reference method 23 ^{1,3}	Annual or third year stack test ² and continuous monitoring of sorbent (carbon) injection rate and PM control device inlet temperature
HCl	100 ppm _{dv} or 93% reduction ⁴	EPA reference method 26 ⁴	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (lime) flow rate
SO ₂	55 ppm _{dv}	EPA reference method 6, 6A, 6B, or 6C ¹	N/A
NO _x	250 ppm _{dv}	EPA reference method 7, 7A or 7E ¹	N/A
Pb	1.2 mg/dscm (0.52 gr/10 ³ dscf) or 70% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Cd	0.16 mg/dscm (0.07 gr/10 ³ dscf) or 65% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Hg	0.55 mg/dscm (0.24 gr/10 ³ dscf) or 85% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (carbon) injection rate
Opacity	10%, 6 minute average	EPA reference method 9 ¹	Annual 1 hr. test

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(ii) Each medium HMIWI must comply with the emission limits listed below in Table 2.

Table 2
Pollutant Emission Limits for Medium Existing HMIWI
200 to 500 lbs./hour

Note: The footnoted references are found after Table 4 in WAC 173-400-070 (10)(e)(iv)

Pollutant	Emission Limit ²	Compliance Testing & Monitoring Requirements	Frequency of Monitoring
PM	69 mg/dscm (0.03 gr/dscf)	EPA reference method 5 ¹ or 29	Annual or third year stack test ²
CO	40 ppm _{vd}	EPA reference method 10 ¹ or 10B	CEMS, 12-hour arithmetic average
Dioxin/furan	2.3 ng/dscm TEQ (1.0 gr/10 ³ dscf) or 125 ng/dscm (55 gr/10 ³ dscf) total dioxin/furan	EPA reference method 23 ^{1,3}	Annual or third year stack test ² and continuous monitoring of sorbent (carbon) injection rate and PM control device inlet temperature
HCl	100 ppm _{vd} or 93% reduction ⁴	EPA reference method 26 ¹	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (lime) flow rate
SO ₂	55 ppm _{vd}	EPA reference method 6, 6A, 6B, or 6C ¹	N/A
NO _x	250 ppm _{vd}	EPA reference method 7, 7A or 7E ¹	N/A
Pb	1.2 mg/dscm (0.52 gr/10 ³ dscf) or 70% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Cd	0.16 mg/dscm (0.07 gr/10 ³ dscf) or 65% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Hg	0.55 mg/dscm (0.24 gr/10 ³ dscf) or 85% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (carbon) injection rate
Opacity	10%, 6 minute average	EPA reference method 9 ¹	Annual 1 hr. test

(iii) Each large HMIWI must comply with the emission limits listed below in Table 3.

Table 3
Pollutant Emission Limits for Large Existing HMIWI
Over 500 lbs./hour

Note: The footnoted references are found after Table 4 in WAC 173-400-070 (10)(e)(iv)

Pollutant	Emission Limit ²	Compliance Testing & Monitoring Requirements	Frequency of Monitoring
PM	34 mg/dscm (.03 gr/dscf)	EPA reference method 5 ¹ or 29	Annual or third year stack test ²
CO	40 ppm _{vd}	EPA reference method 10 ¹ or 10B	CEMS, 12-hour arithmetic average
Dioxin/furan	2.3 ng/dscm TEQ (1.0 gr/10 ³ dscf) or 125 ng/dscm (55 gr/10 ³ dscf) total dioxin/furan	EPA reference method 23 ^{1,3}	Annual or third year stack test ² and continuous monitoring of sorbent (carbon) injection rate and PM control device inlet temperature
HCl	100 ppm _{vd} or 93% reduction ⁴	EPA reference method 26 ¹	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (lime) flow rate
SO ₂	55 ppm _{vd}	EPA reference method 6, 6A, 6B, or 6C ¹	N/A
NO _x	250 ppm _{vd}	EPA reference method 7, 7A or 7E ¹	N/A
Pb	1.2 mg/dscm (0.52 gr/10 ³ dscf) or 70% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Cd	0.16 mg/dscm (0.07 gr/10 ³ dscf) or 65% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ²
Hg	0.55 mg/dscm (0.24 gr/10 ³ dscf) or 85% reduction ⁴	EPA reference method 29 ¹	Annual or third year stack test ² and continuous monitoring of charge rate and sorbent (carbon) injection rate
Opacity	10%, 6 minute average	EPA reference method 9 ¹	Annual 1 hr. test

(iv) Each remote small HMIWI must comply with the applicable emission limits listed below in Table 4.

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Table 4

Pollutant Emission Limits for Remote Small Existing HMIWI

Less than or equal to 2000 lbs./week

Located at least 50 miles from Standard Metropolitan Statistical Area

$$\%R = \left(\frac{E_i - E_o}{E_i} \right)$$

Pollutant	Emission Limit ²	Compliance Testing & Monitoring Requirements	Frequency of Monitoring
PM	197 mg/dscm (0.0086 gr/dscf)	EPA reference method 5 ⁴ or 29	Conduct an initial performance test to determine compliance with the PM, CO, Dioxin/furan and Hg and Opacity emission limits and establish operating parameters
CO	40 ppm _{dv}	EPA reference method 10 ⁴ or 10B	
Dioxin/furan	800 ng/dscm total CDD/CDF (350 gr/10 ² dscf) or 15 ng/dscm TEQ (6.6 gr/10 ² dscf)	EPA reference method 23 ^{1,3}	
HCl	3,100 ppm _{dv} ⁴	EPA reference method 26 ¹	
SO ₂	55 ppm _{dv}	EPA reference method 6, 6A, 6B, or 6C ¹	
NO _x	250 ppm _{dv}	EPA reference method 7, 7A or 7E ¹	
Pb	10 mg/dscm (4.4 gr/10 ³ dscf) ⁴	EPA reference method 29 ¹	
Cd	4 mg/dscm (1.7 gr/10 ³ dscf) ⁴	EPA reference method 29 ¹	
Hg	7.5 mg/dscm (3.3 gr/10 ³ dscf) ⁴	EPA reference method 29 ¹	
Opacity	10% 6 minute average	EPA reference method 9 ¹		Annual

If three consecutive annual compliance tests indicate compliance with the emission limit, then the test frequency is reduced to a three-year sequencing. At such time as a compliance test indicates noncompliance with the limits, the compliance test must be conducted annually until three consecutive annual tests indicate compliance with emission limits.

(v) The emission limits under this subpart apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the affected facility during startup, shutdown, or malfunction.

(f) Operator training and qualification requirements. Each HMIWI shall comply with the operator training and qualification requirements listed in 40 CFR 60.53c by March 15, 2000.

(g) Waste management plans. Each HMIWI must comply with the waste management plan requirements listed in 40 CFR 60.55c.

(h) Inspection requirements for remote small HMIWIs.

(i) Each remote small HMIWI must undergo an initial equipment inspection by March 15, 2000. At a minimum, an inspection must include the following:

1. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor as necessary;

2. Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

3. Inspect hinges and door latches, and lubricate as necessary;

4. Inspect dampers, fans, and blowers for proper operation;

5. Inspect HMIWI door and door gaskets for proper sealing;

6. Inspect motors for proper operation;

7. Inspect primary chamber refractory lining; clean and repair/replace lining as necessary;

8. Inspect incinerator shell for corrosion and/or hot spots;

9. Inspect secondary/tertiary chamber and stack, clean as necessary;

10. Inspect mechanical loader, including limit switches, for proper operation, if applicable;

11. Visually inspect waste bed (grates), and repair/seal/replace, as appropriate;

12. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;

13. Inspect air pollution control device(s) for proper operation, if applicable;

14. Inspect waste heat boiler systems to ensure proper operation, if applicable;

15. Inspect bypass stack components;

16. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

Footnote for emission limit and compliance testing and monitoring requirements.

1. All performance tests and compliance tests shall consist of three test runs with a minimum sample time of one hour per run unless otherwise specified.

2. All limits except opacity are at dry volume corrected to 7% oxygen by the following formula:

$$C_{adj} = C_{meas} \left(\frac{20.9 - 7}{20.9 - \%O_2} \right)$$

3. For Reference Method 23, each test run shall be a minimum of 4 hours duration. If the facility and regulatory agency have chosen to express the limit in terms of TEQ, the tested concentrations of each dioxin/furan congener shall be multiplied by the appropriate TEQ factor from Table 2 of 40 CFR Subpart E_c with the resulting adjusted concentrations summed and reported as TEQ.

4. % removals calculated by the following formula:

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17. Generally observe that the equipment is maintained in good operating condition.

(ii) Within ten operating days following an equipment inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from ecology or the local air authority establishing a date whereby all necessary repairs of the HMIWI shall be completed.

(iii) Following the initial inspection, each remote small HMIWI shall undergo an annual equipment inspection. Inspections shall occur no more than twelve months following the previous annual equipment inspection.

(i) Compliance, performance testing, and monitoring requirements.

(i) Each small, medium, and large HWIMI must comply with the requirements for compliance and performance testing listed in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c (b)(12) and (c)(3).

(ii) If the HWIMI uses a continuous emissions monitoring system to demonstrate compliance with emission limits, it must comply with the following conditions:

1. Determine compliance based on twelve operating hour rolling averages, not including periods of start-up, shutdown, and malfunctions; and

2. Meet the requirements of 40 CFR Part 60, Appendices B and F.

(iii) HWIMIs which exceed emission limits during performance testing may repeat the test according to the process identified in 40 CFR 60.56c(h).

(iv) Each remote small HMIWI shall meet the following compliance and performance testing requirements:

1. Follow the performance testing requirements in 40 CFR 60.56c (a), (b)(1) through (b)(9), (b)(11) (for mercury only), and (c)(1). The 2,000 pound per week limitation does not apply during performance tests.

2. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits.

3. After the initial performance test is completed, ensure that at all times the HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature, measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature constitutes a violation of the established operating parameter(s).

4. Except as provided in subsection (5) of this section, operation of the HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously constitutes a violation of the PM, CO, and dioxin/furan emission limits.

5. The owner or operator of a HMIWI may conduct a repeat performance test within thirty days of violation of applicable operating parameter(s) to demonstrate that the HMIWI is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating param-

eters that indicated a violation under subsection (4) of this section.

(v) Small, medium, and large HMIWIs are subject to the monitoring requirements listed in 40 CFR 60.57c.

(vi) Each remote small HMIWI must meet the following monitoring requirements:

1. Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

2. Install, calibrate (to manufacturers' specifications), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

3. The owner or operator of a HMIWI shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent of the operating hours per day and for ninety percent of the operating hours per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.

(j) Reporting and recordkeeping requirements.

(i) Each small, medium, and large HMIWI is subject to the reporting and recordkeeping requirements listed in 40 CFR 60.58c (b), (c), (d), (e), and (f), excluding Sec. 60.58c (b)(2)(ii) (fugitive emissions) and (b)(7) (siting).

(ii) The owner or operator of each remote small HMIWI must comply with the following:

1. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within ten days of an inspection or the time frame established by the department of ecology or the local air pollution control authority; and

2. Submit an annual report containing this information to the department of ecology or the local air pollution control authority no later than sixty days following the year in which data were collected. Subsequent reports shall be sent no later than twelve calendar months following the previous report. (Once the HMIWI is subject to permitting requirements under chapter 173-401 WAC, the owner or operator must submit these reports semiannually.) The report must be signed by the facilities manager.

(k) Compliance date. HMIWIs shall comply with all requirements of this subsection by March 15, 2000.

(l) Operating permit. Beginning September 15, 2000, or on the effective date of an EPA-approved Clean Air Act Title V operating permit program, whichever date is later, HMIWIs subject to this subsection must operate pursuant to a permit issued under chapter 173-401 WAC.

AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) National emission standards for hazardous air pollutants (NESHAPs). NESHAPs and Appendices found in 40 CFR Part 61 in effect on (~~April~~) November 1, 1998, are adopted by reference. The

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term "administrator" in 40 CFR Part 61 includes the director of ecology.

(2) Ecology or the authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61 and 63 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants (~~shall~~) must conform with the requirements of 40 CFR Parts 61 and 63.

(4) This section (~~shall~~) does not apply to any source operating (~~pursuant to~~) under a waiver granted by EPA or an exemption granted by the president of the United States (~~during the effective life of such waiver or exemption~~).

(5) **Maximum achievable control technology (MACT) standards.** MACT standards are officially known as national emission standards for hazardous air pollutants for source categories. They are found in 40 CFR Part 63.

(a) **Adopt by reference.** This list of federal MACT standards and Appendices in 40 CFR Part 63 in effect on (~~April~~) November 1, 1998, is adopted by reference. The term "administrator" in 40 CFR Part 63 includes the director of ecology.

- Subpart A General Provisions
- Subpart B Requirements for Control Technology Determinations for Major Sources According to Section 112(g) and 112(j) of the federal Clean Air Act
- Subpart D Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
- Subpart F NESHAPs for the Synthetic Organic Chemical Manufacturing Industry (a/k/a HON)
- Subpart G NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- Subpart H NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks
- Subpart I NESHAPs for Processes Subject to the Negotiated Regulation for Equipment Leaks
- Subpart L NESHAPs for Coke Oven Batteries: Charging, topside and door leaks
- Subpart N NESHAPs for Chromium Electroplating and Anodizing
- Subpart O NESHAPs for Commercial Ethylene Oxide Sterilizers
- Subpart Q NESHAPs for Industrial Process Cooling Towers
- Subpart R NESHAPs for Gasoline Distribution/Marketing (stage 1)

- Subpart T NESHAPs for Halogenated Solvent Cleaning Machines
- Subpart U NESHAPs for Group I Polymers and Resins
- Subpart W NESHAPs for Epoxy Resins Production and Non-Nylon Polyamides Production
- Subpart X NESHAPs for the Secondary Lead Smelters
- Subpart CC NESHAPs for the Petroleum Refinery Industry
- Subpart DD NESHAPs from Off-site Waste and Recovery Treatment Operation
- Subpart EE NESHAPs for Magnetic Tape Manufacturing Operations
- Subpart GG NESHAPs for the Aerospace Manufacturing and Rework Facilities
- Subpart II NESHAPs for Shipbuilding and Repair (surface coating)
- Subpart JJ NESHAPs for Wood Furniture Manufacturing Operations
- Subpart KK NESHAPs for Printing and Publishing Industry
- Subpart OO NESHAPs for Tanks-level 1
- Subpart PP NESHAPs for Containers
- Subpart QQ NESHAPs for Surface Impoundments
- Subpart RR NESHAPs for Individual Drain Systems
- Subpart VV NESHAPs for Oil-Water Separators and Organic Water Separators
- Subpart EEE NESHAP from Hazardous Waste Combustors
- Subpart III NESHAP for Flexible Polyurethane Foam Production
- Subpart JJJ NESHAPs for Group IV Polymers and Resins
- Appendix A Test Methods
- Appendix B Sources Defined for Early Reduction Provisions
- Appendix C Determination of the Fraction Biodegraded in a Biological Treatment Unit
- Appendix D Alternative Validation procedure for EPA Waste and Wastewater Methods

(b) **Exceptions.** The following subparts of 40 CFR Part 63 are not adopted by reference:

- Subpart C List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, source Category List

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Subpart E	Approval of State Programs and Delegation of Federal Authorities
Subpart M	National Perchloroethylene Emission Standards for Dry Cleaning Facilities
Subpart S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
Subpart Y	National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations
Subpart LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(6) Emission Standards for Perchloroethylene Dry Cleaners.

(a) Policy and purpose. ~~((It is not the intent of this section to place any additional burden on the generator beyond the federal MACT. Instead, the purpose of this section is to provide the reader with a clearer and more concise regulation.))~~ The purpose of this section is to explain the federal rules and to establish state minimum requirements for dry cleaning systems.

(b) Applicability. This section applies to all dry cleaning systems using perchloroethylene (PCE). In addition to meeting the requirements in this subsection, all dry cleaning systems that are new sources, as defined in WAC 173-400-030, must also meet the BACT requirements contained in this chapter. The standards that apply to this section fall into the following source categories as presented in Table 1.

TABLE 1. Perchloroethylene Dry Cleaner NESHAP Source Categories

((Applicability))	Small Area Sources	Large Area Sources	Major Sources
Dry cleaning facilities with	((Consuming)) <u>Purchasing</u> less than:	((Consuming)) <u>Purchasing</u> between:	((Consuming)) <u>Purchasing</u> more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

(c) General requirements. ~~((It shall be unlawful for any person to cause or allow the operation of a large area or major source perchloroethylene dry cleaning system unless all the air perchloroethylene gas-vapor stream is vented through a refrigerated condenser. A major source dry cleaning system installed after September 21, 1993, must utilize a refrigerated condenser followed by a small carbon adsorber. It shall be unlawful for any person to cause or allow the operation of a~~

~~small area source dry cleaning system installed after September 21, 1993, unless all the air perchloroethylene dry cleaning system is vented through a refrigerated condenser.))~~

• Small area sources. Systems installed after September 21, 1993, must vent all PCE vapors through a refrigerated condenser.

• Large area sources. Systems must vent all PCE vapors through a refrigerated condenser.

• Major sources. Systems must follow the requirements found in 40 CFR Part 63, Subpart M that were in effect on November 1, 1998.

(d) General operation and maintenance requirements. ~~((It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system unless all of the following conditions are met.))~~ All systems must meet each of the following requirements:

~~((i))~~ (i) ((All perchloroethylene dry cleaners who generate seventy-five thousand dollars per year in revenue must conduct a visual inspection of the dry cleaning system at least once a week for perceptible leaks. Perceptible leaks shall be repaired within twenty-four hours of detection unless repair parts cannot be ordered within that period of time. If parts must be ordered to repair a leak, the parts shall be ordered within two working days of detecting the leak and repair parts shall be installed within five working days after receipt;

~~((ii))~~ Inspection.

• Small area sources must inspect the system for perceptible leaks while it is operating once every two weeks.

• Large area sources must inspect the system for perceptible leaks while it is operating once every week.

• Major area source must inspect the system for perceptible leaks while it is operating once every week.

An inspection must include an examination of the following system components:

(A) Hose and pipe connections, fittings, couplings, and valves;

(B) Door gaskets and seatings;

(C) Filter gaskets and seatings;

(D) Pumps;

(E) Solvent tanks and containers;

(F) Water separators;

(G) Muck cookers;

(H) Stills;

(I) Exhaust dampers;

(J) Diverter valves; and

(K) Cartridge filter housings;

(ii) Repairs. Leaks must be repaired within twenty-four hours of detection unless repair parts cannot be ordered within that period of time. Repair parts must be ordered within two working days of detecting the leak. Repair parts must be installed within five working days after arrival;

(iii) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges;

((iii)) (iv) Close the door of each dry cleaning machine except when transferring articles to or from the machine;

((iv)) (v) Store all perchloroethylene, and wastes containing perchloroethylene, in a closed container; and

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~~((v))~~ (vi) Operate and maintain the dry cleaning system according to the manufacturer's specification and recommendations.

(e) Requirements for refrigerated condensers. ~~((It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a refrigerated condenser unless all of the following conditions are met:))~~ Systems using refrigerated condensers must meet all of the following requirements:

(i) The air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer or reclaimer must be less than or equal to 45°F (7°C) during the cool-down period. Compliance shall be determined by monitoring the temperature on a continuous basis using a permanently installed temperature sensor that is accurate to within 2°F (1°C). The temperature ~~((shall))~~ must be logged weekly;

(ii) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11°C). Compliance shall be determined by monitoring the temperature on a continuous basis using a permanently installed temperature sensor that is accurate to within 2°F (1°C). The temperature ~~((shall))~~ must be logged weekly. If the dry cleaning system was constructed before December 9, 1991, temperature sensors ~~((shall))~~ must be installed by September 23, 1996;

(iii) ~~((The))~~ A converted machine with a refrigerated condenser ~~((shall))~~ must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machines is open; and

(iv) The refrigerated condenser ~~((shall))~~ must not vent the air-perchloroethylene gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened.

(f) Requirements for carbon adsorbers. ~~((It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a carbon adsorber unless all of the following conditions have been met:))~~ Systems using a carbon adsorber must meet all of the following requirements:

(i) The concentration of perchloroethylene at the exhaust of the carbon adsorber ~~((shall))~~ must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber; and

(ii) Compliance ~~((shall))~~ must be determined by weekly measurements of the concentration of perchloroethylene at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm. If the dry cleaning system was constructed before December 9, 1991, monitoring ~~((shall))~~ must commence by September 23, 1996.

(g) Recordkeeping. Each dry cleaning facility ~~((shall have on-site the design specifications and operating manuals for all perchloroethylene dry cleaning equipment and process vent control devices, as well as an operations and maintenance plan that includes the following:~~

~~((i) A record of dates and results of all monitoring, inspections, and repair of the dry cleaning system; and~~

~~((ii) A record of the volume of perchloroethylene purchased each month including receipts of perchloroethylene purchases and a calculation of the amount of perchloroethylene purchased over the previous twelve months.~~

~~((h) A record shall be kept of any pollution prevention activities that have been accomplished.~~

~~((i))~~ must keep the following records on-site:

(i) Design specifications and operating manuals for all perchloroethylene dry cleaning equipment;

(ii) Design specifications and operating manuals for all process vent control devices; and

(iii) An operations and maintenance plan, updated on the first of each month, that includes a log of the following information:

• The date of all monitoring and each inspection and repair of the dry cleaning system;

• The results of all monitoring and each inspection and repair of the dry cleaning system;

• A record of the volume of perchloroethylene purchased each month;

• A record of the total amount of perchloroethylene purchased over the previous twelve months;

• All receipts of perchloroethylene purchases; and

• A record of any pollution prevention activities that have been accomplished.

This information must be maintained on-site and shown upon request for a period of five years.

(h) Major source requirements. If the dry cleaning system is located at a facility that emits 10 tons or more of perchloroethylene annually, the facility must meet the additional requirements set forth in 40 CFR Part 63, Subpart M, as in effect on November 1, 1998.

AMENDATORY SECTION (Amending Order 93-40, filed 3/22/95, effective 4/22/95)

WAC 173-400-104 Registration fees. (1) Registration fee determination. In counties without an active local air pollution control authority, ecology shall establish registration fees based on workload using the process outlined below. The fees collected shall be sufficient to cover the direct and indirect costs of administering the registration program within ecology's jurisdiction.

(2) Budget preparation. Ecology shall conduct a workload analysis projecting resource requirements for administering the registration program. Workload estimates shall be prepared on a biennial basis and shall estimate the resources required to perform registration program activities listed in WAC ~~((173-400-097))~~ 173-400-099(2). Ecology shall prepare a budget for administering the registration program using workload estimates identified in the workload analysis for the biennium.

(3) Registration fee schedule. Ecology's registration program budget shall be distributed to sources located in its jurisdiction according to the following:

(a) Sources requiring periodic registration and inspections shall pay an annual registration fee of four hundred dollars.

(b) Sources requiring annual registration and inspections shall pay a registration fee comprised of the following three components:

(i) Flat component. This portion of a source's fee shall be calculated by the equal division of thirty-five percent of the budget amount allocated to annual registration sources by the total number of sources requiring annual registration.

(ii) Complexity component. Each source is assigned a complexity rating of 1, 3, or 5 which is based on the estimated amount of time needed to review and inspect the source. This portion of the fee is calculated by dividing forty percent of the budget amount allocated to annually registered sources by the total complexity of sources located in ecology's jurisdiction. The quotient is then multiplied by an individual source's complexity rating to determine that source's complexity portion of the fee.

(iii) Emissions component. This portion of a source's fee is calculated by dividing twenty-five percent of the budget amount allocated to annually registered sources by the total billable emissions from those sources. The quotient is then multiplied by an individual source's billable emissions to determine that source's emissions portion of the fee. Billable emissions include all air pollutants except carbon monoxide and total suspended particulate.

(4) Regulatory orders. Owners or operators registering a source as a synthetic minor must obtain a regulatory order which limits the source's emissions. The owner will be required to pay a fee based on the amount of time required to research and write the order multiplied by an hourly rate of sixty dollars.

(5) Fee reductions for pollution prevention initiatives. Ecology may reduce registration fees for an individual source if that source demonstrates the use of approved pollution prevention measures or best management practices beyond those required of the source.

(6) Fee reductions for economic hardships. If a small business owner believes the registration fee results in an extreme economic hardship, the small business owner may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the registration fee through to customers; average annual profits, and cumulative effects of multiple site ownership. In no case will a registration fee be reduced below two hundred dollars.

(7) Fee payments. Fees specified in this section shall be paid within thirty days of receipt of ecology's billing statement. All fees collected under this regulation shall be made payable to the Washington department of ecology. A late fee surcharge of fifty dollars or ten percent of the fee, whichever is more, may be assessed for any fee not received after the thirty-day period.

(8) Dedicated account. All registration fees collected by ecology shall be deposited in the air pollution control account.

(9) Tracking revenues, time, and expenditures. Ecology shall track revenues collected under this subsection on a source-specific basis. Ecology shall track time and expenditures on the basis of ecology budget functions.

AMENDATORY SECTION (Amending Order 98-02, filed 10/23/98, effective 11/23/98)

WAC 173-400-115 Standards of performance for new sources. (~~Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as in effect on January 1, 1993, is adopted by reference except for sections 60.5 (determination of construction or modification) and 60.6 (review of plans). The term "administrator" in 40 CFR Part 60 shall mean both the administrator of EPA and the director of ecology.~~

~~Title 40, Code of Federal Regulations, Part 60, subpart WWW (40 CFR 60.750 et seq.) Standards of Performance for Municipal Solid Waste Landfills, as in effect on 10-1-98 is adopted by reference.~~

~~As of January 1, 1993, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:)~~ (1) NSPS. Standards of performance for new sources are called New Source Performance Standards, or NSPS. They are found in Title 40, Code of Federal Regulations, Part 60.

(2) Adoption by reference. This list of federal NSPS and Appendices, located in 40 CFR Part 60, as in effect on November 1, 1998, is adopted by reference. The term "administrator" in 40 CFR 60 includes the director of ecology.

Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts

Note: Fossil fuel fired steam generators with heat input greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts

Note: Fossil fuel fired steam generators with heat input greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

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Subpart Db	Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts	Subpart R	Primary lead smelters
Subpart Dc	Small industrial-commercial-institutional steam generating units	Subpart S	Primary aluminum reduction plants
Subpart E	Incinerators	Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart Ea	Municipal waste combustors <u>for which construction is commenced after December 20, 1989, and on or before September 20, 1994</u>	Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart Eb	<u>Municipal waste combustors for which construction is commenced after September 20, 1994</u>	Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart Ec	<u>Hospital/Medical/Infectious Waste Incinerators for which construction is commenced after June 20, 1996</u>	Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
<u>Note:</u>	<u>For Hospital/Medical/Infectious Waste Incinerators for which construction commenced before June 20, 1996, see WAC 173-400-070(10).</u>	Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart F	Portland cement plants	Subpart Y	Coal preparation plants
Subpart G	Nitric acid plants	Subpart Z	Ferroalloy production facilities
Subpart H	Sulfuric acid plants	Subpart AA	Steel plants: Electric arc furnaces
Subpart I	Asphalt concrete plants	Subpart AAa	Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products	Subpart BB	Kraft pulp mills
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons	Subpart CC	Glass manufacturing plants
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons	Subpart DD	Grain elevators
Subpart Kb	Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984	Subpart EE	Industrial surface coating: Metal furniture
Subpart L	Secondary lead smelters	Subpart GG	Stationary gas turbines
Subpart M	Brass and bronze ingot production plants	Subpart HH	Lime manufacturing plants
Subpart N	((Iron and steel plants)) <u>Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973</u>	Subpart KK	Lead-acid battery plants
Subpart Na	Secondary emissions from basic oxygen process steel making facilities	Subpart LL	Metallic mineral processing plants
Subpart O	Sewage treatment plants	Subpart MM	Automobile and light duty truck surface coating operations
Subpart P	Primary copper smelters	Subpart NN	Phosphate rock plants
Subpart Q	Primary zinc smelters	Subpart PP	Ammonium sulfate manufacture
		Subpart QQ	Publication rotogravure printing
		Subpart RR	Pressure sensitive tape and label surface coating operations
		Subpart SS	Industrial surface coating: Large appliances
		Subpart TT	Industrial surface coating: Metal coils
		Subpart UU	Asphalt processing and asphalt roofing manufacture
		Subpart VV	((SOCMI equipment leaks (VOC))) <u>Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry (SOCMI)</u>
		Subpart WW	Beverage can surface coating operations
		Subpart XX	Bulk gasoline terminals
		Subpart AAA	New residential wood heaters
		Subpart BBB	Rubber tire manufacturing industry
		Subpart DDD	VOC emissions from the polymer manufacturing industry
		Subpart FFF	Flexible vinyl and urethane coating and printing

- Subpart GGG Petroleum refineries - compressors and fugitive emission sources
- Subpart HHH Synthetic fiber production facilities
- Subpart III VOC emissions from SOCOMI air oxidation unit processes
- Subpart JJJ Petroleum dry cleaners
- Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants
- Subpart LLL Onshore natural gas processing; SO₂ emissions
- Subpart NNN VOC emissions from SOCOMI distillation operations
- Subpart OOO Nonmetallic mineral processing plants
- Subpart PPP Wool fiberglass insulation manufacturing plants
- Subpart QQQ VOC emissions from petroleum refinery wastewater ((emissions)) systems
- Subpart RRR VOC emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes
- Subpart SSS Magnetic tape coating facilities
- Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines
- Subpart UUU Calciners and dryers in mineral industries
- Subpart VVV Polymeric coating of supporting substrates facilities
- Subpart WWW Municipal Solid Waste Landfills that commenced construction, reconstruction or modification on or after May 30, 1991

Note: See WAC 173-400-070(9) for Municipal Solid Waste Landfills constructed, reconstructed, or modified before May 30, 1991.

(Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.)

**WSR 99-12-106
PROPOSED RULES**

INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 98-21—Filed June 2, 1999, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-108.

Title of Rule: Provider contracts.

Purpose: Current rules governing healthcare provider contracts will be amended to address problems brought to the attention of the commissioner by health care professionals and health care facilities.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010, 48.43.055, 48.44.050, 48.44.070, 48.46.030, 48.46.200, and 48.46.243.

Statute Being Implemented: RCW 48.44.070, 48.46.243.

Summary: Provider contracts cannot modify health plan benefits. Providers have the right to review any insurer standards, manuals, or documents that will impose responsibilities upon providers before the provider signs a contract. Insurers cannot change these responsibilities without giving sixty days notice and the chance for the provider to terminate the contract if the changes are unacceptable. Insurers cannot punish providers who report a possible violation of any state or federal law.

Insurers must pay "clean" claims in thirty days and must pay interest when the payment is delayed. Every contract must have a dispute resolution process that is fast and fair. To be fair the dispute must be resolved in thirty days and no subject may be excluded from the process. Insurers must make every effort to resolve billing disputes informally and quickly. The costs and inconvenience of an audit must be reasonable. Every material change to contract must be filed whether or not such changes affect provisions required by law.

Reasons Supporting Proposal: Health care providers and facilities have complained that contracts with health carriers contain provisions which are unfair and inappropriate for proper health care delivery. Without new rules, carriers may continue to use contract terms and conditions that interfere with the delivery of health plan benefits.

Name of Agency Personnel Responsible for Drafting: John S. Conniff, P.O. Box 40255, Olympia, WA, (360) 664-3786; Implementation and Enforcement: Bethany Weidner, P.O. Box 40255, Olympia, WA (360) 664-8137.

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: Proposed amendments to WAC 284-43-320 require carriers to give notice of at least sixty days of changes in contracted responsibilities and the opportunity for providers to terminate the contract without penalty. Contracts often incorporate by reference carrier documents that contain standards for participating providers. Changing these documents indirectly amends the contract without notice to providers. The amendments would also clarify existing law that a provider contract cannot alter the terms and conditions of the health plan sold to the public.

Proposed WAC 284-43-330 requires that carriers submit to the commissioner material changes to a sample contract rather than just those changes affected by agency rules. The agency needs sample copies of all provider contracts on file for information purposes. The old rule resulted in major changes to contracts without agency awareness because the changes did not implicate provisions required by rule.

Proposed WAC 284-43-350 provides for terms and conditions of payment from health carriers to providers. Carriers are unfairly delaying payments to providers and some contracts either contain no timeline for payment or grossly favor

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the carrier. There is a requirement in this section that would require carriers to pay "clean claims" within thirty days of submission and to pay interest on claim payment delays that are not caused by the provider or subscriber, enrollee, or patient.

Proposed WAC 284-43-360 requires certain elements in a carrier's dispute resolution process. Contracts cannot exclude contract dispute matters from the statutorily required dispute resolution process. Carriers must resolve disputes within thirty days. Carriers may not make the resolution process the sole remedy for contract disputes foreclosing judicial remedies. These changes are intended to clarify the statutory requirement for a "fair" dispute resolution process.

Proposed WAC 284-43-370 requires billing audit guidelines. Contracts often contain clauses permitting carriers to conduct necessary audits of provider files to determine the honesty and appropriateness of billings to the carrier. However, these clauses often inappropriately favor carriers and burden providers with unnecessary costs and delays in obtaining payment for legitimate claims.

Proposed WAC 284-43-380 requires that participating provider and facility contracts entered into prior to the effective date of the rule shall be amended no later than July 1, 2000, in order to bring the contract into compliance. This lengthy effective date should minimize disruption in provider contracting.

Proposal Changes the Following Existing Rules: See above.

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

Small Business Economic Impact Statement

Is the rule required by federal law or federal regulation? This rule is not required by federal law or regulation. Several sections of the rule may require carriers to apply to privately-financed plans practices which they are already required to apply to publicly-financed plans.

What industry is affected by the proposed rule? The industry code that would be affected by the proposed rules includes hospital and medical service plans, industry code # 6324. In Washington, such plans are called health care service contractors (HCSCs) and Health maintenance organizations (HMOs).

List the specific parts of the proposed rule, based on the underlying statutory authority (RCW section), which may impose a cost to business: RCW 48.44.070 and 48.46.243 require the filing of provider contracts with the commissioner fifteen days prior to use. The commissioner may disapprove of the filing if it is in any respect a violation of chapter 48.44 or 48.46 RCW or if it does not conform with minimum provisions or standards adopted by rule by the commissioner.

Proposed WAC 284-43-320 requires that carriers give notice of at least sixty days of changes in the responsibilities of carriers and providers and facilities and the opportunity to terminate the contract if the providers or facilities do not agree with the changes. Several larger carriers indicated that they currently give thirty day notice for material changes only. There may be costs associated with providing notice of

more than just material changes. Concerns were noted only by larger carriers, who have larger networks of providers and facilities. These carriers did not object to the costs of providing notices as much administration of the notice provisions and the requirement of telling each provider or facility what are the rights and responsibilities of each party.

Proposed WAC 284-43-330 requires that carriers submit to the commissioner material changes to a sample contract, fifteen days prior to use. The requirement to file contracts fifteen days prior to use is a current statutory requirement (RCW 48.44.070 and RCW 48.46.243). The commissioner mitigated costs in past rule makings by allowing carriers to file sample contracts. The existing rule required filing of material changes that affected only chapter 284-43 WAC.

Proposed WAC 284-43-350 provides for terms and conditions of payment from health carriers to providers. There is a requirement in this section that would require carriers to pay "clean claims" within thirty days of submission and to pay interest on claim payment delays that are not caused by the provider or subscriber, enrollee, or patient.

Carriers indicated in their responses that they currently have standards for payment of "clean claims." Deadlines and definitions may vary from carrier to carrier causing confusion for providers. These rules will standardize language and deadlines. Some carriers, larger carriers, have indicated that costs may result from having a thirty day claim payment deadline.

Additionally, there may be some slight administrative costs to oversee program requiring interest to be included on late payments. Finally, there will be the cost of that interest itself. There will be negligible costs (and no interest) if the clean claims are paid within thirty days.

Proposed WAC 284-43-360 requires certain elements in a carrier's dispute resolution process. Currently, WAC 284-43-320 requires that all contracts between carriers and providers must contain procedures for the fair resolution of disputes arising out of the contracts. This allowed considerable latitude for the carriers but, unfortunately, the resolution processes instituted by some carriers did not meet the goals of the rule and establish a quick, efficient, and unbiased system. The rules propose a framework and timeframes for the dispute resolution process. Whether or not any particular contract will need to be revised in order to satisfy the requirements of the rule will depend upon the carrier's existing process.

Carriers indicated that some modifications of their existing dispute resolution processes may need to be performed. No carrier indicated anything other than moderate costs would occur due to modification.

Proposed WAC 284-43-370 requires billing audit guidelines. Carriers currently have various auditing requirements. All perform some type of audit but not all carriers audit all providers annually. Carriers indicated that some provisions could result in costs such as the carrier paying requirement that a one-hundred dollar audit fee be paid to the audited party, copying costs, and on-site review unless the provider agrees to an off-site audit.

Proposed WAC 284-43-380 requires that participating provider and facility contracts entered into prior to the effective date of the rule shall be amended no later than July 1,

2000, in order to bring the contract into compliance. There is a provision that allows the commissioner to extend that deadline up to six months if a carrier who has tried to comply in good faith requests the extension in writing.

What will be the compliance costs for the industries affected? The intent of the proposed rules is to standardize practices in the area of provider contracting by carriers. Some of the requirements mirror existing practices of carriers; others would require changes to the contract language, practices, or the timeframes in which a carrier performs the obligation.

The largest potential cost is the revision of existing contracts and the issuance of new contracts. The rules are intended to minimize the costs of issuing new contracts by delaying the implementation of the rules until July 1, 2000, with a possible additional six month extension available to the carriers. Carriers update their contracts periodically, some indicate that they make changes and issue new contracts as a routine business practice every two to three years. Others may make changes more or less frequently. Costs may range depending on the size of the provider network and the carrier's next intended revision of their contracts. The highest estimate (by one of the largest carriers) was six full-time employees. The lowest estimate (by one of the smallest carriers) was negligible costs.

One carrier indicated that it will incur some administrative costs in implementing a system to comply with WAC 284-43-350 that would require interest on late payments of "clean claims." This cost is expected to be moderate since the carrier already has systems to monitor payments of clean claims. The cost of interest will be zero unless payments to providers or facilities are later than thirty days on clean claims.

No carrier stated that it anticipated any more than moderate costs to set up and administer the dispute resolution requirements. Some carriers did note that they believe that this process is not necessary.

Billing audit guidelines are also mentioned as a section of the rule that may potentially result in costs to carriers. On-site review (which may be waived by the provider), a one-hundred dollar audit fee, and payment of copying expenses are the provisions that may incur costs.

What percentage of the industries in the four-digit standard industrial classification will be affected by the rule? The proposed rule would affect 100% of the health carriers that offer health plans subject to regulation by the insurance commissioner.

Will the rule impose a disproportionately higher economic burden on small businesses within the four-digit classification? A comparison of the responses from the smaller carriers to responses from larger carriers indicate that the proposed rule would not impose a disproportionately higher economic burden on small business.

The largest potential costs of this rule involve the revising of existing contracts between carriers and providers or facilities. Carriers vary in how often their provider contracts are updated. When contracts are updated, larger carriers have more plans and more varieties of provider contracts needing modification than do the small carriers. As a result, the larger

carriers have indicated significantly higher proportional costs. The smallest responding carrier indicated that its contracts would be updated prior to July 1, 2000, regardless of the promulgation of this rule; therefore updating the contracts to comply with this proposed rule would not impose more than marginal costs.

Can mitigation be used to reduce the economic impact of the rule on small businesses and still meet the stated objective of the statutes that are the basis of the proposed rule? The rule has been modified to extend the effective date until July 1, 2000. This would allow an extra year for carriers to revise their contracts and is expected to reduce costs. By this time many affected carriers, including at least one of the smaller carriers involved, will have updated their contracts through the normal course of business, thereby reducing or eliminating the need to update those contracts solely as a result of this rule making.

Additionally, a section was included that would allow the commissioner to extend the compliance process by an additional six months for carriers. The carriers must make a written request and explain how they have made a good faith effort to meet the July 1, 2000, deadline, state why the deadline can not be met, and state when the carrier expects to be in compliance. A carrier meeting those criteria may be allowed six months from July 1, 2000, to bring their contracts into compliance.

What steps will the commissioner take to reduce the costs of the rule on small businesses? See above. The rule-drafting process will continue and small businesses are invited to comment on any proposed section of the rule and offer suggestions or alternatives. The rule drafters will continue to discuss the proposed rules with industry representatives to discuss methods to reduce costs on smaller carriers. Additionally, the commissioner will provide technical assistance to aid carriers in understanding and implementing the new rules.

Which mitigation techniques have been considered and incorporated into the proposed rule? Preliminary drafts of this proposed rule required that carriers modify all existing contracts by July 1, 1999. The proposed rule extended this deadline to July 1, 2000, or longer if a carrier demonstrates a need. This mitigation will obviate the need for many contracts to be modified as a result of this rule, since many contracts will need to be modified by July 1, 2000, regardless of this rule. An additional six months may be allowed for carriers as noted *infra*.

A proposed section was removed which would have required that payment for procedures be based on the service performed rather than the type of provider performing the service. Carriers had indicated that this section could be difficult and costly to implement.

Timeframes and processes often mirror existing timelines and requirements imposed by the federal government. Rule drafters will continue to work with industry representatives to develop the fairest, most efficient process. This may include utilizing more of the new Medicare standards.

Which mitigation techniques were considered for incorporation into the proposed rule but were rejected, and why? Carriers were concerned with giving notice of all

changes in contractual rights and responsibilities to their contracting providers and facilities. They suggested amending the rules to require only notice of material changes.

Another carrier suggestion was to use all of the Medicare's standards for payment of claims.

These suggestions were considered but not incorporated at the time of this filing. As noted above, the issues will be further explored and considered as the rule-making process continues.

Briefly describe the reporting, recordkeeping, and other compliance requirements of the proposed rule. The rule provides for prompt payment of amounts owed by a carrier to a provider or facility by requiring that contracts obligate carriers to pay "clean claims" (claims containing information necessary for payment) within thirty days of submission. The rule defines a process which carriers and providers must follow for claims that are not clean.

The rule provides for a more fair and efficient dispute resolution process by allowing providers up to thirty days for providers and facilities initiate the process by complaining, and requiring disputes to be resolved within thirty days after receipt of the complaint.

The rule provides for a more fair and efficient billing auditing process by requiring carriers and providers to follow certain guidelines. Several of the guidelines contained in the rule may be modified with consent of the parties.

RCW 48.44.070 and 48.46.243 require carriers to file with the commissioner fifteen days prior to use sample contract forms proposed for use with its participating providers and facilities. Previous rules had limited the application of these laws by limiting the definition of a contract. Recent rule changes increased the protection of consumers by removing some of the limitations. The commissioner determined that the new regulation was not broad enough in requiring carriers to file only material changes that affect a provision of chapter 284-43 WAC.

This rule will require carriers to file any material changes to a sample contract form to the commissioner fifteen days prior to use. However, changes in provider payment rates, coinsurance, copayments, or deductibles are not considered material changes for the purpose of this subsection.

Carriers will need to bring existing contracts into compliance with this rule by July 1, 2000, or within six months after that date if the carrier demonstrates that such additional time is needed.

Carriers will need to be able to provide the commissioner with copies of provider and facility contracts upon twenty days prior written notice from the commissioner. As noted above, carriers are currently required by statute to provide this information to the commissioner prior to use.

List the kinds of professional services that a small business is likely to need in order to comply with the reporting, recordkeeping, and other compliance requirements of the proposed rule. The smaller carriers did not indicate that additional professional services would be needed to comply with this rule. The commissioner will seek to provide whatever technical assistance is necessary to

enable the smaller carriers to understand and implement the rule.

Analyze the cost of compliance including, specifically:

Cost of Equipment: There is no anticipated additional cost of equipment.

Cost of Supplies: If sample contract forms are changed materially, there will be some additional minimal supply costs associated with the requirement to file such changes with the commissioner. Providing copies of contracts to the commissioner may require photocopying on occasion.

Cost of Labor: Some carriers may need to devote additional labor hours to revise those contracts which would not otherwise be revised by the deadlines in the rule. There will be the costs associated with learning the requirements of new rules.

Cost of Increased Administration: Some carriers indicate that they may need to devote additional administration to ensure that their existing dispute resolution and claim payment processes comply with timeframes in the rule. However, the agency understands that all carriers already track timeframes for claim payment and dispute resolution. It appears that any increased administrative costs would be marginal. One carrier indicated it may take some administrative time to implement a program to track interest payments on claims. However, it is worth noting that the interest money represents profit for the carrier which is derived from untimely claims payments to providers and facilities. Many provider groups who otherwise would have use of these funds but for untimely payments are small businesses.

Compare the cost of compliance for small business with the cost of compliance for the largest business in the same four-digit classification: Cost of compliance does not appear to be disproportionately greater for the small carriers. Larger carriers indicated that the overall cost of compliance would be significant. Conversely, only moderate costs are expected by the smallest carrier. The smallest carrier indicated that it would incur negligible costs for the majority of the provisions of the rule, including the section concerning the updating of contracts, which the larger carriers claimed would result in the greatest costs. Since the smaller carrier indicted its costs due to this key provision would be negligible, it would incur a lesser cost per employee for this task than would the larger carriers. In addition, the smaller carriers have considerably fewer contracts, providers, and regulations to track; this results in a per-employee burden on smaller carriers which is at most proportional to the burden imposed on larger carriers.

The only sections that caused possible concern for that carrier were those sections concerning possible payment of interest and the costs associated with billing auditing. These costs of establishing a program to oversee that late payments on clean claims should not be great. The carriers already track their claims payments. If a payment on a clean claim is not made over thirty days from submission of the claim, then no action must be taken and there is no interest due. Finally, all responding carriers expressed concern at the costs associated with billing audits, specifically a \$100 audit fee cost and the cost of copying. These costs are not disproportionate, the

larger carriers have larger networks and will audit considerably larger numbers of providers or facilities. The costs can not be easily mitigated for small carriers either.

The rules drafters will continue to consider alternatives that accomplish the goals of the rules while mitigating the costs of compliance, particularly those costs incurred by small businesses.

Have businesses that will be affected been asked what the economic impact will be? This subject had been a part of an overall regulatory scheme change in a previous rule making (R 97-3, managed care rules). As that proposal progressed through the rule-making process, the proposed rules were modified in response to the comments made. Numerous mitigatory measures were taken in the area of provider contracts. The rule drafter reviewed that rule making, the goals and efficacy of the rules before undertaking this rule making.

All carriers were informed of the commissioner's intent to draft rules regarding provider contracting in November, 1998. The CR-101 was mailed to all health carriers and posted on the agency's website after filing and publication in the Washington State Register. An open public meeting was held on December 7, 1998, in Olympia, Washington to discuss the proposed rules. Carriers, providers, and consumers were invited to participate. A draft of the rules was circulated and comments by the carriers were solicited. A representative sample of carriers were asked to respond to a specific set of questions regarding the possible economic impacts of the proposed rule in March, 1999.

How did the commissioner involve small business in the development of the proposed rule? A cross-section of carriers, including smaller carriers, were also asked to respond to a questionnaire regarding the possible economic impacts of the proposed rule. See also the section above for additional methods used to involve smaller carriers.

How and when were affected small businesses advised of the proposed rule? Small carriers were advised in writing of the proposed rules on November 4, 1998. See above two sections for additional methods used to involve smaller carriers.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504, phone (360) 664-3784, fax (360) 664-2782.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: Marshal Community Center, 1009 East McLaughlin, Vancouver, WA, on August 2, 1999, at 10:00 a.m.; at Seattle Central Community College, 1701 Broadway, Seattle, WA, on August 2, 1999, at 6:00 p.m.; at the Spokane Public Library (downtown branch), 906 West Main Avenue, on August 3, 1999, at 2:00 p.m.; at Columbia Basin Community College, 2600 North 20th, Pasco, WA, on August 4, 1999, at 9:00 a.m.; and at the Yakima County Courthouse, Yakima, Washington, on August 4, 1999, 4:00 p.m.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by July 30, 1999, TDD (360) 407-0409.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Internet e-mail KacyB@oic.wa.gov, fax (360) 664-2782, by July 30, 1999.

Date of Intended Adoption: August 18, 1999.

June 2, 1999

Robert A. Harkins
Chief Deputy Commissioner

AMENDATORY SECTION (Amending Order R 97-3, filed 1/22/98, effective 2/22/98)

WAC 284-43-320 Provider contracts—Standards—Hold harmless provisions. The execution of a contract by a health carrier shall not relieve the health carrier of its obligations to any covered person for the provision of health care services, nor of its responsibility for compliance with statutes or regulations. In addition to the contract form filing requirements of this subchapter, all individual provider and facility contracts shall be in writing and available for review upon request by the commissioner.

(1) A health carrier shall establish a mechanism by which its participating providers and facilities can obtain timely information on patient eligibility for health care services and health plan benefits, including any limitations or conditions on services or benefits. Nothing contained in a participating provider or a participating facility contract may have the effect of modifying benefits, terms, or conditions contained in the health plan. In the event of any conflict between the contract and a health plan, the benefits, terms, and conditions of the health plan shall govern with respect to coverage provided to covered persons.

(2) Each participating provider and participating facility contract shall contain the following provisions or variations approved by the commissioner:

(a) "{Name of provider or facility} hereby agrees that in no event, including, but not limited to nonpayment by {name of carrier}, {name of carrier's} insolvency, or breach of this contract shall {name of provider or facility} bill, charge, collect a deposit from, seek compensation, remuneration, or reimbursement from, or have any recourse against a covered person or person acting on their behalf, other than {name of carrier}, for services provided pursuant to this contract. This provision shall not prohibit collection of {deductibles, copayments, coinsurance, and/or noncovered services}, which have not otherwise been paid by a primary or secondary carrier in accordance with regulatory standards for coordination of benefits, from covered persons in accordance with the terms of the covered person's health plan."

(b) "{Name of provider or facility} agrees, in the event of {name of carrier's} insolvency, to continue to provide the services promised in this contract to covered persons of {name of carrier} for the duration of the period for which premiums on behalf of the covered person were paid to {Name of carrier} or until the covered person's discharge from inpatient facilities, whichever time is greater."

(c) "Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the covered person's health plan."

(d) "{Name of provider or facility} may not bill the covered person for covered services (except for deductibles, copayments, or coinsurance) where {name of carrier} denies

PROPOSED

payments because the provider or facility has failed to comply with the terms or conditions of this contract."

(e) "{Name of provider or facility} further agrees (i) that the provisions of (a), (b), (c), and (d) of this subsection {or identifying citations appropriate to the contract form} shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {name of carrier's} covered persons, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {name of provider or facility} and covered persons or persons acting on their behalf."

(f) "If {name of provider or facility} contracts with other providers or facilities who agree to provide covered services to covered persons of {name of carrier} with the expectation of receiving payment directly or indirectly from {name of carrier}, such providers or facilities must agree to abide by the provisions of (a), (b), (c), (d), and (e) of this subsection {or identifying citations appropriate to the contract form}."

(3) The contract shall inform participating providers and facilities that willfully collecting or attempting to collect an amount from a covered person knowing that collection to be in violation of the participating provider or facility contract constitutes a class C felony under RCW 48.80.030(5).

(4) A health carrier shall notify participating providers and facilities of their responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state requirements. An explanation of these responsibilities must be available for review by the provider or facility prior to contracting. Participating providers and facilities must be given reasonable notice of not less than sixty days of changes to these responsibilities and the opportunity to terminate the contract without penalty if the provider or facility does not agree with the changes.

(5) The following provision is a restatement of a statutory requirement found in RCW 48.43.075 included here for ease of reference:

(a) "No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service."

(b) "No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier."

(6) A health carrier shall require participating providers and facilities to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons subject to applicable state and federal laws related to the confidentiality of medical or health records.

(7) A health carrier and participating provider and facility shall provide at least sixty days' written notice to each other before terminating the contract without cause. The health carrier shall make a good faith effort to assure that written notice of a termination within fifteen working days of receipt or issuance of a notice of termination is provided to all covered persons who are patients seen on a regular basis by the provider whose contract is terminating, irrespective of whether the termination was for cause or without cause. Where a contract termination involves a primary care provider, that carrier shall make a good faith effort to assure that notice is provided to all covered persons who are patients of that primary care provider.

(8) A health carrier is responsible for ensuring that participating providers and facilities furnish covered services to covered persons without regard to the covered person's enrollment in the plan as a private purchaser of the plan or as a participant in publicly financed programs of health care services. This requirement does not apply to circumstances when the provider should not render services due to limitations arising from lack of training, experience, skill, or licensing restrictions.

(9) A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes patient health or welfare or that may violate state or federal law.

(10) The following provision is a restatement of a statutory requirement found in RCW 48.43.085: "Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan."

(11) Every participating provider contract shall contain procedures for the fair resolution of disputes arising out of the contract.

AMENDATORY SECTION (Amending Order R 97-3, filed 1/22/98, effective 2/22/98)

WAC 284-43-330 Participating provider—Filing and approval. (1) Beginning May 1, 1998, a health carrier shall file with the commissioner fifteen days prior to use sample contract forms proposed for use with its participating providers and facilities.

(2) A health carrier shall submit material changes to a sample contract form (~~that would affect a provision required by this chapter~~) to the commissioner fifteen days prior to use. Changes in provider payment rates, coinsurance, copayments, or deductibles are not considered material changes for the purpose of this subsection.

PROPOSED

(3) If the commissioner takes no action within fifteen days after submission of a sample contract or a material change to a sample contract form by a health carrier, the change or form is deemed approved except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. Approval may be subsequently withdrawn for cause.

(4) The health carrier shall maintain provider and facility contracts at its principal place of business in the state, or the health carrier shall have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

NEW SECTION

WAC 284-43-350 Provider contracts—Terms and conditions of payment. (1) Every participating provider contract shall set forth a schedule for the prompt payment of amounts owed by the carrier to the provider or facility and shall include penalties for carrier failure to abide by that schedule. At a minimum, the contract must contain a provision that obligates the carrier to pay a "clean claim" within thirty days of submission to the carrier and to pay interest at the maximum rate allowed by RCW 19.52.025 on any claim payment delay not caused by the provider or the subscriber, enrollee, or patient.

(2) For the purposes of this section, a "clean claim" is one that contains the following elements; proper identification of the patient and covered person information, complete and appropriate coding of diagnoses and/or services performed, sufficient information to support coordination of benefits and special medical department review (e.g., EOBs, medical reports, a legible emergency department report) if indicated based upon the medical complexity of the services rendered. A completed UB92 or HCFA 1500 or their electronic equivalent or other formats adopted by the National Uniform Billing Committee shall also be considered a clean claim.

(3) The time period for calculating the time period for claim payment shall begin on the date that the claim is received in the mode agreed upon by the provider and carrier.

(4) Notice that claims are not clean must be provided within fifteen days and shall identify the portion of the claim that is contested and the reasonably relevant information needed from the provider to reconsider the claim. The provider shall supply such information within fifteen days of receipt of a written request that is clear and specific regarding the information sought by the carrier. If the carrier requires further information after reviewing the additional information submitted by the provider, the carrier shall have an additional ten days after the initial receipt of information to request information, at which time the claim shall be deemed clean.

NEW SECTION

WAC 284-43-360 Provider contracts—Dispute resolution process. No process for the resolution of disputes arising out of a participating provider or facility contract shall be

considered fair unless the process meets all the provisions of this section.

(1) A process may include an initial informal procedure but must include a formal process for resolution of all disputes except those concerning what benefits are covered, which are subject to a different dispute resolution process. Carriers may not exclude any other subject matter from this dispute resolution process.

(2) Carriers must allow not less than thirty days after the action giving rise to a dispute for providers and facilities to complain and initiate the dispute resolution process.

(3) Carriers may not require alternative dispute resolution to the exclusion of judicial remedies.

(4) Carriers must render a decision on formal complaints within thirty days following receipt of the complaint.

NEW SECTION

WAC 284-43-370 Provider contracts—Billing audit guidelines. No provider or facility contract may contain provisions that conflict with this section. As used in this section, "provider" includes facilities.

(1) Carriers and providers shall make every effort to resolve billing disputes informally and promptly.

(2) If a satisfactory resolution of the questions surrounding the bill is not achieved by carrier and provider representatives, then a full audit process may be initiated by the carrier. A health carrier shall make prompt payment of a bill and shall not delay for an audit process. Payment on a submitted bill from a third-party carrier shall be based on amounts billed and covered by the patient's health benefit plan.

(3) All carrier billing audits shall begin with a notification to the provider of an intent to audit. Notification to the provider by the qualified billing auditor shall occur no later than four months following receipt by the carrier of the final claim for payment. Once notified, the provider shall respond to the auditor within one month with a schedule for the conduct of the audit. The auditor shall complete the audit within six months of receipt of the claim by the carrier. By mutual agreement, the parties may alter this schedule from time to time.

(4) All billing audits shall be conducted on the premises of the provider unless the provider agrees to an off-site audit.

(5) In order to have a fair, efficient, and effective audit process:

(a) The scheduling of an audit shall not preclude late billing;

(b) The parties involved in the audit shall mutually agree to set and adhere to a predetermined schedule for the resolution of any discrepancies, questions or errors that surface in the audit;

(c) An exit conference and a written report shall be part of each audit; if the provider waives the exit conference, the auditor shall note that action in the written report. The content of the final report shall be disclosed only to those parties involved in the audit;

(d) The provider shall be afforded sixty days to contest all findings, after which the audit shall be considered final; and

(e) Once both parties agree to the audit findings, audit results are final.

(6) Billing audits shall be made in accordance with one of the following three audit fee and payment schedules:

(a) A one hundred dollar audit fee shall be paid by the auditor to the audited party. The audited party shall not require payment greater than one hundred percent of the audited party's submitted bill minus the audited party's historic error rate.

(b) In those instances where the audited party has had less than twelve audits in a calendar year, the error rate shall be set by mutual agreement between the audited party and the qualified billing auditor. When the parties cannot agree, the historic error rate shall be presumed to be seven percent.

(c) The one hundred dollar fee shall not apply in the following situations:

(i) Payment of one hundred percent of the covered benefit has been made;

(ii) The on-site audit begins more than sixty days after the request for audit; or

(iii) Audit fees are not required or are otherwise being waived.

(7) Audit fees, if required, are to be paid upon commencement of the on-site billing audit. A payment identified in the audit report that is owed to either party by the other, shall be settled by the audit parties within thirty days after delivery of the final audit report to the party owing the payment unless the parties agree otherwise.

(8) Neither the provider nor the auditor shall require a billing, rebilling or refund request following final audit determination, but all findings shall be netted and the net payable will be payable by the appropriate party without additional billing.

(9) Photocopying and duplication charges shall not exceed fifty cents per page.

NEW SECTION

WAC 284-43-399 Effective date. (1) All participating provider and facility contracts entered into after the effective date of this subchapter shall comply with this subchapter no later than July 1, 1999.

(2) Participating provider and facility contracts entered into prior to the effective date of this subchapter shall be amended upon renewal to comply with the provisions of this subchapter, and all such contracts shall conform to the provisions of this subchapter no later than July 1, 2000. The commissioner may extend the July 1, 2000 deadline for a health carrier for an additional six months, if the health carrier makes a written request. That request must explain how a good faith effort at compliance has been made, provide the specific reasons the deadline cannot be met, and state the date the health carrier expects to be in compliance (no more than six months beyond July 1, 2000).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-43-340

Effective date.

WSR 99-12-109

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 98-11—Filed June 2, 1999, 9:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-105.

Title of Rule: Water conservancy boards.

Purpose: To clarify procedures for decision making between ecology and county water conservancy boards, and to clarify the authority of boards in making recommendations on applications for changes to water rights.

Other Identifying Information: This rule was tested using pilot rule making under RCW 34.05.310 by water conservancy boards in Benton and Lewis counties.

Statutory Authority for Adoption: RCW 90.80.040.

Statute Being Implemented: Chapter 90.80 RCW.

Summary: The proposed rule will clarify the procedures for creation and operation of water conservancy boards for both the Department of Ecology and the county boards.

Reasons Supporting Proposal: The statute states that "the director of the department may, as deemed necessary by the director, adopt rules...necessary to carry out this chapter, including minimum requirements for the training and continuing education of commissioners." The governor directed ecology to initiate rule making on the new chapter of the water code "as soon as possible." The rule is needed to clarify requirements for training of commissioners and to establish procedures for interaction between ecology and the individual boards.

Name of Agency Personnel Responsible for Drafting: Peggy Clifford, Olympia, Washington, (360) 407-7262; and Implementation: Fred Rajala, Olympia, Washington, (360) 407-6634.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 173-153 WAC will implement chapter 90.80 RCW. It allows counties to establish local water conservancy boards to process water right transfer and change applications, subject to ecology approval. It also directs ecology to establish minimum requirements for training conservancy board members. The governor directed ecology to initiate pilot rule making and authorized the establishment of two conservancy boards during development of the pilot rule. The pilot boards were formed in Benton and Lewis counties.

Ecology has forty-five days to approve or deny the formation of local water conservancy boards. Ecology is directed to provide training for the new board members.

Water conservancy boards will receive applications for water right change or transfer. They will examine the application, and determine whether or not the change, as proposed, can be made without affecting existing water rights. The board will then make a recommendation to ecology. Ecology has forty-five days to affirm, modify or deny the recommendation.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule has been reviewed to determine the applicability of the Regulatory Fairness Act (chapter 19.85 RCW) to its submission as a proposed rule and adoption. The Regulatory Fairness Act does not apply to rule adoption relating only to internal government operations that are not subject to violation by a nongovernment party. Also, the proposed rule has been developed through a pilot rule-making process as described in RCW 34.05.313(4) for which the Regulatory Fairness Act does not apply, and no small business economic impact statement is required. Further, the involvement of private businesses or persons with the water conservancy boards provided for in this rule, or with the Department of Ecology as part of that process is voluntary.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is procedural in nature because it relates only to internal governmental operations of ecology and governmental entities that seek to become and are established as water conservancy boards. It also does not include any regulatory provision that would be subject to violation by a nongovernment body.

Hearing Location: Department of Ecology - (in Auditorium), 300 Desmond Drive (off Martin Way), (360) 407-6000, Lacey, on July 7, 1999, at 7 p.m.; and at Big Bend Community College, 7662 Chanute Street, (509) 762-5351, Moses Lake, on July 14, 1999, at 7 p.m.

Assistance for Persons with Disabilities: Contact Felicia Curtis by July 1, 1999, TDD (360) 407-6006.

Submit Written Comments to: Peggy Clifford, Water Resources Program, Department of Ecology, P.O. Box 7600, Olympia, WA 98504-7600, Pcl461@ecy.wa.gov, fax (360) 407-7162, by July 21, 1999.

Date of Intended Adoption: July 30, 1999.

June 1, 1999
Daniel J. Silver
Deputy Director

Chapter 173-153 WAC

WATER CONSERVANCY BOARDS

NEW SECTION

WAC 173-153-010 Purpose and authority. The purpose of this chapter is to establish procedures the department of ecology (ecology) and water conservancy boards will follow in implementing chapter 90.80 RCW which authorizes establishment of county water conservancy boards and vests them with certain powers relating to water right changes, transfers or amendments, and in implementing RCW

90.03.380, 90.03.390, and 90.44.100 which govern the granting of water right changes, transfers, and amendments.

NEW SECTION

WAC 173-153-020 Applicability. These procedures apply to the establishment of water conservancy boards (established in accordance with chapter 90.80 RCW) and how applications to change, transfer, or amend water rights which are filed with a water conservancy board will be processed.

NEW SECTION

WAC 173-153-030 Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Affirm" means that the department agrees with the substantive recommendation of the board. A notice is sent to the board affirming the recommendation.

(2) "Amendment" means to amend a ground water right to allow construction of wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or a change in the manner or the place of use of the water, or consolidation of rights by the owner of one or more exempt wells with a permitted or certificated well.

(3) "Change in water right" means a change, in whole or in part, in the point of diversion or withdrawal, purpose of use, or a transfer of water right, or other limitation or circumstance of water use.

(4) "Consumptive use" means use of water whereby there is a diminishment of the water source.

(5) "Modify" means the department agrees with the board's substantive recommendation in part. The department sends a notice modifying the recommendation, specifying which parts of the recommendation it was in agreement with, and which parts of the recommendation it has modified.

(6) "Recommendation" means the document that an individual conservancy board sends to the department containing its decision on an application for a water right change, transfer or amendment.

(7) "Reverse" means the department does not agree with the board's substantive recommendation. A notice is sent to the board reversing the substantive elements of their recommendation.

(8) "Transfer of water right" for the purposes of implementing this chapter means a transfer, change or amendment to a water right under RCW 90.03.380, 90.03.390, or 90.44.100.

NEW SECTION

WAC 173-153-040 Creation of a water conservancy board. Counties are encouraged to consult with ecology when considering formation of a water conservancy board. (1) Creation of a water conservancy board is accomplished by the following steps:

(a) A resolution or petition must be submitted to the county legislative authority calling for formation of a water

conservancy board. The resolution or petition may be initiated by:

- (i) The county legislative authority;
 - (ii) The legislative authority of an irrigation district, a city operating a public water system, or a water-sewer district that operates a public water system;
 - (iii) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;
 - (iv) Five or more water rights holders who divert water for use in the county; or
 - (v) Any combination of the above;
- (b) The resolution or petition must include:
- (i) A statement of the need for the board;
 - (ii) Proposed bylaws that will govern the operation of the board;
 - (iii) An identification of the geographic boundaries where there is an initial interest in transacting water sales or transfers; and
 - (iv) A description of the proposed method(s) for funding the operation of the board;
- (c) A public hearing must be held by the county legislative authority on the proposed creation of the board.
- (d) A public notice must be published in a newspaper of general circulation in the county not less than ten days, nor more than thirty days, before the date of a public hearing to be held by the county legislative authority on the proposed creation of the water conservancy board. The notice shall describe the time, date, place and purpose of the hearing, as well as the purpose of the board. Notice shall be sent to ecology's regional office at the time of publication;
- (e) After the public hearing a resolution must be adopted by the county legislative authority approving the creation of a water conservancy board; and
- (f) The county legislative authority must identify and select county residents who wish to participate on the county's water conservancy board.
- (2) Ecology will approve or deny creation of a water conservancy board within forty-five days of receiving:
- (a) A copy of a resolution or petition to the county legislative authority calling for the formation of a water conservancy board. If five water rights holders who divert water for use in the county initiated the petition, it shall include their names, addresses; and documentation as to the water rights held by the petitioners. Documentation may include the permit number, certificate number, or claim number of the petitioner's water right. The petition shall include a description of how the water conservancy board will be funded;
 - (b) An affidavit of publication for the public notice that appeared in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the date of the public hearing on the proposed creation of the board;
 - (c) A summary of the public testimony presented during the public hearing conducted by the county legislative authority in response to the resolution or petition to form a water conservancy board. The summary shall include a title and a date for the hearing;
 - (d) A copy of the resolution by the county legislative authority approving the creation of a water conservancy

board. The resolution must include a method for funding the proposed water conservancy board; and

(e) A copy of the board's proposed bylaws.

(3) Ecology will determine if the creation of a water conservancy board would further the purposes of the law and will be in the public interest. The public interest shall include, but not be limited to, whether ecology has sufficient staffing resources to provide necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's anticipated recommendations on change applications.

(4) Based on its determination, ecology will approve, or deny the formation of the water conservancy board. If formation of a water conservancy board is approved, ecology will include a description of the training requirements as outlined in WAC 173-153-050 for water conservancy board members in its approval.

(5) Ecology may revoke legal authority of a board to make recommendations if:

(a) The board fails to render a recommendation for a period of not less than two years; or

(b) If the board demonstrates a consistent pattern of ignoring legal principals and requirements in its processing of change applications or in its recommendations to ecology.

The board will be allowed thirty days to respond to any revocation prior to it being effective. Ecology may reverse the revocation based upon the board response. Ecology may revoke the authority of a board upon the request of the board of county commissioners having called for its formation.

NEW SECTION

WAC 173-153-050 Training requirements. (1) Prior to participating in any water right change, transfer or amendment recommendation of a water conservancy board, every member is required to complete a training program provided by ecology. Successful completion of the training program will consist of:

(a) Completing at least thirty-two hours of instruction regarding hydrology, state water law, state water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and applied practical experience working with change, transfer or amendment of water right proposal applications with an assigned ecology staff person; and

(b) Demonstrating mastery of the training curriculum by passing an examination given by an ecology employee upon completion of the minimum training.

(2) Ecology will certify in writing to the appropriate county legislative authority the successful completion of the training program for water conservancy board members and staff.

(3) After completing one year of service on a water conservancy board, members must each year complete eight hours of continuing education directed or approved by ecology. Continuing education may include readings, seminar or field experience on state water law, state water policy, administrative and judicial case law developments, field practices, the evaluation of existing water rights, or hydrology.

Ecology may, at its discretion, in response to demand, provide training semiannually. Ecology may combine training for more than one board.

NEW SECTION

WAC 173-153-060 Scope of authority of water conservancy boards. (1) A water conservancy board may accept an application for a change, transfer or amendment of a surface or ground water right for processing if the water identified in the existing water right is currently used within, or if the change, transfer or amendment is approved, will be used within the boundaries of the county in which the board has jurisdiction. The application may be for a permanent or seasonal (temporary) change, transfer or amendment. The board shall investigate the application and make a determination whether the proposed change, transfer or amendment should be approved or denied, and if approved, under what conditions the approval should be granted.

(2) Applications for changes, transfers or amendments that propose to use water from the same source must generally be processed in the order in which they were filed. Exceptions to this rule are outlined in chapter 173-152 WAC. A water right application's place in the order of processing can not be impaired by an application that is filed at a later time.

Decisions on applications shall be made by a board in the order in which the applications were originally filed with the board or the department. Exceptions are as outlined in WAC 173-153-030(4) or as follows:

(a) Applications to alleviate public health and safety that would qualify for priority processing under rules adopted by the department may be processed prior to competing applications; and

(b) If review of an application has begun and the board determines that gathering information beyond that information available at the time of the review is required, the board need not await the availability of that information to review the next application awaiting action.

A conservancy board must take into full account any applications for new water rights, as well as any applications for changes, transfers or amendments, that were previously filed with ecology for water from the same source as the change application under consideration by the board. To the extent that its staffing resources allow, ecology will cooperate with conservancy boards to resolve any problems associated with conflicting applications. The rights of senior applicants, including those applicants who have filed applications with ecology rather than a conservancy board, must not be impaired, regardless of the order in which applications are processed.

(3) The quantity of water appropriated under a water right may not be expanded and, in the case of agricultural use, the acreage irrigated, may not be expanded, except in limited circumstances allowed in RCW 90.03.380 if the consumptive use under the water right is not increased.

(4) Any water right or portion of a water right that has not previously been put to actual beneficial use cannot be changed, transferred or amended, except as authorized under limited circumstances by RCW 90.44.100.

(5) No applicant can be compelled to apply for a change, transfer or amendment with a conservancy board, and all applicants have the option of applying directly to ecology rather than a county water conservancy board.

NEW SECTION

WAC 173-153-070 Application for change, transfer or amendment of water right. (1) Water conservancy boards may accept applications for change, transfer or amendment of water rights. Ecology will provide water right change application forms and applicant instructions to water conservancy boards, which will make them available to prospective applicants. All applications to the water conservancy board must be made using the water right change form supplied by ecology. The decision to file a change application with a conservancy board rather than directly with ecology is solely at the discretion of the applicant. The conservancy board will inform any prospective applicants that they have the option of filing either with the board or directly with ecology.

(2) The board shall insure that the application is complete and legible and is accompanied by the statutory state application fee, as required by RCW 90.03.470(1). The board may establish and charge additional fees in accordance with RCW 90.80.060(2).

(3) The original application form and the statutory state application fee must be forwarded by the conservancy board to the appropriate ecology regional office within five working days of the date of receipt. Within thirty working days from the date of notice from the board, ecology will assign a state water right control number to the application, and inform the water conservancy board of the assigned number. Ecology will open a file relating to the application that will be maintained for permanent recordkeeping. Ecology will inform the applicant if additional state fees are due.

(4) If an applicant makes a request to a water conservancy board that an application previously filed with ecology be reviewed by that conservancy board, the conservancy board must determine whether it will review the application. If the conservancy board determines that it will review that application, the board shall make a request to ecology, and ecology shall forward a copy of the application and all relevant documents to the conservancy board.

(5) A board may decline at any time to process or continue processing an application for change, transfer or amendment of a water right. In those cases, the board will inform the applicant in writing of its' recommendation within fourteen working days. If a board decides it will not process or continue processing an application, it must forward the working file for the specific change, transfer or amendment and any state application fees that have not previously been forwarded to ecology. The board must also provide a written explanation to ecology regarding its decision to not process or finish processing the application.

(6) The board must ensure that copies of the application are properly distributed to cooperating or interested parties in compliance with existing laws, ecology memoranda of understanding, policies and other guidance. To assist the

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board, ecology will provide a list of potentially interested parties.

NEW SECTION

WAC 173-153-080 Public notice. (1) The water conservancy board shall publish a public notice of the proposed change, transfer or amendment of a water right once a week for two consecutive weeks in the legal notice section of a newspaper of general circulation in at least the county or counties of proposed water use, diversion and storage of water. Ecology must provide the board with a list of newspapers acceptable for this purpose. Additional public notice may be required in areas that may be affected by the change, transfer or amendment proposal. The public notice of each individual application for change, transfer or amendment must include the following information, in the following order:

- (a) Applicant's name and city or county of residence;
- (b) Application number assigned by ecology;
- (c) Water right priority date;
- (d) Description of the water right to be changed, transferred or amended, including any identifying number, the location of point of diversion or withdrawal, place of use, and instantaneous and annual quantities authorized;
- (e) Proposed changes, transfers or amendments to be made, including location of point of diversion or withdrawal, place of use, or instantaneous and annual quantities authorized;
- (f) Manner and time limit for filing protests with ecology under RCW 90.03.470; and
- (g) Manner and time limit for intervening before the board under RCW 90.80.070(4).

A copy of the public notice will be sent to ecology's regional office.

(2) Before acting on an application, the board must first receive a notarized affidavit of publication from each newspaper in which notice was published verifying that publication correctly occurred. The board must also allow at least thirty days for the filing of protests or objections following the last date of publication of the notice before making a final decision.

(3) When an applicant substantively amends the application for a change, transfer or amendment of a water right subsequent to publication of the notice, or when a substantive error or omission occurs in the publication, the public notice must be republished in all newspapers of original publication, and reviewing agencies must be sent corrected copies of any amended change, transfer or amendment proposal.

NEW SECTION

WAC 173-153-090 Protests. (1) A protest of the application must be received by ecology with the two-dollar protest fee within thirty days of the last date of publication of the public notice. Persons inquiring of the board or ecology regarding protest procedures will be directed to file the protest with ecology. Ecology will provide a copy of the protest to the board.

(2) A valid protest must include the name, address and phone number (if any) of the protesting party, identification of the change, transfer or amendment proposal that is being protested, and a statement of the basis for the protest. A proper basis for protest must relate to the impacts of the proposed change, transfer or amendment on other water rights or the public interest or be a challenge to the potential extent and validity of the water right proposed to be changed, transferred or amended.

(3) The board must immediately forward any protests that it receives in error, accompanied by a two-dollar protest fee to ecology.

(4) Any protest received after thirty days, or without the required fee, will be filed as a letter of concern.

NEW SECTION

WAC 173-153-100 State Environmental Policy Act compliance. A water conservancy board is the lead agency for the purpose of compliance with the State Environmental Policy Act (chapter 43.21C RCW) for any applications for change, transfer or amendment of a water right filed with them and for which they will make a determination of approval or denial.

NEW SECTION

WAC 173-153-110 Examination of application. (1) The water conservancy board shall make its examination of and recommendations on a change, transfer or amendment application based on applicable state law, rules, policies, and ecology guidance. Generally the board should conduct a field examination of the site of the proposal, clarify any unclear information by contacting the applicant, and discuss the concerns of protesters and objectors with the persons who filed them. All relevant information must be collected and considered in the examination. Detailed hydrological or hydrogeological information may need to be collected or other research conducted or compiled. A board may require the applicant to provide additional information at the applicant's expense if that information is necessary to render an informed recommendation on the application.

(2) A water conservancy board shall consult with ecology if it encounters new, unusual, or controversial issues in the course of examining an application. Ecology will attempt to provide assistance and advice as to how to proceed in accordance with state law, rule, policy and sound administrative practice.

(3) Where water rights are subject to an ongoing general water rights adjudication process, but if a conditional final order or other order quantifying water rights has not been entered by the court, the board will direct the applicant to the court conducting the adjudication for instruction to proceed. The board will not start its' evaluation of the application until the applicant has received instruction from the court. Where an adjudication is in progress and a conditional final order or other order quantifying a water right has been entered, the board must rely on the court's order as a basis of quantifying the right for the purposes of authorizing the change, transfer or amendment. The court conducting the adjudication may

maintain management responsibility for water for the duration of an adjudication, and if the court elects to do so, then approval of the board's recommendation by the court may be required. Approval by the court, if required, must be obtained by the applicant before the review of the recommendation by ecology.

Where a board makes a recommendation on a change, transfer or amendment of a water right that is in an area subject to an ongoing general water rights adjudication process, a copy of the recommendation must be sent to the court conducting the adjudication.

NEW SECTION

WAC 173-153-120 Hearings on objections. (1) Any water right holder claiming detriment or injury to an existing water right may intervene in the application review process before the water conservancy board. Actions by the water conservancy board are independent from those of ecology. Ecology's final decisions based upon water conservancy board's recommendations are subject to administrative and judicial review.

(2) Parties who intervene in a water conservancy board recommendation are not considered to be a protesting party under to RCW 90.03.470(12) and 90.03.380. Protests must be filed with ecology pursuant to RCW 90.03.470(12) and 90.03.380 and shall be evaluated by ecology concurrently with its review of the water conservancy board recommendation. Ecology will also consider other objections and comments in the record including the record of any hearings held by the board, when it makes its review of the board's recommendation.

NEW SECTION

WAC 173-153-130 Recommendation by water conservancy board. (1) The water conservancy board must evaluate the change application, including the entire water rights record, and determine whether or not the change, transfer or amendment as proposed is in accordance with applicable laws, rules, policies and guidelines of the department. The board must also make a tentative determination as to the extent and validity of the water right proposed to be changed, transferred or amended, whether the change, transfer or amendment can be made without injury or detriment to existing rights, and whether the proposed change, transfer or amendment is not detrimental to the public interest. The water conservancy board's recommendation must be in writing and its record of decision becomes part of the public record.

(2) For applications for change, transfer or amendment of water rights that are proposed to be denied, the water conservancy board will issue a record of recommendation conditionally denying the change, transfer or amendment, subject to review and final determination by ecology.

(3) For applications for change, transfer or amendment that are proposed to be affirmed, the water conservancy board will issue the applicant a certificate of conditional approval, subject to review and final approval by ecology.

(4) The record of decision along with either the certificate of conditional approval or the notice of denial will each address the following:

(a) Within a section entitled "background":

(i) A description of the water right proposed for change, transfer or amendment and the board's tentative determination as to the validity and quantification of the right, together with a description of the historical water use information that was considered by the board;

(ii) A description of any protests, objections or comments including comments provided by other agencies, Indian Tribes, or interested parties and the board's analysis of each issue considered, including the name and address of individual interveners;

(iii) A discussion explaining compliance with the State Environmental Policy Act;

(b) Within a section entitled "investigation":

(i) An analysis of the effect of the proposed change, transfer or amendment on other water rights, pending applications, and instream flows established under state law;

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in harmony with the right proposed to be changed, transferred or amended;

(iii) An analysis of the effect of the change, transfer or amendment on the public interest;

(iv) Any recommendation or conclusion that an existing water right or portion of a water right has been forfeited or abandoned due to nonuse;

(v) A description of the results of any geologic/hydro-geologic investigations that were considered by the board;

(c) Within a section entitled "conclusion": A list of conclusions that the board drew from the information related to the change, transfer or amendment proposal;

(d) Within a section entitled "recommendations": A complete description of the board's recommendation;

(e) Within a section entitled "provisions":

(i) Conditions and limitations recommended for inclusion in an approval or other corrective action necessary to maintain the water use in compliance with state laws or rules;

(ii) A description of any requirement to mitigate adverse effects on other water rights, the water source, or the public interest; and

(iii) A schedule for development and completion of the change, transfer or amendment to a water right, if approved in part or in whole, that includes a definite date for completion of the change, transfer or amendment and the application of water to authorized beneficial use.

(5) A water conservancy board's recommendation and certificate is not a final authorization to change, transfer or amend the water right. Only after ecology has approved the recommendation and has issued an order authorizing the change, transfer or amendment, or has waived its opportunity to render a final decision by not responding within the time frame established in chapter 90.80 RCW, is the applicant allowed to initiate the change, transfer or amendment of the water right.

NEW SECTION**WAC 173-153-140 Notification of recommendation.**

(1) The water conservancy board shall send notice of its recommendation as to whether the transfer should be approved or denied, by mail to the applicant, ecology, to any person who protested or objected to the change, transfer or amendment, to any persons who requested notice of its recommendation, and to any commenting agency or tribe. The board shall transmit notification of its recommendations to all parties on the same day, and will note that it has been sent to ecology. Ecology shall identify the location designated for submission of the board's recommendation.

(2) All original public documents received or developed by the water conservancy board and used during its deliberations for decision making for each application for change, transfer or amendment of a water right must be sent along with a clear copy of the recommendation to ecology at the location designated by the department for permanent record-keeping within seven working days after the board has rendered its recommendation. The board must retain a copy of all documents.

(3) Any comments or objections that are received by the water conservancy board on its recommendation within thirty days after a final decision is issued by ecology shall be forwarded to ecology within five working days, at the location designated for submission of the board's determination.

NEW SECTION

WAC 173-153-150 Ecology's review of the board's recommendation. (1) Ecology will review recommendations of approvals and denials made by water conservancy boards. Upon receipt of a recommendation made by a water conservancy board, ecology will review the recommendation for compliance with state water laws and rules, policies or guidelines. Ecology will also consider agency or tribal comments and any protests or objections filed by parties alleging that one or more of their water rights would be impaired by the change, transfer or amendment.

Ecology may affirm, reverse, or modify the recommendation of the board. Ecology's decision will be made in the form of a written administrative order and must be issued within forty-five days of receipt of the board's recommendation. If ecology fails to act within the forty-five day time period, the board's recommendation becomes final. The forty-five day time period may be extended an additional thirty days by ecology's director upon the written consent of the conservancy board and the parties to the change, transfer or amendment.

(2) If ecology modifies the decision by the water conservancy board, ecology shall send a notice of modification of the recommendation that specifies which parts of the recommendation it was in agreement with, and which parts of the recommendation it has modified.

(3) Ecology will send notice of its decision to all parties on the same day. Notice of ecology's decision will be sent by mail within five working days to the water conservancy board, the applicant, any person who protested or intervened before the board, persons who requested notice of its deci-

sion, the Washington department of fish and wildlife, and any affected Indian tribes.

(4) If ecology fails to act within the specified time after receipt of the board's recommendation, the board's action is final. The conservancy board must notify ecology and the applicant of ecology's failure to act. If it concurs, ecology will send a notice to the board that the recommendation is final.

NEW SECTION**WAC 173-153-160 Perfection of a change, transfer or amendment approval.**

(1) The person authorized to change, transfer or amend a water right must submit evidence showing the change, transfer or amendment has been completed in accordance with the order authorizing the change, transfer or amendment of water right. Ecology will issue a change certificate or a superseding certificate to the water right holder(s) to document that the approved change, transfer or amendment was accomplished upon verification of the extent of development as authorized. When the document is issued, ecology may provide a copy to the conservancy board for its records as requested. The document will also be recorded at the applicant's expense by the county in which the use of water is made.

(2) If development of the approved change, transfer or amendment is not completed in accordance with the development schedule that accompanies the approval, extensions may be requested and will be processed under standard procedures by ecology.

(3) If the person authorized to change, transfer or amend a water right fails to accomplish the change, transfer or amendment in accordance with the authorization, ecology will cancel the change, transfer or amendment authorization and the water right will revert to the original configuration, less any quantity that was relinquished for nonuse.

NEW SECTION

WAC 173-153-170 Reporting requirements. Boards shall be required to submit reports to ecology on their activities at the end of each odd numbered year. The reports shall contain the following information:

(1) Information about applications to the board to include the following:

(a) Number of applications to the board by water resources inventory area (WRIA);

(b) Number of applications that received a public hearing;

(c) Number of recommendations to ecology for approval or partial approval;

(d) Number of denials by the board;

(e) Number of applications for surface or ground water;

(f) Number of applications with claims or certificates;

(g) Number of applications which had intervenors; and

(h) Number of new applications and number previously filed with ecology.

(2) Operations of the board to include the following:

(a) Chairperson of the board;

- (b) Changes in membership of the board, including background of any new members;
- (c) Current fees or changes to previous fees;
- (d) Training received other than by ecology;
- (e) Ownership of any properties by the conservancy board;
- (f) Water marketing activities and any related fees;
- (g) Staff; and
- (h) Any litigation the board is involved in.

NEW SECTION

WAC 173-153-180 Appeals. Any person aggrieved by ecology's decision of the department to approve or disapprove the establishment of a conservancy board, or ecology's decision to affirm, reverse or modify the determination of a conservancy board on an application for change, transfer or amendment of a water right, may appeal the decision to the state pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-153-190 Savings. Nothing in this chapter is intended to impair any existing water rights.

NEW SECTION

WAC 173-153-200 Review of chapter. This chapter shall be reviewed by ecology whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

WSR 99-12-111
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed June 2, 1999, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-003.

Title of Rule: Vehicle licensing—Confidential plates, WAC 308-96A-080, 308-96A-085, 308-96A-090, 308-96A-095, and 308-96A-097.

Purpose: 1. Clarify the process of confidential license plates.

2. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.08.066.

Summary: Clarifying WAC 308-96A-080 Confidential license plates—Application procedures, 308-96A-085 Confidential license plates—Agency contact, 308-96A-090 Confidential vehicle license plates—Inventory and 308-96A-095 Confidential license plates—Refusal and removal; and repealing WAC 308-96A-097 Confidential license plates—Records disclosure.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Deborah McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections as needed and repeal those no longer required.

Meet criteria of Executive Order 97-02.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street, Olympia, WA 98507, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by July 5, 1999, TDD (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 5, 1999.

Date of Intended Adoption: July 17, 1999.

June 2, 1999

Deborah McCurley
Acting Administrator

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-080 Confidential/undercover license plates—Application procedures. (1) ~~(A government agency requesting confidential license plates shall:~~

~~(a) Write to the department on their letterhead requesting one or more vehicles be included in the confidential license plate program;~~

~~(b) Complete an application form approved by the department;~~

~~(c) Provide a copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the government agency.~~

~~(2) The letter of request and application shall be signed by the government agency head or designated contact person.)~~ **What are confidential and undercover license plates as referred to in RCW 46.08.066? Confidential and undercover license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.**

(2) What are my registration options under RCW 46.08.066? You may choose to register a publicly owned or operated vehicle in the confidential/undercover license plate program in one of the following ways:

(a) Selecting the undercover option will show fictitious names and addresses on the registration certificates and other department records subject to public disclosure; or

(b) Selecting the confidential license plate option will show the public agency names and addresses on the registration certificates and other department records subject to public disclosure.

(3) What safeguards shall a public agency use to select a fictitious name and address? Public agencies shall certify on the application that precautions have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses have not been used.

(4) Who may apply for a confidential license plate? Only public agencies identified in RCW 46.08.066 are authorized to apply for confidential license plates.

(5) How does a public agency apply for confidential or undercover license plates? A public agency requesting confidential or undercover license plates shall provide:

(a) A completed application form approved by the department and signed by the public agency head or designated contact person. The agency shall indicate on the application form which type of registration is needed (confidential or undercover).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the public agency.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-085 Confidential and undercover license plates—Agency contact. (1) ~~((A government agency head or designee may apply for confidential license plates or sign correspondence pertaining to confidential license plates.~~

~~(2) The government agency head may designate a maximum of two agency employees to represent the agency regarding confidential license plates. The government agency head shall provide the name, title, address, and telephone number of each designee.~~

~~(3) A government agency head or designee shall notify the department in writing within five days of any change in the agency head or designee.)) **Who may represent a public agency regarding confidential or undercover license plates?** The public agency head may designate a maximum of two agency employees to represent the agency regarding confidential license plates. The public agency head shall provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.~~

(2) How often does the public agency contact information need to be updated? The public agency contact information shall be updated, in writing, annually or within thirty days of any change in the agency head or designee.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-090 Confidential or undercover license plates—Vehicle inventory. (1) ~~((The department shall provide an inventory listing of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the confidential vehicle license plate program. Each government agency shall verify the accuracy of the information by:~~

~~(a) Correcting any erroneous information;~~

~~(b) Deleting vehicles no longer in the program;~~

~~(c) Adding vehicles in the program, but not shown on the inventory listing;~~

~~(d) Signing the inventory listing certifying that all confidential license plates shown on the listing are being utilized under RCW 46.08.066; and~~

~~(e) Returning the inventory listing to the department.))~~

How does the department maintain a current inventory listing of vehicles with confidential or undercover license plates?

(a) The department provides an inventory listing of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the confidential/undercover vehicle license plate program. Each public agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vehicles no longer in the program, by mark plainly on the list "deleted" next to the vehicle that needs to be deleted;

(iii) Adding vehicles in the program, that is not shown on the inventory list. Submit the request/application (copy if already submitted) to verify adding a vehicle to the list;

(iv) Signing the inventory list certifying that all confidential and undercover license plates shown on the list are being utilized under RCW 46.08.066; and

(v) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action does the department take if inventory listings are not returned? The department ~~((shall not))~~ may refuse to renew a vehicle(s) shown on the quarterly inventory ~~((listing))~~ list until the ~~((government))~~ public agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 98-16-002, filed 7/22/98, effective 8/22/98)

WAC 308-96A-095 Confidential or undercover license plates—~~((Refusal and removal))~~ Cancellation. (1) ~~((The department may cancel or refuse to issue or renew confidential license plates when the department or chief of the Washington state patrol has reasonable cause to believe the license plates are not being used for purposes authorized in RCW 46.08.066.~~

~~(2) When a government agency no longer requires confidential license plates or the license plates are cancelled:~~

(a) ~~The government agency shall remove and destroy the license plates and registration or return them to the department; and~~

(b) ~~Notify the department in writing that the confidential license plates.) Who may cancel confidential or undercover license plates? The department may cancel or refuse to renew confidential or undercover license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066. A public agency may request cancellation of their confidential or undercover license plates when the license plates are no longer required.~~

(2) How are confidential or undercover license plates cancelled? Confidential or undercover license plates are cancelled when the public agency notifies the department in writing that the confidential or undercover license plates are no longer required, and indicate whether the license plates and registration:

(a) Are being returned to the department; or

(b) Have been (~~removed and~~) destroyed.

The department shall delete the confidential or undercover license plates record from the (~~confidential~~) program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-097 Confidential license plates—
Records disclosure.

**WSR 99-12-112
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed June 2, 1999, 9:42 a.m.]

Supplemental Notice to WSR 98-05-056.

Preproposal statement of inquiry was filed as WSR 98-05-056.

Title of Rule: Revising rules relating to investor owned water companies commission, Docket No. UW-980082.

Purpose: To implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal would repeal the existing rules, reorganize and rewrite the substance of the text for compliance with Executive Order 97-02, and promulgate new sections incorporating the redrafted provisions. In addition, the proposal, adds provisions to set existing policies in rules, adds a provision to set existing policies in rules, adds a provision requiring refunds for poor water quality, updates definitions, and deletes obsolete provisions.

Other Identifying Information: To original CR-102 was withdrawn to allow additional time for study and revision in light of stakeholder comments.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Danny P. Kermode, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1253; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules address how the Washington Utilities and Transportation Commission regulates the rates and operations of investor owned water companies. This review is in compliance with Executive Order 97-02 and reviews the chapter for clarity, intent and statutory authority, need effectiveness and efficiency, coordination, cost and fairness. The proposal would reorganize and redraft the rules to comply with Executive Order 97-02. The proposal would incorporate and formalize policies, would eliminate obsolete rules, and it would add some substantive provisions as set out below.

Proposal Changes the Following Existing Rules: The proposal would repeal existing rules and substitute reorganized and redrafted rules.

The proposed substantive changes to rule text include the following:

- (1) Deleting and adding definitions as needed;
- (2) Expanding companies' requirements to provide customer notice for tariff filings;
- (3) Adding requirements identifying information that companies must supply when making general rate change filings;
- (4) Adding provisions to codify existing policies or clarify requirements relating to the following topics:
 - a. When and how water companies may use funding mechanisms such as facilities charges;
 - b. Requirements relating to adopted and initial tariff filings, and
 - c. Clarifying when companies are jurisdictional by incorporating policy statement UW-930006 in WAC 480-110-255 and withdrawing the policy statement. In addition, the rule increases revenue threshold for water company jurisdiction from \$418 to \$429 pursuant to specific legislative authority in RCW 80.04.010.
- (5) Adding a provision that sets out when a water company may be required to refund changes [charges] due to water quality, and how to calculate the amount of the refund; and
- (6) Separating rules relating to company and customer responsibilities.

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

Small Business Economic Impact Statement

Reviser's note: The material in this filing exceeded the page-count limitation of WAC 1-21-040 for appearance of this issue of the Register. It will appear in the 99-13 issue of the Register.

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A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, Records Center, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, phone (360) 664-1234, fax (360) 586-1150.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Washington Utilities and Transportation Commission.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on July 28, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine-Hazzard by July 26, 1999, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504 or e-mail to <records@wutc.wa.gov>, fax (360) 586-1150, by July 14, 1999. Please include Docket No. UW-980082 in your communication.

Date of Intended Adoption: July 28, 1999.

May 26, 1999

Terrence Stapleton
for Carole J. Washburn
Secretary

NEW SECTION

WAC 480-110-205 Application of rules. These rules apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255. This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or receive average revenue of four hundred twenty-nine dollars or more per customer per year.

NEW SECTION

WAC 480-110-215 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-110-225 Saving clause. The commission may impose additional or different requirements on any water company in response to a complaint or on its own motion. These rules do not relieve any water company from any of its duties and obligations under the laws of the state of Washington.

NEW SECTION

WAC 480-110-235 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010, "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

- (a) May authorize the purchase or sale of all or part of the water system or its water rights;
- (b) May authorize capital additions or improvements to the system;
- (c) May accept contributed plant;
- (d) May authorize the expenditure or acquisition of funds which encumber any asset of the company;
- (e) May authorize the expenditure of funds for nonwater company purposes;
- (f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control will not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

NEW SECTION

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

- Anyone who has paid water company fees and/or has an accepted application for service; or
- Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or
- Anyone who is actually receiving water service from the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay before the company will connect the customer's property to the water system.

"Initial tariff" means:

- The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or
- The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. But does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has:

- Given a letter agreeing to provide service; and
- The letter is currently enforceable and has not expired by its own terms; and
- The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, non-acute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

- Increase gross annual revenues of the company from activities regulated by the commission;
- Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

- The water company has the ability to provide water service;
- The water company has committed to provide water service; and
- There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

- At the customer's request; or
- For nonpayment; or
- For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. Also sometimes referred to as a system readiness fee.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or "company" means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission. This does not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

NEW SECTION

WAC 480-110-255 Jurisdiction. (1) The commission only regulates investor-owned water companies:

(a) That own, operate, control, or manage one or more water systems; except that control or management does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite management agency is not an owner of the water company.

(b) Meet jurisdictional thresholds of one hundred or more customers, or receive average revenue of four hundred twenty-nine dollars per customer per year.

If a water company serves customers	and receives average annual revenue per customer	commission regulation
99 or less	less than \$429	No
99 or less	\$429 or more	Yes
100 or more	less than \$429	Yes
100 or more	\$429 or more	Yes

(c) The commission does not regulate the following providers of water service:

- (i) Cities, towns, or counties.
- (ii) Public utility districts.
- (iii) Water districts.
- (iv) Local improvement districts.

(v) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service only to their owners or members.

(vi) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service to nonmembers unless they serve one hundred or more nonmembers, or charge nonmembers more than four hundred twenty-nine dollars average annual revenue per nonmember.

(vii) Facilities such as mobile-home parks, apartment buildings, and office buildings where the facility owner passes through to tenants only the cost the facility owner pays for water the facility receives, plus reasonable third-party costs for reading meters, billing, and collecting. The owner may use a flat-rate approach or use submeters to apportion the cost of water to individual tenants.

(2) To determine jurisdiction, the commission considers only those customers receiving water. The commission does

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not consider customers who do not receive water, such as customers who have paid:

- (a) Water-availability letter fees.
- (b) Standby charges.
- (c) System readiness fees.
- (d) Ready-to-serve charges.

(3) To calculate the average annual revenue per customer, the commission considers only the charges that water-receiving customers pay on a monthly basis, other than contributions in aid of construction. For example, this includes money paid for flat-rate service or the metered base-charge and all usage charges.

(a) The commission does not include charges paid by customers who do not receive water, such as:

- (i) Water availability letter fees.
- (ii) Standby charges.
- (iii) System readiness fees.
- (iv) Ready-to-serve charges.

(b) The commission does not consider contributions in aid of construction in determining jurisdiction. Such contributions can be money, services or property. Payments can be made in a lump sum or financed over time. Examples of contributions in aid of construction include payments for:

- (i) Connection to system.
- (ii) Meter installation.
- (iii) System buy-in.
- (iv) Facilities charges.
- (v) Assessments for capital plant and equipment.

(4) The following example shows how to calculate the average annual revenue per customer for two hypothetical customers. The data for each customer are provided at the end of the example:

- (a) Select the most recent twelve consecutive months.

Example: February 1999 through January 2000.

(b) For each customer who received water service during the twelve-month period, add the amount the customer paid to the water company for items other than contribution in aid of construction items.

Example: Customer A paid \$340.
Customer B paid \$283.

(c) For each customer who received water service during the twelve-month period, add the number of months the customer received water service.

Example: Customer A received water service for twelve months.
Customer B received water service for nine months.

(d) Total the amount paid by customers during the twelve-month period.

Example:

	Paid to Water Company During the Twelve-Month Period
Customer A	\$340

Customer B	+ <u>\$283</u>
Total Paid During Twelve-Month Period	\$623

(e) Total the number of months each customer received water service.

Example:

	Number of Months Received Water Service During the Twelve-Month Period
Customer A	12
Customer B	+ <u>9</u>
Total Months Received Water Service During the Twelve-Month Period	21

(f) Calculate the "Average Monthly Revenue Per Customer": Divide the "Total Paid During the Twelve-Month Period" by the "Total Months Received Water Service During the Twelve-Month Period."

Example:

Total Paid During the Twelve-Month Period	\$623
Total Months Received Water Service During the Twelve-Month Period	+ <u>21</u>
Average Monthly Revenue Per Customer	\$29.67

(g) Calculate the "Average Annual Revenue Per Customer": Multiply the "Average Monthly Revenue Per Customer" times 12 months.

(A) Average Monthly Revenue Per Customer	\$29.67
Months in a Year	x <u>12</u>
(B) Average Annual Revenue Per Customer	\$356.04

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—
Customer A

	<u>Standby Charge</u>	<u>Ready to Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>	<u>Total Paid</u>
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes	
<u>Contribution in Aid of Construction</u>	No	No	Yes	Yes	No	No	
<u>Year</u>							
<u>Month</u>							
1997					\$20	\$4	\$24
1997					\$20	\$5	\$25
1997					\$20	\$2	\$22
1997					\$25	\$5	\$30
1997					\$25	\$6	\$31
1997					\$25	\$12	\$37
1997					\$25	\$6	\$31
1997					\$25	\$4	\$29
1997					\$25	\$4	\$29
1997					\$25	\$3	\$28
1997					\$25	\$2	\$27
1998					\$25	\$2	\$27
	\$0	\$0	\$0	\$0	\$285	\$55	\$340
Number of months service					12		
					Not Receiving Water		\$0
					Receiving Water - Contribution in Aid of Construction		\$0
					Receiving Water - Other than Contribution in Aid of Construction		\$340
					Total customer paid during period		\$340

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—
Customer B

	<u>Standby Charge</u>	<u>Ready to Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes

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Contribution in Aid of Construction		No	No	Yes	Yes	No	No	Total
Year	Month							Paid
1997	February	\$7						\$7
1997	March	\$7						\$7
1997	April		\$12					\$12
1997	May			\$300	\$4,500	\$25	\$5	\$4,830
1997	June					\$25	\$4	\$29
1997	July					\$25	\$3	\$28
1997	August					\$25	\$12	\$37
1997	September					\$25	\$10	\$35
1997	October					\$25	\$15	\$40
1997	November					\$25	\$5	\$30
1997	December					\$25	\$2	\$27
1998	January					\$25	\$2	\$27
		\$14	\$12	\$300	\$4,500	\$225	\$58	\$5,109

Number of months service

9

Not Receiving Water

\$26

Receiving Water - Contributions in Aid of Construction

\$4,800

Receiving Water - Other than Contribution in Aid of Construction

\$283

Total customer paid during period

\$5,109

(h) To ensure all customers are treated equitably, the commission will impute the same rates to any customers receiving free or reduced service that apply to other customers receiving comparable service on the same system.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

NEW SECTION

WAC 480-110-265 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities General—Tariffs, unless the commission has authorized in writing deviation from the rules.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission will not grant an extension of time for payment of regulatory fees.

NEW SECTION

WAC 480-110-275 Accounting, and reporting requirements, and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). The USOA sets out the accounting requirements for class A, B, and C water companies.

NEW SECTION

WAC 480-110-285 Securities, affiliated interest, transfer of property. (1) Before a water company issues stock, securities, or other evidence of indebtedness, the company must comply with the requirements of chapter 80.08 RCW and chapter 480-146 WAC.

Water companies are classified by revenues.

(2) Before a water company enters into a contract or arrangement with an affiliated interest, the company must file a copy or summary of the contract or arrangement with the commission in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, a water company must obtain an authorizing order from the commission in accordance with chapter 80.12 RCW and 480-143 WAC.

NEW SECTION

WAC 480-110-295 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-09-337, Filing requirements—General rate increases water companies.

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system that was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

NEW SECTION

WAC 480-110-305 Access to premises. Authorized personnel of a water company have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation or removal of the company's property. Customers may ask to see the identifi-

cation of the water company personnel before allowing entry to the customer's property.

NEW SECTION

WAC 480-110-315 Availability of information. (1) A water company must notify its customers of its regular business hours, telephone number, mailing address and a twenty-four hour emergency telephone, pager, voice messaging, fax machine or mobile phone number, at least once a year.

(2) A water company must advise the commission and its customers of any change in address or telephone number(s) at least ten days prior to the effective date.

(3) The water company must develop procedures for prompt response to reported failures or emergencies. A company representative must respond to the customer who reported the service failure or emergency within twenty-four hours of the report.

(4) When a nonemergency customer call is received, a water company must return the customer's call within two business days.

(5) A water company must acknowledge and respond to a customer's written inquiry within two weeks of receiving the letter.

(6) The water company must provide a copy of the commission's consumer brochure to each new applicant for service, and once a year notify its current customers of the availability of the brochure and how to obtain a copy.

(7) The water company must make the following information available for review by customers:

(a) A copy of the water rules, chapter 480-110 WAC.

(b) A copy of the company's current rates and regulations (tariff).

(c) A copy of the consumer brochure published by the commission.

NEW SECTION

WAC 480-110-325 Application for service. (1) The water company must obtain applications for service in writing, on company-supplied forms. The completed application form must:

(a) Include both the company's and the applicant's name, address and telephone number;

(b) Show the date the person applied for service;

(c) Comply with the water company's filed tariffs;

(d) Clearly state the type of service requested. (Examples: Residential or commercial, flat-rated or metered service, a letter to provide service, ready to serve, etc.);

(e) Include a property lot description, street number, or other sufficient description of location for service;

(f) Include a complete list and description of all applicable charges. (Examples: Account set-up, service connection, facilities charge, line extension, etc.);

(g) Include the date by which a customer can expect service;

(h) Include the application expiration date, if any;

(i) Include signatures of the potential customer and a company representative.

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(2) After completing the application, the water company must:

(a) Provide the applicant with a copy of the completed form;

(b) Keep a copy of the completed application in the company's business office for no less than three years after the expiration date or the denial-of-service date;

(c) Inform the applicant within ten days of the company's intention to provide service or deny service. If service is denied, the company must tell the applicant the reason service is being denied and advise the applicant of the commission's toll-free number (1-800-562-6150) for appealing the decision.

NEW SECTION

WAC 480-110-335 Establishment of credit and deposits. (1) **Establishment of credit - residential.** A company must not collect a security deposit if an applicant for residential water service can establish satisfactory credit by any one of the following factors:

(a) Prior service with the water company within the prior twelve months and:

(i) At least twelve consecutive months with no more than one delinquency notice; and

(ii) The service was not disconnected for nonpayment.

(b) Prior residential water service with another water company, as demonstrated in (a) of this subsection, for which references may be quickly and easily checked. The water company may request that the reference be in writing from the previous water company;

(c) Full-time consecutive employment during the prior twelve months with no more than two employers, and the applicant is currently employed or has a regular source of income;

(d) Ownership of a legal interest in the premises being served;

(e) Furnishing a satisfactory guarantor responsible for payment of water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required;

(f) Producing, in person at the water company's business office, two major credit cards, or other credit references, that the company can quickly and easily check that demonstrate a satisfactory payment history.

(2) **Establishment of credit - nonresidential.** An applicant for nonresidential water service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A deposit may be required when:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) During the prior twelve months, the applicant's service from another water company has been disconnected for failure to pay amounts owing when due;

(c) There is an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served upon the applicant by any water company during the prior twelve months;

(e) The application is for the initiation or continuation of service to a residence where a prior customer still lives and owes a past due bill to the water company.

(4) **Amount of deposit.** Required deposits for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for that customer or location for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the water company's service territory, the deposit must be transferable, less any outstanding past-due balance owing from the old address.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The commission will advise the water company each year of the specific rate by mail.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit to the time of refund or total application of the deposit and must be compounded annually.

(7) **Extended payment arrangement of deposits.** When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the applicant or customer must be allowed to pay fifty percent of the deposit prior to service, with the remaining balance payable in equal amounts over the next two months.

(8) **Cash payments.** When payment is made in person and in cash, a receipt must be furnished to each applicant or customer for the amount paid.

(9) **Refund of deposits.** Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment - when a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The water company has not initiated disconnection proceedings against the customer; and

(ii) No more than two notices of delinquency have been made to the customer by the water company.

(b) Termination of service - upon termination of service, the utility must return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer.

(10) **Refund of deposits.** Any deposit, plus accrued interest, must be refunded to the customer in accordance with the preference indicated by the customer at the time of

deposit or as modified on a later date using one of the following methods:

(a) In the form of a check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment as described above; or

(b) Applied to the customer's account for service beginning in the 13th month.

(11) **Additional deposit.** Nothing in this rule prevents the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons must be specified in writing to the customer. Any requirement for a new or larger deposit must comply with the standards set forth in this rule.

NEW SECTION

WAC 480-110-345 Refusal of service. (1) A water company must not refuse or discontinue service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the company believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A water company cannot permanently deny service to an applicant or customer because of a prior obligation to the company. A prior obligation is the dollar amount that has been billed to a customer but left unpaid at the time of disconnection of service for nonpayment.

(3) The water company may refuse to connect an applicant for service, or refuse to increase service to a customer, when one or more of the following conditions exist:

(a) The service will adversely affect service being provided to other customers;

(b) The applicant or customer has not complied with state, county, or municipal codes or regulations concerning the approved design of the facilities;

(c) In the company's judgment, the applicant's or customer's installation of piping or equipment is hazardous, or of such design that satisfactory service cannot be provided;

(d) The applicant or customer has not installed on its premises required protective devices necessary to protect the company's property or that of its other customers;

(e) The company is unable to secure all necessary rights of way, easements, approvals, and permits;

(f) Furnishing the water is contrary to the provisions of the company's approved water system plan; or

(g) The location to be served is located outside of the company's service area.

NEW SECTION

WAC 480-110-355 Discontinuance of service. (1) **Service may be disconnected either by customer direction or by company action:**

(a) **Customer-directed** - Customers wanting to discontinue service must notify the water company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company directed: Notice requirements** - After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills;

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305;

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination** - A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or representations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies** - When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

- (i) Residence location;
- (ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;
- (iii) A statement of how long the condition is expected to last; and
- (iv) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.

(c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.

(d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

(e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) Required notice prior to disconnecting service - Water companies must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:

(i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and

(ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:

(i) **Delivered notice** - The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply; or

(ii) **Mailed notice** - The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

(i) Include detailed information pertinent to the situation; and

(ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and

(iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the

interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency** - Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection** - The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

- (a) The causes of disconnection are removed; or
- (b) The customer pays all proper charges; or
- (c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335.

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

NEW SECTION

WAC 480-110-365 Service responsibilities. (1) **Customer responsibility** - Customers must notify the water company in writing prior to making a change in equipment or usage that will materially affect the service being provided by the company. The customer must:

- (a) Provide the company adequate time to install necessary additional facilities or supply; and
- (b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility** - Water companies must:

- (a) Install and maintain all equipment at appropriate locations necessary to operate the system;
- (b) Install additional equipment as required by the commission in connection with performing special investigations; and
- (c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any necessary adjustments must be equitably shared by the company and customer.

(3) **Maintenance** - Each water company must maintain its plant and system in a condition that enables it to furnish

adequate service and meet its obligation under chapter 246-290 or 246-291 WAC, as applicable.

(4) **Quality of water** - Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply** - Each water company must protect its sources of supply, as required by Washington department of health, WAC 246-290-135 or chapter 246-291 WAC, as applicable.

(6) **Operations and maintenance** - Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 WAC and by good engineering practices.

(7) **Test records** - Each water company must:

- (a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;
- (b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Water companies must make all reasonable efforts to avoid outage of service but are not insurers in the event of every emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

- (i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and
- (ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions** - Water companies must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

- (i) The location;
- (ii) The date and time;
- (iii) The duration; and
- (iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request.

NEW SECTION

WAC 480-110-375 Form of bills. (1) Customer bills must:

- (a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;
- (b) Show a reference to the applicable rate schedule;
- (c) Identify and show each separate charge as a line item;
- (d) Show the total amount of the bill;

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(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time after the bill's mailing date must be fifteen days, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's business address and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) Water companies may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed. (Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

NEW SECTION

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a

complaint or dispute from a customer or an applicant for service it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;

(f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

(a) An informal complaint against the company as set forth in WAC 480-09-150; and/or

(b) A formal complaint against the company as set forth in WAC 480-09-500.

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

(a) Investigate and report the results to the commission consumer affairs staff within two business days. The commission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) Complainant's name and address;

(b) Date and nature of the complaint;

(c) Action taken; and

(d) Final result.

NEW SECTION

WAC 480-110-395 Water quality refunds. (1) Water companies may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (primary contaminants); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320.

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

NEW SECTION

WAC 480-110-405 Meter accuracy and water pressure complaints. (1) When the water company receives a meter accuracy or water pressure complaint, it must perform

a test and share the results with the customer. The test must be at no charge to the customer, except the water company may charge for any additional meter tests requested by the customer within a twelve-month period as provided in its tariff.

(2) The test must be performed within ten days of the complaint.

(3) The customer has the option to witness the test. Should the customer choose to witness the test, a mutually agreed time will be established. A continuously recording pressure gauge may be required for a period of up to one week based on customer complaints of low pressure.

(4) The meter or pressure test must be taken using industry standard methods and equipment.

(5) If a meter test reveals a meter error in excess of two percent water flow to the detriment of the customer, the company must repair or replace the meter at no cost to the customer. A refund for any over billing must be made to the customer.

(6) If the water company and customer cannot resolve a complaint, it may be appealed to the commission for resolution.

(7) The water company must keep a record of meter and pressure tests and have them available for inspection. The record must list the customer's name and address, type of complaint, resolution, and what test method was used.

(8) The water company must provide, at the commission's request, a description of the test procedures and equipment used to perform meter and pressure complaint tests.

NEW SECTION

WAC 480-110-415 Meters. (1) Water company rights and responsibilities:

- (a) The water company must:
 - (i) Bear the cost of the meter and meter installation.
 - (ii) Install water meters that are in working order and accurately measure water flow.
 - (iii) Record meter serial numbers and identify location of installation.
 - (iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.

- (b) The water company may:
 - (i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.
 - (ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) Water customer rights and responsibilities:

(a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.

(b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.

(c) The water company has thirty days from the date of request to install the meter.

(d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.

(e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.

(f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

NEW SECTION

WAC 480-110-425 Water company customer notice requirements. (1) Draft customer notices must be submitted to the commission for review at least one week prior to the company's planned printing date for distribution.

(2) At a minimum, the water company must notify:

(a) Anyone who may be affected by the water company's proposal including customers and potential customers; and

(b) The public affairs section of the commission.

(3) Notice to customers must be provided thirty days prior to the requested effective date when a water company proposes:

(a) A change in rates;

(b) A change in services and/or conditions;

(c) A change in ownership or control of the operating company;

(d) A change in ownership by way of sale or transfer of assets (see chapter 480-143 WAC for content of notice);

(e) To institute a charge for a service that was formerly free;

(f) To eliminate or grandfather any service.

(4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

- (a) Date
- (b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).
- (c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	Proposed Rates	Percentage of Increase
\$	\$	%

(d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.

(e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be

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considered as part of the formal record. The commission encourages your written comments, either supporting or opposing, regarding this proposal. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call the toll-free number listed above and leave your name and complete mailing address.

Sincerely,
Company Name/Representative

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

NEW SECTION

WAC 480-110-435 Extension contracts. (1) Each water company must file, as a part of its tariff, an extension rule that states the conditions required by the company before it will extend its transmission and distribution infrastructure to provide water service to an applicant.

(2) Companies entering into any extension contract must:

(a) File the contract with the commission not less than thirty days before the proposed effective date of the contract.

(b) Conform the proposed contract to the applicable provisions of WAC 480-80-335.

(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(4) An extension may also be referred to as a distribution extension, a main extension, or a line extension.

NEW SECTION

WAC 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) A service connection must not be longer than the total width of any public rights of ways or public utility easement running along or parallel to the water distribution system connection or the distance from the distribution main to the customer's property line, whichever is shorter. If a service connection is longer, it will be treated as an extension.

(2) Service connections may be installed when the system is originally built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection (3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

NEW SECTION

WAC 480-110-455 Water company funding mechanisms. (1) Some water companies have insufficient funds to respond to emergencies, replace or upgrade failing infrastructure, or add plant to accommodate growth. Frequently, water companies cannot obtain financing through traditional capital markets. The purpose of a surcharge or a facilities charge is to provide the water company with a source of capital, provided by customers, to fund capital needs. No company may collect a surcharge or facilities charge except by commission order or approval.

(2) Surcharges.

(a) Surcharges are designed to fund three types of financing needs:

(i) Future water utility plant. This surcharge allows the company to collect money from current customers to fund a reserve in order to pay for future capital projects that are part

of a long-range plan. The project must be approved by the department of health as a part of a long-range plan, or required by the department to assure compliance with federal or state drinking water regulations, or to perform construction or maintenance required by the department of ecology to secure safety to life and property under RCW 43.21A.064(2).

(ii) Current water utility plant. This surcharge is used to fund financing that pays for current plant improvements required by:

(A) Washington department of health order or letter to adequately serve current customers; or

(B) Required by department of ecology. This surcharge is tied to the repayment of the debt used for the financing of the required water utility plant.

(iii) Special expenses. This surcharge is used to pay for operating expenses that are independent and unique from normal operating expenses or that may be subject to large variations. This type of operating expense may need periodic reevaluation without the need of a general rate case. Examples of the use of this type of surcharge are: New or highly variable safe drinking water act testing and treatment expenses, extraordinary maintenance expenses, or temporary taxes.

(b) A surcharge may fund up to one hundred percent of the total cost of a project or expense.

(c) Funds received by surcharge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) When seeking approval of a surcharge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page, stating the amount of the surcharge and who must pay;

(iii) Supporting justification for the charge; and

(iv) If applicable, requests for capital surcharges must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to adequately serve current customers.

(3) Facilities charges.

(a) Facilities charges are designed to fund two types of capital needs:

(i) Future water utility plant. This type of facilities charge allows the company to collect money from new customers to fund a reserve in order to pay a portion of future capital projects that are part of a long-range plan. The project must be in accordance with the company's submitted comprehensive water system plan or Washington department of health order or letter requiring plant improvements to adequately serve current customers, or utility plant that is required by department of ecology.

(ii) Current water utility plant. This type of facilities charge allows the company to collect money from new customers to be used to fund a reserve to partially finance current plant improvements required by Washington department of health order or letter to adequately serve current customers or required by department of ecology.

(b) A facilities charge may not fund one hundred percent of the total cost of qualifying projects. The water company must maintain an appropriate ratio of rate base to total plant.

(c) Funds received through a facilities charge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) A water company may impose a facilities charge by tariff or contract.

(e) When seeking approval of a facilities charge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page or signed contract, stating the amount of the charge and who must pay;

(iii) Supporting justification for the charge;

(iv) Requests for a facilities charge must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to serve current or potential customers.

(4) **Accounting and reporting requirements.**

(a) Surcharge funds and facilities charge funds collected pursuant to this rule, and interest earned upon such funds must be held in a separate account by the company for the benefit of customers. Such funds do not become the property of company owners and may not (except as authorized in (b) of this subsection), be disbursed, alienated, attached, or otherwise encumbered by the company or its owners. In the event of a sale or transfer of the company, the trust obligations established in this rule regarding any unspent surcharge or facilities charge funds are transferred to the new owner of the company.

(b) Funds may be used from the account only to the extent and for the purposes approved by the commission.

(i) At the discretion of the commission, disbursements from the account may become subject to prior approval by the commission either by order by the commission or by letter from the executive secretary.

(ii) The company may be required to file requests for disbursements.

Requests would provide sufficient detail to allow the determination that the requested disbursement is in compliance with the commission's order.

(c) The water company must report for each tariffed surcharge or facilities charge the following information to the commission within sixty days of the end of the calendar quarter:

(i) Beginning balance;

(ii) Amounts received, detailed by source;

(iii) Amounts spent, detailed by project or expense;

(iv) Ending balance;

(v) Reconciliation of bank balance to general ledger.

NEW SECTION

WAC 480-110-465 Political information and political education activities. (1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.

(2) Political information and political education activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.

- (b) Soliciting support for political action committees.
- (c) Gathering data for political mailing lists.
- (d) Soliciting political contributions or recruiting political volunteers.

NEW SECTION

WAC 480-110-475 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

NEW SECTION

WAC 480-110-485 Retention and preservation of records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or it may be ordered directly from the National Association of Regulatory Utility Commissioners.

NEW SECTION

WAC 480-110-495 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-110-011 Application of rules.
- WAC 480-110-016 Saving clause.
- WAC 480-110-018 Definition of control.
- WAC 480-110-021 Glossary.
- WAC 480-110-023 Average customer revenue jurisdictional threshold.
- WAC 480-110-026 Tariffs.

- WAC 480-110-028 Fire flow requirements.
- WAC 480-110-031 Accounting.
- WAC 480-110-032 Accounting—Political information and political education activities.
- WAC 480-110-036 Finance—Securities, affiliated interests, transfer of property.
- WAC 480-110-041 Availability of information.
- WAC 480-110-046 Application for service.
- WAC 480-110-051 Deposits.
- WAC 480-110-056 Refusal of service.
- WAC 480-110-061 Contract for service.
- WAC 480-110-066 Distribution extensions—Service installations—Service connections.
- WAC 480-110-071 Discontinuance of service.
- WAC 480-110-076 Service responsibilities.
- WAC 480-110-081 Service connections.
- WAC 480-110-086 Meter location.
- WAC 480-110-091 Access to premises.
- WAC 480-110-096 Complaints and disputes.
- WAC 480-110-101 Form of bills.
- WAC 480-110-111 Refund for inaccurate metering.
- WAC 480-110-116 Responsibility for delinquent accounts.
- WAC 480-110-121 Meter charges and installation.
- WAC 480-110-126 Meter readings.
- WAC 480-110-131 Identification of meters.
- WAC 480-110-136 Initial accuracy of meters.
- WAC 480-110-141 Accuracy of meters.
- WAC 480-110-146 Dispute as to accuracy of meters.
- WAC 480-110-151 Complaint meter test.
- WAC 480-110-156 Statement of test procedures.
- WAC 480-110-161 Frequency of periodic tests.
- WAC 480-110-166 Meter history records.
- WAC 480-110-171 Reports of accidents.
- WAC 480-110-176 Filing of records and reports and the preservation of records.

PROPOSED

NEW SECTION

WAC 480-09-337 Filing requirements—General rate increases water companies. A rate increase filing for a water company must include at least the following information:

(1) Cover letter - each filing must include a cover letter. The letter must:

(a) Provide a description of the filing, and the requested action, in understandable terms;

(i) Technical terms are acceptable, but descriptions must use common terms so the public can easily understand the impact of the filing;

(ii) Acronyms, if used, must be defined before they are used in the text of the letter;

(b) State why the filing is being made, e.g., increased costs for water testing;

(i) Compliance filings required by prior commission action must include the docket number of the commission action and the name of that proceeding;

(ii) Rate change filings must describe each service that is impacted and the dollar and percentage change for each service as well as the net impact of all changes on the company's total regulated revenue;

(iii) Filings that only address changes to the text of the tariff must describe the general effect, and reasons for the changes;

(c) Requests for permission to change tariffs on less than statutory notice will be granted by the commission only when it deems the circumstances or conditions fully justify the lack of notice. A complete explanation with reasons for the request is required with a tariff revision less than statutory notice filing must include reasons that support less than statutory notice treatment;

(d) Failure to include required information in the cover letter could result in the filing being rejected.

(2) The proposed tariff with explanatory markings.

(3) Supporting work papers for the test period. The supporting work papers must include:

(a) A calculation of the revenue impact of proposed rates by each class affected;

(b) Balance sheet and statement of revenues and expenses;

(c) Depreciation schedule;

(d) If adjustments are proposed, the company must file:

(i) Schedule showing adjustments to the statement of revenues and expenses, including any restating adjustments and/or proforma adjustments including effect of proposed rates;

(ii) Work papers explaining both restating and proforma adjustments;

(e) Usage statistics verifying test year revenues and proposed revenues;

(f) Public water system identification number assigned by Washington department of health for each system that the new rates will affect; and

(g) Schedule showing separation of revenues and expenses between regulated and nonregulated operations.

(4) A copy of the notice mailed to customers.

WSR 99-12-115**PROPOSED RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed June 2, 1999, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-099.

Title of Rule: Workers' compensation classification plan, chapter 296-17 WAC.

Purpose: Agency proposes to revise general reporting rules, classification plan, and corresponding base insurance rate tables. This includes amending six general rules, repealing one risk classification, amending forty-five risk classifications, and amending three experience rating rule applicable to chapter 296-17 WAC, for workers' compensation insurance underwritten by the Department of Labor and Industries.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Summary: The department proposes to amend six general reporting rules, repeal one risk classification definition, amend forty-six risk classification definitions, and amend two experience rating rules applicable to chapter 296-17 WAC.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries. Revisions to general reporting rules, risk classification definitions, and experience rating rules are being amended to provide greater detail and clarity to the rules.

Name of Agency Personnel Responsible for Drafting: Ken Woehl/Sandra Chakones, Tumwater, Washington, 902-4775/902-4748; Implementation: Doug Connell/Kathy Kimbel, Tumwater, Washington, 902-4209/902-4835; and Enforcement: Doug Mathers, Tumwater, Washington, 902-4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is required by RCW 51.16.035 to establish and maintain a workers' compensation insurance classification plan that classifies all occupations or industries within the state, and to set basic rates of premium for all classifications. The rule proposals are intended to better clarify the general reporting rules, to distribute the costs fairly among employers, and to ensure actuarial solvency.

The department proposes to revise general reporting rules, classification plan, and corresponding base insurance rate tables. This includes amending six general rules, repealing one risk classification, amending forty-five risk classifications, and amending three experience rating rules applicable to chapter 296-17 WAC for workers' compensation insurance underwritten by the Department of Labor and Industries.

The department is proposing changes to the general reporting rules and classification plan in order to provide

PROPOSED

greater detail and descriptions for the classification definitions; and repeal one classification for semitractor service centers and repair garages and align into an existing classification with equipment and machinery dealers due to the similar services provided.

Proposal Changes the Following Existing Rules:

Amend—General Reporting Rules:

- 296-17-31007 As an owner, can I buy workers' compensation insurance?
 296-17-31012 How are classifications assigned to my business?
 296-17-31013 Does this same classification approach apply to building and construction contractors?
 296-17-31021 What is a "unit of exposure?"
 296-17-35201 Recordkeeping and retention.
 296-17-35203 Special reporting instructions.

Repeal – Risk Classifications:

- 296-17-58505 Classification 3413 Semitractor repair.

Amend – Risk Classifications:

- 296-17-505 Classification 0105 Fence erection or repair.
 296-17-50603 Classification 0112 Sand and gravel production.
 296-17-50910 Classification 0212 Paving—N.O.C.
 296-17-50917 Classification 0219 Construction specialty services.
 296-17-519 Classification 0504 Exterior painting.
 296-17-52102 Classification 0510 Wood frame building construction.
 296-17-52106 Classification 0514 Garage door installation.
 296-17-52108 Classification 0516 Building repair—N.O.C.
 296-17-52109 Classification 0517 Mobile home installation.
 296-17-52110 Classification 0518 Building construction—N.O.C.
 296-17-52111 Classification 0519 Sheet metal work.
 296-17-52113 Classification 0521 Interior painting.
 296-17-532 Classification 0901 Ship building and repair.
 296-17-53802 Classification 1105 Pumping services.
 296-17-53805 Classification 1108 Glass merchants.
 296-17-539 Classification 1301 Electric companies.
 296-17-544 Classification 1404 Bus and transit companies.
 296-17-545 Classification 1501 Counties and taxing districts.
 296-17-552 Classification 1801 Smelting and furnace operations.
 296-17-564 Classification 2104 Fruit and vegetable packing.
 296-17-57603 Classification 3304 Fish and meat processors.
 296-17-580 Classification 3402 Machine shops—N.O.C.
 296-17-581 Classification 3403 Aircraft manufacturing.
 296-17-583 Classification 3406 Service stations and car washes.
 296-17-58502 Classification 3410 Convenient grocery stores.
 296-17-615 Classification 3902 Food product manufacturing.
 296-17-647 Classification 4806 Berries—Hand harvest.
 296-17-649 Classification 4808 Field crops—N.O.C.
 296-17-653 Classification 4904 Clerical office—N.O.C.
 296-17-675 Classification 5206 Permanent shop.
 296-17-678 Classification 5305 Cities/towns—Clerical.
 296-17-679 Classification 5306 County—Clerical.
 296-17-686 Classification 6109 Dental clinics.
 296-17-693 Classification 6207 Carnivals.
 296-17-698 Classification 6303 Outside sales.
 296-17-704 Classification 6309 Retail stores.

- 296-17-707 Classification 6403 Convenient grocery stores.
 296-17-708 Classification 6404 Florists.
 296-17-709 Classification 6405 Tire stores.
 296-17-710 Classification 6406 Retail stores.
 296-17-711 Classification 6407 Wholesale stores.
 296-17-712 Classification 6408 Farm machinery dealers.
 296-17-713 Classification 6409 Machinery dealers.
 296-17-72202 Classification 6511 Chore services.
 296-17-764 Classification 7202 Real estate agencies.

Amend – Experience Rating Rules:

- 296-17-87304 Change in ownership.
 296-17-900 Premium discounts.
 296-17-90120 Drug-free work place discount.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business. However, since the proposed rule would not place a more than minor economic impact on business, the preparation of a comprehensive SBEIS is not required.

RCW 34.05.328 applies to this rule adoption. RCW 51.16.035 requires the Department of Labor and Industries to establish a classification plan to include general classification rules, risk classifications, and premium rates for all classification in accordance with recognized principles of insurance.

Although the rule proposal would be considered "significant," as defined by statute, the department is exempted from preparing an *Evaluation of Probable Costs and Probable Benefits Analysis* as mandated in RCW 34.05.328 (1)(c). RCW 34.05.328 (5)(b)(vi) establishes that rules that set or adjust fees or rates pursuant to legislative standards are exempt from the criteria outlined in RCW 34.05.328.

Hearing Location: Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on July 16, at 10 a.m.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776, by July 9, 1998 [1999], TDD (360) 902-4776.

Submit Written Comments to: Fax (360) 902-4729, by July 16, 1998 [1999].

Date of Intended Adoption: August 31, 1999.

June 2, 1999

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31007 Owner coverage. (1) As a business owner, can I buy workers' compensation insurance to cover myself?

Yes, as a business owner or corporate officer you can obtain workers' compensation coverage from us. We refer to this coverage as optional coverage since as the owner/corpo-

rate officer, you are not required to have this insurance. Because owner insurance coverage is optional, you must meet certain conditions and requirements which are detailed on the *application for owner/corporate officer optional coverage*. These requirements include:

- Completing an application for optional owner/corporate officer coverage;
- Reporting owner/corporate officer hours in the classification assigned to your business that is applicable to the work being performed by the owner/officer;
- Submitting a supplemental report which lists the name of each covered owner/corporate officer; and
- Reporting four hundred eighty hours or actual hours worked each quarter for each covered owner/corporate officer and in the applicable workers' compensation classification code.

(2) When will my owner/corporate officer coverage become effective?

Your coverage will become effective (~~immediately after the filing date we receive your application~~) upon receipt of your application in the department unless you indicate a future date. We will not make coverage effective on (~~the same date or~~) a date prior to our receipt of your completed application for owner/corporate officer coverage.

(3) Where can I obtain an application for owner/corporate officer coverage?

To obtain a copy of this application, contact your local labor and industries office. We are listed in the government pages of your local directory or you can call our underwriting section at (360) 902-4817.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31012 Classification assignment. (1) How are classifications assigned to my business?

We will assign a basic classification or classifications to your business based on the nature of the business you are engaged in. We will not assign classifications to your business based on the individual operations, duties or occupations of individuals found within your business unless the basic classification assigned to your business either requires or permits a separate classification treatment for specified operations or employments. Exceptions to this approach are outlined in WAC 296-17-31017 and 296-17-31018.

(2) Does this same classification approach apply if I have several businesses?

This classification approach will apply to each separate legal entity. Each separate legal entity will be classified on its own merits.

(3) How do you decide what classification(s) to assign to my business?

To determine what classification(s) to assign to your business, we need enough information to give us a clear understanding of the precise nature of your business and the hazards your business poses to your workers. In some cases we will need to call you to obtain more detailed information about your business. Occasionally one of our field represen-

tatives may visit your business to gain a better understanding of the nature of your business. In most cases we will find a classification that specifically describes your business.

Example: You operate a company that sells baked goods to retail customers. Before we can classify your business we need to determine whether you bake the goods you are selling or are simply selling goods another business has baked. Once we have determined the precise nature of your business, we will review all of the available classifications to find the one that best describes the entire business. If the business has baked the products they are selling, we would consider a bakery classification or maybe a restaurant classification. If your business simply sells baked goods that another business made, we may look at a retail store classification. In most cases we will find a classification that specifically describes the business we are classifying.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business classification approach**.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, (~~0102~~) 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0524, 0526, 0527, 0528,

0529, 0530, 0531, 0532, 0533, 0534, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your policy manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your policy manager to verify what other classifications would apply to the project. The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors by contacting us at 1-800-647-0982.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. ~~((A list of these recordkeeping requirements can be found in the audit and recordkeeping section of this manual.))~~ The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31021 Units of exposure. (1) What is a "unit of exposure?"

A unit of exposure is the measure which is used to help determine the premium you will pay. For most businesses the unit of exposure is the *hours* worked by their employees. Because not all employees are compensated based on the hours they work, we have developed reporting alternatives to make reporting to us easier.

Example: Employers in the horse racing industry pay their premiums based on a type of license their employees

hold rather than the hours the employees work. Drywall contractors pay premiums based on the square footage of the materials they install rather than the hours it took their employees to install the drywall material.

In other instances, we have developed daily, weekly, or monthly *assumed* work hours.

Example: Commission sales employees who work primarily away from your premises, such as a real estate sales person, are to be reported on the basis of eight hours per day or forty hours per week.

(2) What are the alternatives to actual hours worked?

The exceptions are:

- **Apartment house managers, caretakers, or similar employees:** To determine the number of hours you need to report to us, divide an employee's total compensation, including housing and utility allowances, by the average hourly wage for the classification. The total number of work hours to be reported for each employee is not to exceed 520 hours per quarter. You will need to call us at (360) 902-4817 to obtain average hourly wage information.
- **Baseball, basketball, and soccer teams - including players, coaches, trainers, and officials:** Report each individual at 40 hours per week for each week in which they have duties.
- **Commission ((personnel)) employees - outside (such as, but not limited to, real estate and insurance sales):** ((For each day they have duties, report each individual at eight hours per day for part-time employees and forty hours per week for full-time employees.)) You must select one of the following methods to report your commission employees - outside:
 - Actual hours worked; or
 - Assumed hours of eight hours per day for part-time employees or forty hours per week for full-time employees.

All outside commission employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee or one hundred sixty hours per month. You cannot report some outside commission employees based on the actual hours they work and others using the one hundred sixty hours per month method.
- **Drywall - stocking, installation, scrapping, taping, and texturing:** Premiums are based on material installed/finished rather than the hours it took to install/finish the drywall.
- **Horse racing - excluding jockeys:** Premiums are paid on a license basis and collected by the Washington horse racing commission at the time of licensing.
- **Jockeys:** Report ten hours for each race/mount or for any day in which duties are reported.
- **Race car drivers:** Report ten hours for each race/heat.
- **Salaried ((personnel)) employees:** All salaried employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee *or* one hundred sixty hours per month. You cannot report some salaried workers based on the actual hours they work and others using the one hundred sixty hours per month method.

(3) Can I use assumed work hours for piece workers?

No, if you employ piece workers you must report the actual hours these individuals work for you unless another unit of exposure is required.

Example: If you have employees engaged in drywall work you would report and pay premiums on the basis of the square footage of the material they installed not the hours they worked.

AMENDATORY SECTION (Amending WSR 95-08-052, filed 4/3/95, effective 7/1/95)

WAC 296-17-35201 Recordkeeping and retention.

Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within thirty days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or RCW 51.48.040.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piecework basis;
- (f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;
- (g) The number of actual hours worked (WAC ((296-17-320(15))) 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC ((296-17-350)) 296-17-31021;
- (h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;
 - (i) The workers' total gross pay period earnings;
 - (j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
 - (k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The

three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(3) **Recordkeeping - Estimated premium computation.** Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average hourly wage rate: Provided, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) **Failure to maintain records - Penalties.** Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030, to a penalty in the amount of two hundred fifty dollars for each such offense. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-35203 Special reporting instruction. (1) **Professional and semiprofessional athletic teams.** Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: Provided, That a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(5).

The following rules shall apply to the written agreement:

(a) Agreement must be in writing and signed by the employer and the individual athlete.

(b) Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide

coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

(c) The state agreed upon accepts responsibility for providing coverage and acknowledges such to the department by certified mail.

(d) Agreement and certification by the other state must be received by this department's underwriting section prior to any injury incurred by the athlete.

(e) Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the state of Washington and who participate in sporting events with Washington-domiciled teams are not subject to Washington industrial insurance for their team members while in this state. These out-of-state teams are not considered employers subject to Title 51 on the basis that they are not conducting a business within this state.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) **Insurance liability.** Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under

the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally

include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

- (i) The name of each worker;
- (ii) The Social Security number of each worker;
- (iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;
- (iv) The basis upon which wages are paid to each worker;
- (v) The number of units earned or produced for each worker paid on a piece-work basis;
- (vi) The risk classification(s) applicable to each worker;

(vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the

estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(I) The employers' unified business identification account number (UBI).

(II) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(III) The total contract award.

(IV) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(V) Physical location/site where the work will be performed including legal description.

(VI) Number of acres covered by the contract.

(VII) Dates during which the work will be performed.

(VIII) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The department will notify the contractor, and the entity that awarded the contract, of the status of the contractors' account immediately after verification. The landowner, firm, or contractors' premium liability will not be released until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

- (I) The name of the contractor who has been engaged to perform the work;
- (II) The contractor's UBI number;
- (III) The contractor's farm labor contractor number;
- (IV) The total contract award;
- (V) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;
- (VI) Location where the work is to be performed;
- (VII) A contact name and phone number of the person, firm, or corporation who let the contract;
- (VIII) The total estimated wages to be paid by the contractor and any subcontractors;
- (IX) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(X) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Reforestation Team 8
P.O. Box 44168
Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) **Logging and/or tree thinning—Mechanized operations—Industry rule.** The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys (~~with~~) may be required after the initial survey to retain the risk classification assignment.

(b) Every employer as a prerequisite of being assigned risk classification 5005 and having exposure (work hours) which is reportable under other risk classifications assigned to the employer shall be required to establish a separate subaccount for the purpose of reporting exposure (work hours) and paying premiums under this risk classification (5005). Except as otherwise provided for in this rule, only exposure (work hours) applicable to work covered by risk classification 5005 shall be reported in this subaccount. In the event that the employer's only other reportable exposure (work hours) is subject to one of the standard exception risk classifications, or the shop or yard risk classification then all exposure (work hours) will be reported under a single main account.

(c) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) **Special drywall industry rule.**

(a) **Why ~~(are)~~ have we ~~(changing)~~ changed the way you pay premiums?** Under Washington law (RCW 51.16.035), we are given the authority to establish how workers' compensation insurance rates are computed. For most industries, workers' compensation insurance rates are based on hours worked by employees. While the worker hour system works well for most industries, this method of paying premium can be unfair when a large segment of workers within an industry are not paid an hourly wage. The drywall industry is one in which many workers are paid on the basis

of material installed, finished, stocked and/or scrapped (piece work), not the hours they work. ~~((As a result, employers have developed a variety of different ways of converting payroll to hours worked to comply with our hourly reporting requirements. In many instances the conversion of payroll to hours worked has resulted in the under reporting of work hours to us. Under reporting results in higher premium rates which you pay.))~~ To help remedy the problems caused by using work hours as the basis of how you pay premiums, and to provide greater fairness to employers engaged in drywall work, the premium for classifications 0524, 0526, 0527, 0528, 0529, 0530, 0531, 0532, 0533, and 0534 is based on material (square feet).

(b) **How can I qualify for a discounted rate?** For each drywall industry classification, we ~~((will establish))~~ have established a second classification covering the same activity. The second classification ~~((will carry))~~ carries a discounted rate. To qualify for a discounted classification and rate you ~~((will be))~~ are required to meet all of the following conditions:

(i) Prior to the end of the quarter that you want the discounted classifications and rates to be applied to your business, you must attend two workshops that we ~~((will))~~ offer. For example, if you want the discounted classifications and rates to apply to your business for the third calendar quarter ~~((1997))~~ (July 1 through September 30~~((1997))~~), you must attend the two workshops by September 30~~((1997))~~. One ~~((of the))~~ workshop~~((s))~~ covers claims and risk management practices~~((s))~~; the other workshop ~~((will))~~ covers premium reporting and recordkeeping. The two workshops may be offered together or separately. Be sure to sign in so that you receive credit for attending the workshops.

(ii) You must provide us with a signed and completed voluntary release of information form that we will provide to you or your representative at the workshops. If we audit your account we will use this release form to obtain material and supply/purchase sales records from the material supply dealer(s) ~~((that))~~ you use ~~((in the event of an audit))~~. This will aid us as we verify the information you supply us on your premium and supplemental reports. If we need to verify the information that you supplied us, we will send you written notice before we contact your material supply dealer(s). We must receive this release form prior to the end of the quarter in which you want the discounted classifications and rates to become effective. For example, if you want the discounted classifications and rates to apply to your business for the third calendar quarter ~~((1997))~~ (July 1 through September 30~~((1997))~~), we must receive your signed and completed release of information form by September 30~~((1997))~~. You can complete the voluntary release form at the workshop and give it to our representative at the workshop or mail it to:

Labor and Industries
Employer Services - Drywall Manager
P.O. Box 44166
Olympia, Washington 98504-4166

(iii) You must submit complete and accurate premium reports when they are due and be current with all premium reports and payments. If you owe us money (premiums) for any quarter or period prior to December 31, 1996, we will

allow you to report in the discounted classifications. To meet this condition you must file all reports required by this section when due; and if you have not paid premiums which were due for any quarterly report you submitted to us prior to and including the fourth quarter 1996 (October 1, through December 31, 1996), either pay the balance due immediately or maintain a current payment agreement with us for any past due premium. For purposes of this section, a "current payment agreement" is a written legal agreement which we have approved and entered into with you. This agreement will set forth your unpaid premium obligation, any applicable penalties and interest that must be paid, the amount of each installment (payment) and a schedule of payment due dates. If you fail to make any payment covered in a payment agreement you will lose the right to use the discounted classifications and rates. You will not be allowed to use a discounted classification or rate if you fail to submit reports, or make premium payments on time for any period beginning with the first quarter 1997. This requirement applies to any classification assigned to your business and for any exposure (hours, square feet, etc.) which occurs after January 1, 1997.

(iv) You must provide us with a supplemental quarterly report which shows by employee the employee's name and Social Security number, the wages you paid them during the quarter, the basis for how they are paid, (piece rate, commission, hourly, etc.) their rate of pay per unit/hour, and a notation as to whether they are an installer, finisher, scrapper, painter, etc. This report is to be attached to and submitted with your quarterly premium report.

(v) For any work which you subcontract to others, you must maintain the records described in WAC 296-17-31013.

(vi) You must keep and retain the payroll and employment records described in WAC 296-17-35201.

If you do not meet all of the above conditions, we will not assign the discounted rates to your business and you will be required to pay premiums in the nondiscounted classification(s).

(c) **Can I be disqualified from using the discounted rates?** Yes, as opposed to failing to qualify because you did not meet the conditions of (b) of this subsection, your business will be disqualified from using the discounted premium rates if:

- You do not file premium reports on time; ~~((if))~~
- You fail to pay premiums on time; ~~((if))~~
- You under report or misclassify the work performed by your employees; ~~((if))~~
- You fail to maintain the payments in a payment agreement you have entered into with us; or
- You fail to meet any other condition set forth in this rule.

(d) **How long will I be disqualified from using the discounted classifications?** If we disqualify your business from using the discounted classifications, the disqualification will be for three years (thirty-six months) from the period of last noncompliance.

(e) **I have several businesses~~((s))~~. If one of my businesses is disqualified from using the discounted rates will that affect my other businesses?** Yes, if you have ownership interest in a business which has been disqualified from using the discounted rates, and you also have ownership

interest in other construction businesses which have separate industrial insurance accounts or subaccounts, all businesses in which you have ownership interest will be disqualified from using the discounted rates. This includes a business which you own or owned that is in bankruptcy status and for which you have not entered into a payment agreement, if you owe us any money; or money that you owe us which we wrote off as an uncollectible debt.

(f) ~~(What)~~ **If I make a mistake in how I reported to you, should I correct the error?** Yes, you should send in a revised report with an explanation of the error you are trying to correct. If we audit your business, and we determine that you have under reported exposure in any classification assigned to your business, all exposure which you reported in the discounted classifications for the audit period will be reclassified to the nondiscounted classifications.

(g) **If I disagree with an audit or other decision can I still use the discounted rates while we are resolving the issue?** Yes, if you are involved in a dispute with us over the status of an independent contractor, the issue being whether an individual is a covered worker; the proper classification of work your employees performed; or under reporting; you may qualify for the discounted classifications by paying the disputed amount while the issue is under dispute. In the event the issue is resolved in your favor we will refund any moneys which you paid which were disputed. We will not pay interest on the refunded amount. If you do not pay the audit balance or disputed amount when requested or do not post an equivalent bond, you will not be permitted to use any of the discounted classifications.

(h) **I am the owner of the business, and I do some of the work myself~~(s)~~. Can I deduct the work I do from the total square feet to be reported to you?** Yes, as an owner of the business you can deduct the amount of work that you did from the total square feet which you are going to report to us.

(i) **How do I calculate and report this deduction to you?** To claim this deduction you must send us a report which shows by job, project, site or location the total amount of material that was installed or finished at that job, project, site or location; the amount of material which you ~~(as)~~ the owner, installed and/or finished at the job, project, site or location; the hours ~~(that)~~ it took you to install and/or finish the material you are claiming deduction for; the total material installed and/or finished by employees at the job, project, site or location; and the hours the employees worked by job, project, site or location. This report must accompany the quarterly report in which you are claiming a deduction. If there are several owners, you must supply this information for each owner for whom you wish to claim a deduction ~~(for)~~.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-505 Classification 0105.

0105-13 Fence erection or repair: ~~(All types)~~ N.O.C.; parking meter installation; and placement of wire mesh on slopes for slope protection

Applies to contractors engaged in the erection and repair of all types of metal ~~((or))~~, wood, plastic, or vinyl fences not covered by another classification (N.O.C.). Work contemplated by this classification includes the use of a tractor with a propelled auger, or a mechanical or manual post hole digger. The poles or posts are set in the ground with small quantities of sand, gravel or concrete. Occasionally, a fence contractor may pour a concrete footing around the perimeter of the fence to be constructed. Work of this nature, when done in connection with a fence construction project, is included within the scope of this classification. This classification also includes the installation or removal of entire parking meter units, and the placement of wire mesh on slopes for slope protection.

This classification excludes contractors engaged in the erection or repair of brick, masonry or stone fences or planters which are to be reported separately in classification 0302; erection or repair of concrete fences or planters which are to be reported separately in classification 0217; and service or repair of parking meters which is to be reported separately in classification 0606.

Special note: It is common for contractors subject to this classification to sell kennel kits, fence repair parts and fencing materials. Sales of fencing materials by a fence contractor are included in classification 0105. Classifications 2009, 6309 or similar store classifications are not to be assigned to a contracting business.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-50603 Classification 0112.

0112-00 Commercial production of sand, gravel, clay and stone products

Applies to establishments engaged in the production of sand, gravel, clay and stone products. Material may be excavated in an open or surface type pit at the production site, or from a mine or quarry operation. Sand, gravel and stone is washed, crushed, sorted, graded and screened. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. The larger stones are crushed and rescreened. Clay is screened and graded. Refined products are stored in bins, hoppers, piles or yards prior to delivery by truck or rail to customers. This classification includes dealers who stockpile or store products in a yard type of environment prior to delivery to the customers when done in connection with the production of such products. Equipment includes, but is not limited to, scrapers, shovels, front end loaders, trucks, conveyors, jaw crushers, gyrators, roll crushers, and shaking tables.

This classification excludes establishments engaged in selling custom soil mixes, bark, decorative rock, sand, or gravel purchased from others which are to be reported separately in classification 1103.

Special note: Classifications 0112 and 1103 are not to be assigned to the same business unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

PROPOSED

0112-01 Humus or peat digging

Applies to establishments engaged in the digging or stripping of humus or peat. Humus is a brown or black organic substance consisting of decayed vegetable matter that provides nutrients for plants and increases the water retention of soil. Peat is a partially carbonized vegetable matter found in bogs and used as fertilizer and fuel. Work contemplated by this classification involves stripping material from the surface or bogs with mechanical equipment such as, but not limited to, power shovels, scrapers, drag lines, clamshell diggers or cranes, and hydraulic dredges. The material is conveyed from the pit or bog to hoppers by trucks or belt conveyors. At times it is necessary to grade, screen and dry the material prior to storage or delivery to customers. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

Special note: Classifications 0112 and 1103 are not to be assigned to the same business unless all of the conditions of the general reporting rule covering the operation of a secondary business have been met.

0112-02 Pit, crusher and bunker operations in connection with road, street and highway construction

Applies to establishments engaged in pit, crusher and bunker operations in connection with highway, street or roadway construction projects. Generally, this type of operation is located in close proximity to the project site and is only set up for the duration of the project. Work contemplated by this classification includes excavating open or surface pits, scraping or stripping the surface, crushing, and bunker (storage) of material. Products extracted from the pit or surface include boulders, stone, rock, gravel, aggregate, sand, dirt or clay. These products can be used directly without any further refinements or could be washed, sorted, crushed and/or screened. Products are stored in bunkers or piles until needed. These products are used in a variety of ways as part of the roadway project such as, but not limited to, making preliminary roads into an area, filling in low or uneven areas, use as natural barriers, and bringing the roadbed and surrounding areas to grade. Equipment includes, but is not limited to, power shovels, scrapers, bulldozers, front end loaders and other earth moving equipment, trucks, conveyors, jaw crushers, gyrators, roll crushers, shaking tables, etc.

Special note: This classification excludes contractors that maintain a temporary pit, crusher or bunker operation when performed by a contractor engaged in additional phases of the same road, street or highway construction project which is to be reported separately in classification 0101.

0112-03 Sand, gravel, or shale: Digging, N.O.C.

Applies to establishments engaged in the digging or dredging of sand, gravel or shale that is not covered by another classification (N.O.C.). The material is excavated from surface pits with mechanical equipment such as power shovels, drag lines, clamshell diggers or cranes, or obtained from nonnavigable waters by means of hydraulic dredges, clamshell dredges, etc. The material is conveyed from the bank, pit or dredge to hoppers by trucks, belt conveyors, narrow gauge railroads or pipelines. It is then washed, graded,

screened and stored in bins, hoppers, or piles prior to delivery by truck or rail to customers. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. In some instances, the larger stones may be crushed and rescreened which is included in this classification. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

This classification excludes underground mining operations which are to be reported separately in classification 1702.

Special note: Classifications 0112 and 1103 are not to be assigned to the same account unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-50910 Classification 0212.**0212-00 Asphalt paving or surfacing, N.O.C.**

Applies to contractors engaged in asphalt paving or surfacing not in connection with highway, street, or roadway projects not covered by another classification (N.O.C.). This classification covers all forms of asphalt paving or surfacing, resurfacing, scraping, sawing, cutting or patching operations not in connection with highway, street, or roadway projects such as, but not limited to, parking lots, airport runways and landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths. The process begins after the land grade has already been established and the sub-surface or sub base has been prepared. Work contemplated by this classification includes the laying of crushed stone, placement of expansion joints, application of oil or other adhesive bonding materials, and the surface spreading and rolling of crushed aggregate. Equipment used by a contractor subject to this classification includes, but is not limited to, scrapers, graders, rollers, paving machinery, oil trucks and dump trucks. This classification also applies to the application of various types of cushion surfaces for playgrounds.

This classification excludes the preliminary clearing of land, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt surfacing/resurfacing in connection with highway, street, or roadway projects which is to be reported separately in classification 0210; application of asphalt sealant to roadways and parking lots which is to be reported separately in classification 0219; application of asphalt sealant to driveways which is to be reported separately in classification 0504-06; construction specialty services such as the installation of guard-rails, lighting standards and striping which are to be reported separately in classification 0219; and concrete construction which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-50917 Classification 0219.

0219-00 Construction specialty services, N.O.C.

Applies to contractors engaged in the installation or removal of highway, street, or roadway lighting, signs, guardrails, roadside reflectors, lane buttons or turtles, or lane markers not covered by another classification (N.O.C.). Usually, these activities occur as finishing touches after new or existing roadways are paved or surfaced. Roadway lighting includes traffic signal lights, and halogen or mercury vapor lights mounted to metal standards erected alongside the roadway. Signs (such as speed limit, road condition, city and town mile destination) are mounted on overpasses or on wood or metal poles erected alongside the roadway. Guardrails include metal barriers mounted on wood or metal poles driven into the roadside shoulder. Lane markers, lane buttons or turtles consist of small reflectors, or chips of plastic or concrete attached to the road with an adhesive bonding material. This classification includes the related hook-up of power to the light standard.

This classification excludes the installation of power lines that feed into power poles which is to be reported separately in the applicable construction classification for the work being performed.

Special note: This classification excludes exterior sign erection, repair, or removal not in connection with displaying highway, street, or roadway information or conditions even though such signs may be erected or placed alongside roadways (such as advertisement bill boards, business, or personal property signs) which is to be reported separately in classification 0403.

0219-01 Construction specialty services

Applies to contractors engaged in specialty services such as the painting or striping of highways, streets, roadways, or parking lots not covered by another classification (N.O.C.). This classification includes painting, striping, numbering, or lettering highways, streets, roadways, parking lots, parking garages, airport runways, taxi ways, curbs, roadway dividers or median strips, and special traffic areas such as fire, bus, handicap, and no parking zones. The paint or other material used for these markings is usually applied to the surface using a mechanical device, either self-propelled or towed by a truck or other motor vehicle. In some instances, the paint will be applied manually with brush or roller which is included in this classification. This classification includes the application of asphalt sealants to roadways or parking lots. This classification also includes concrete barrier installation, in connection with road construction, by a concrete barrier rental business or by a flagging contractor who also supplies the concrete barriers. This includes the flaggers who are necessary during the installation of the barriers as well as any flaggers the company supplies to the road construction project itself.

This classification excludes the interior painting of buildings which is to be reported separately in classification 0521, the exterior painting of buildings or structures which is to be reported separately in classification 0504; application of

asphalt sealant to driveways which is to be reported separately in classification 0504-06; the rental of the concrete barriers and other flagging equipment which is to be reported separately in classification 6409; and flaggers who are not employed by a concrete barrier rental business or by a flagging contractor who also supplies the concrete barriers which are to be reported separately in classification 7116 or 7118 as appropriate.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-519 Classification 0504.

0504-06 Waterproofing, N.O.C.: Buildings or structures

Applies to contractors engaged in waterproofing buildings or structures not covered by another classification (N.O.C.)(~~(-including shop operations)~~). This classification includes the application and repair services of waterproofing material to all types of buildings or structures, regardless of height, including, but not limited to, foundations and foundation walls, floors, decks, fences, walkways and driveways. Waterproof material is applied to a variety of surfaces such as wood, concrete, asphalt, steel, metal, plaster, or stone. There are several types of waterproof processes: Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer; pressure injection, which uses a long wand inserted into the ground to fill cracks; epoxy injection, which is performed on the interior or exterior with use of a caulk gun to inject a silicon material into cracks; or application with use of a brush, roller or spray directly onto the surface. This classification includes the application of asphalt sealant to driveways.

This classification excludes excavation work performed in conjunction with a waterproofing contract which is to be reported separately in classification 0101; waterproofing operations performed in connection with roofing or subaqueous work which is to be reported separately in the classification applicable to the work being performed; the application of ~~((waterproof materials performed as part of roadway or parking lot projects which is to be reported separately in the classification applicable to the work being performed))~~ asphalt sealant or waterproof materials to roadways and parking lots which is to be reported separately in classification 0219; and the application of waterproof materials performed by a concrete contractor as part of the concrete construction project which is to be reported separately in the classification applicable to the work being performed.

Special note: Classification 0101 applies when excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) regardless of the type of contractor performing the excavation work.

0504-18 Pressure washing services or sandblasting, N.O.C.: Buildings or structures

Applies to contractors engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.)(~~(-including shop operations)~~). This classification includes cleaning, washing, pressure washing or sandblasting buildings or structures. These services are

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performed to remove dirt, moss, rust or old paint from buildings or structures. Pressure washing involves a forced spray of air and water to remove unwanted surface materials, whereas, sandblasting, or abrasive blasting, involves a forced spray of sand, steel, or glass. This classification includes the cleaning of roofs, gutters, and downspouts, the removal of moss or snow from multiple story buildings, and the cleaning of ceiling tiles. Pressure washing and sandblasting systems include portable blast and pressure cleaning machines, hand-operated, cabinet-type sandblasting or pressure washing machines, automatic blast or pressure cleaning machines and wet-blast cleaning machines.

This classification excludes contractors engaged in multimedia blasting in shop which is to be reported separately in classification 3402; pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks which is to be reported separately in the classification 0504-21; pressure washing as a part of interior building painting contracts which is to be reported separately in classification 0521; cleaning or washing roofs, or removing snow from, single story buildings (provided the cleaning or washing is not part of a painting or roofing contract) which is to be reported separately in classification 6602; waterproofing buildings or structures, N.O.C. which is to be reported separately in classification 0504-06; and pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., which is to be reported separately in the applicable classification.

0504-20 Lead abatement

Applies to contractors engaged in lead abatement which is performed on structures where there are significant amounts of lead-based paint and lead dust. Contractors must comply with various governmental regulations. The first step in all lead abatement projects is the preliminary testing of the site to determine the presence of lead and the extent of the contamination. If the ground surrounding the proposed worksite is contaminated, it will require remediation, which is done by a soil remediation contractor who is to be reported separately in the appropriate classification. The next step is deciding which abatement procedure is right for the project such as: Encapsulation which is used on interior surfaces to seal the lead-based paint with a bonding material; enclosure which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl or wood exterior sidings; component replacement which involves removing building components such as paneling, moldings, windows and doors which are coated with lead-based paint and replacing them with new components; and chemical removal, abrasive removal or handscraping which are methods to physically remove the lead paint. This classification includes all preparation work and all cleanup work.

This classification excludes soil remediation work which is to be reported separately in classification 0101; asbestos abatement which is to be reported separately in classification 0512; and lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the inte-

rior/exterior of tanks which is to be reported separately in the applicable classification.

0504-21 Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

Applies to contractors engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height. Buildings and structures include, but are not limited to, bridges, towers, smokestacks, stadiums, factories, warehouses, stores, churches, and residential or commercial single or multiple story buildings. Paint is applied by brush, roller or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces. This classification includes all preparation work such as the set up of scaffolding or power lifts, pressure washing, removal of old paint or asbestos, sandblasting, taping or masking, and cleanup work (~~(and shop operations related to projects described by this classification)~~). This classification also applies to cleaning, coating, or painting the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.

This classification excludes contractors engaged in waterproofing buildings or structures, N.O.C. which are to be reported separately in classification 0504-06; pressure washing services or sandblasting of buildings or structures which are to be reported separately in classification 0504-18; interior painting of buildings which is to be reported separately in classification 0521; painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52102 Classification 0510.

0510-00 Wood frame building: Construction or alterations, N.O.C.

Applies to contractors engaged in wood frame building construction or alterations not covered by another classification (N.O.C.). For the purposes of this classification, wood frame building construction means buildings erected exclusively of wood or wood products. This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and the installation of exterior doors and door frames.

This classification excludes all other phases of wood frame building construction not listed as part of the framing activities above such as, but not limited to, site preparation and excavation (0101); overhead or underground utilities, asphalt work, or concrete work which is to be reported separately in the applicable classification; new landscape work (0301); brick work (0302); stucco work (0303); plumbing work (0306); HVAC work (0307); carpet and tile work (0502); exterior painting (0504); roof work (0507); insulation work (0512); interior finish carpentry - interior doors, cabi-

nets, fixtures or molding (0513); installation of garage doors (0514); installation of sheet metal siding, gutters, (~~aluminum~~) and nonstructural sheet metal patio covers/carports (0519); interior painting (0521); electrical work (0601) or wallboard installation, taping or texturing which are to be reported separately in the applicable classifications. For a more thorough description of the activities included and excluded from wood frame building construction, review the Construction Industry Guide.

Special note: Classification 0510 also includes wood frame building alterations or remodel work when the activity involves building new additions. The term "new additions" is defined as adding on to an existing wood frame building (upwards or outwards) in which the use of structural supports and main bearing beams is required. This is distinguishable from classification 0516 -building repair or carpentry work that typically does not require the placement of structural supports or main bearing beams. The purpose of classification 0516 is to build or rebuild with nonstructural or bearing beams, or to replace an existing portion (including existing structural and bearing beams) of a wood frame building for appearances or as a result of deterioration to make it appear new again. Care should be exercised as the terminology to build, rebuild, remodel, construct or reconstruct is irrelevant to assignment of classification which should recognize what the project actually involves.

Guidelines:

Constructing a new wood frame building that never existed -0510

Altering all or part of an existing wood frame building by adding on new additions - 0510

Remodeling all or part of an existing wood frame building *without* adding on new additions - 0516

Installation of wood or vinyl siding on a new or existing wood frame building - 0510

Constructing a new wood garage that never existed - 0510

Altering all or part of an existing wood garage by adding on new additions - 0510

Remodeling all or part of an existing wood garage *without* adding on new additions -0516

Constructing a new wood carport or wood shed that never existed - 0510

Rebuilding an existing wood carport or wood shed (all or part) with or without new additions - 0516

Construction of a new wood deck by the framing contractor when a new wood house is being built - 0510

Constructing or replacing a wood deck on an existing wood house - 0516

Constructing or replacing a wood deck for any type of nonwood building - 0516

Altering the existing interior of a wood frame building by adding exterior additions -0510

Remodeling the existing interior of a wood frame building *without* adding exterior additions - 0516

Constructing, altering, or remodeling the interiors of nonwood frame buildings - 0516

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52106 Classification 0514.

0514-00 Garage or overhead door: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of garage or overhead doors made of wood, metal, or aluminum. As part of a new construction project, the installation usually occurs before the building or structure is painted. Garage or overhead door installation can also occur as a replacement to an existing door or as an alteration or addition to a building or structure. The process involves installing door tracks on both sides of the doorway, inserting the door, which usually consists of panels or sections, into the tracks, and attaching panels or sections to one another. This classification also includes the installation of automatic door openers when performed as a part of the garage or overhead door installation contract, and by the same contractor installing the doors.

This classification excludes the installation of automatic door openers when it is not performed as a part of the garage or overhead door installation contract and by the same installation contractor which is to be reported separately in classification 0603, as is all service or repair for automatic door openers; the installation of exterior glass doors and door frames such as nonautomatic and automatic opening doors at retail establishments or commercial buildings which are to be reported separately in classification 0511; the installation of interior or exterior doors and door frames when performed by a framing contractor as part of framing a wood frame building which is to be reported separately in classification 0510; the installation of interior doors and door frames which is to be reported separately in classification 0513; the installation of wood, fiberglass or metal exterior doors as part of a nonwood frame building when performed by employees of the general contractor which is to be reported separately in classification 0518; and the repair or replacement of wood, fiberglass or metal doors on an existing building which is to be reported separately in classification 0516.

0514-01 Nonstructural additions to buildings or structures: Installation, removal, alteration, and/or repair

Applies to contractors engaged in the installation, removal, alteration, and/or repair of nonstructural additions to buildings or structures. Nonstructural iron, steel, brass or bronze additions include, but are not limited to, fire escapes, staircases, balconies, railings, window or door lintels, protective window or door gratings, bank cages, decorative elevator entrances or doors, permanent stadium seating, and wall facades and facings. Shutters and similar decorative add-ons may be made of wood, vinyl or plastic. Generally, the process involves bolting, screwing, riveting, or welding these additions to the interior or exterior of buildings or structures. Contractors who operate a shop to prefabricate the additions are to be assigned the classification applicable for the shop manufacturing work being performed. When a contractor's business is assigned a manufacturing classification for shop operations, classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the stor-

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age of materials or repair of equipment. (~~This classification also applies to the installation of permanent stadium seating.~~)

This classification excludes sheet metal installation such as siding, gutters and downspouts, and (~~aluminum~~) non-structural sheet metal patio covers/carports which are to be reported separately in classification 0519; the installation, repair or dismantling of portable bleachers or stages which is to be reported separately in classification 0603; and the erection of commercial metal carports, service station canopies, and structural iron or steel work as part of a building or structure which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52108 Classification 0516.

0516-00 Building repair and carpentry, N.O.C.

Applies to contractors engaged in building repair and carpentry work, not covered by another classification (N.O.C.). This classification applies to carpentry-related framing work on concrete, brick and steel buildings, and to wood framed building renovation and remodeling projects where the structure is not being modified or altered. Typical projects include, but are not limited to: Converting a room from one use to another, such as a bedroom to a study, or a garage to a family room; enlarging or changing the configuration of a room by removing or adding an interior wall; upgrading a kitchen or bathroom; or adding structures such as a wooden deck to an existing building, screening a porch, installing a wood patio cover, or assembling (~~lightweight~~) sheet metal tool or garden sheds. Contractors subject to this classification use a variety of dimensional lumber and wood products as well as metal fasteners (nails, screws and bolts), and metal reinforcing or support straps such as joist hangers and post brackets. Technological changes have produced new materials which are replacing wood and wood products. These materials include, but are not limited to, light weight metal studs and plastic and fiber reinforced boards. This classification includes the framing of private residences with light weight metal studs and the installation of earthquake tie downs on residential buildings. This classification also includes specialty service providers or contractors engaged in providing general repair services (handyman) on buildings and dwellings. Classification 0516-00 can be used for these businesses to simplify recordkeeping and reporting if they provide general carpentry work and at least two of the following types of *repair* work; electrical, plumbing, cabinet, interior alteration, painting, drywall, masonry, carpet/lino-leum/laminate, glazing, or appliance repair.

This classification excludes roofing or roof work which is to be reported separately in classification 0507.

0516-01 Wood playground equipment: Installation and/or repair

Applies to contractors engaged in the installation and/or repair of wood playground equipment. Work contemplated by this classification begins after the area of land has been excavated and/or cleared and includes installing wood playground equipment at private residences and in public settings

such as, but not limited to, schools, parks, daycare centers, churches, and hotels. This classification usually includes a variety of playground equipment comprised of treated wood beams, poles, posts, and a variety of dimensional lumber used in building swings, forts, stationary and swinging bridges, balance beams, climbing towers, slides, and rope and tire walks. Generally, the process involves setting poles or posts with use of a post hole digger, backhoe or tractor equipped with an auger. The poles or posts may be set in concrete. Depending on the piece of equipment being built, use of beams, planks, dimensional lumber, rope, chains, tires, and metal bars or rings, are securely attached with nails, screws, bolts or eye hooks. This classification includes the building of borders surrounding the playground equipment area with beams or railroad ties and the spreading of pea gravel, sand or wood chips underneath the equipment.

This classification excludes the installation of metal playground equipment which is to be reported separately in classification 0603, and the excavation or clearing of land which is to be reported separately in classification 0101.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52109 Classification 0517.

0517-00 Factory built housing units: Set up by contractor or by employees of the manufacturer

Applies to the set up of factory built housing units such as mobile/manufactured homes, modular homes, or prefab cedar homes by contractors who work independently from a sales dealership or by employees of the manufacturer. This classification includes delivery of the factory built unit when performed by the set up contractor. The set up process includes placement of the unit or unit sections on blocks or foundations; joining the interior and exterior sections which may involve incidental placement of ridge cap, siding, trim boards, moldings, and interior seams; plumbing and electrical connections; and the installation of skirting, awnings or decks.

This classification excludes mobile home or factory built housing sales dealerships who set up and/or deliver the unit to a sales location or customer's site which are to be reported separately in classification 3415; the delivery of a mobile home or other factory built housing unit by a trucking service which is to be reported separately in classification 1102; the pouring of foundations; and/or the construction of nonstructural sheet metal patio covers/carports, garages or storage sheds regardless if performed by employees of the set up contractor or by another contractor which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52110 Classification 0518.

0518-00 Building construction, N.O.C.: Alterations and concrete construction, N.O.C.

Applies to contractors engaged in building construction, not covered by another classification (N.O.C.), including

alterations. Work contemplated by this classification includes nonwood frame buildings and structures such as, but not limited to, waste treatment and waste disposal plants, fish hatcheries and stadiums in which the superstructure, skeleton framework, or building shell consists of concrete, iron or steel, or a combination of concrete, iron, steel and/or wood. This classification makes no distinction to the size of the structure or number of stories within the building and includes all concrete tilt-up buildings. Activities include, but are not limited to, the set up and tear down of forms, placement of reinforcing steel, rebar, or wire mesh, pouring and finishing concrete within the building or structure such as foundations, monolithic slabs, ground supported floor pads, precast or poured in place bearing floors or wall panels, columns, pillars, balconies, stairways, including the raising and/or standing of concrete tilt-up walls or precast floors and wall portions, and raising and securing metal frames or members into place using a crane or boom and securing by bolt, rivet or weld.

This classification excludes all other phases of construction which are not in connection with building the superstructure, skeleton framework, or building shell such as, but not limited to, site preparation and excavation which is to be reported separately in classification 0101; bridge or tunnel construction which is to be reported separately in classification 0201; pile driving which is to be reported separately in classification 0202; underground utilities and systems which is to be reported separately in the classification applicable to the work being performed; asphalt work which is to be reported separately in the classification applicable to the work being performed; concrete paving or flatwork not contained within the building which is to be reported separately in the classification applicable to the work being performed; new landscape construction which is to be reported separately in classification 0301; brick, block, granite, marble, slate or masonry work which is to be reported separately in classification 0302; plastering, stuccoing and lathing work which is to be reported separately in classification 0303; plumbing work which is to be reported separately in classification 0306; HVAC work which is to be reported separately in classification 0307; carpet and tile work which is to be reported separately in classification 0502; exterior painting which is to be reported separately in classification 0504; roof work which is to be reported separately in classification 0507; installation of glass panels, curtain walls or windows which is to be reported separately in classification 0511; installation of insulation, sound proofing or suspended acoustical ceilings which is to be reported separately in classification 0512; interior finish carpentry such as the installation of interior doors, cabinets, fixtures or molding which is to be reported separately in classification 0513; installation of overhead doors, garage doors which is to be reported separately in classification 0514; installation of exterior doors and door frames, interior framing and carpentry work which is to be reported separately in classification 0516; installation of sheet metal siding or gutter work which is to be reported separately in classification 0519; interior building painting which is to be reported separately in classification 0521; electrical work which is to be reported separately in classification 0601; the installation of elevators and elevator door bucks

which is to be reported separately in classification 0602; new dam construction projects which are to be reported separately in classification 0701; wood frame buildings which are to be reported separately in classification 0510; ~~((light-weight)) sheet metal tool sheds~~ which are to be reported separately in classification 0516; brick or block buildings which are to be reported separately in classification 0302 and wallboard installation, taping or texturing which are to be reported separately in the applicable classifications.

0518-01 Metal carport: Erection

Applies to contractors engaged in the erection of metal carports such as those used for commercial parking lots. This classification includes raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the erection of ~~((a)) non-structural ((steel)) sheet metal patio cover/carports~~ which is to be reported separately in classification 0519, and the erection of a wood carport which is to be reported separately in the applicable carpentry classification (see classification 0510 for additional information).

0518-02 Metal service station canopy: Erection

Applies to contractors engaged in the erection of metal service station canopies. Work contemplated by this classification includes, but is not limited to, raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the removal or installation of underground tanks which is to be reported separately in classification 0108, and the removal or installation of service station pumps which is to be reported separately in classification 0603.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52111 Classification 0519.

0519-00 Building construction sheet metal work, N.O.C.

Applies to contractors engaged in the installation or repair of sheet metal work in building construction, not covered by another classification (N.O.C.). Work contemplated by this classification applies to interior and exterior sheet metal work for residential or commercial buildings and includes wood frame, pole buildings, and nonwood frame buildings. This classification includes the installation of metal ~~((or aluminum)) siding, gutters and downspouts, non-structural ((steel)) sheet metal patio covers/carports, ((and aluminum or sheet metal patio covers. This classification includes the installation of))~~ metal industrial shelving ~~((and the installation of))~~, stainless steel counter tops, and interior wall ~~((s)) panels~~ (such as the back splash behind stoves or sinks) ~~((in restaurants))~~. Contractors who operate a sheet metal fabrication shop or prefabricate the gutters, downspouts and posts in a shop away from the construction site are to be assigned classification 3404 for the shop operations. When a contractor's business is assigned classification 3404 for shop operations then classification 5206 "Permanent yard

or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal work as part of heating ventilation and air conditioning systems installation which is to be reported separately in classification 0307; the installation of aluminum or sheet metal as part of roof work which is to be reported separately in classification 0507; the installation of light weight sheet metal tool sheds which is to be reported separately in classification 0516; and the installation of commercial metal carports and service station canopies which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-52113 Classification 0521.

0521-00 Painting building interiors; wallpaper hanging/removal

Applies to contractors engaged in painting building interiors regardless of the height inside the building. This classification includes building interiors such as, but not limited to, single and multiple story residential houses and commercial buildings, warehouses, factories, coliseums, theaters, stores and churches. The following structures are examples which would *not meet* the definition of a building or qualify as interior painting: Bridges, refineries, grain silos, water towers, service station canopies, or tanks. Paint is applied by brush, roller or spray to a variety of surfaces such as wood, wall-board, plaster, stucco, metal, concrete, or other types of surfaces found within the interior of a building. This classification includes all preparation work such as the set up of scaffolding, sanding, removal of old paint or asbestos, taping or masking, ~~((clean up and shop operations))~~ and clean up work. This classification also includes the hanging or removal of wallpaper. The process of hanging wallpaper includes cleaning or scraping walls to ensure the wallpaper will adhere to the surface. Depending on the type of wallpaper, adhesive is applied to the wall surface, the wallpaper, or both. Patterns are matched and the strip is applied to the surface and brushed smooth to remove the air pockets. This process is repeated until the entire job is complete. This classification also includes refinishing or resurfacing of tubs, sinks, appliances and countertops.

This classification excludes exterior painting of buildings or structures which is to be reported separately in classification 0504. Classifications 0521 and 0504 may be assigned to the same employer provided accurate records are maintained which distinguish interior building painting contracts from exterior building or structure painting contracts. This classification also excludes contractors engaged in waterproofing buildings or structures N.O.C., pressure washing services or sandblasting of buildings or structures, lead paint abatement, and the exterior painting of buildings or structures, including interior/exterior tanks which are all to be reported separately in classification 0504; painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-532 Classification 0901.

0901-00 Ship building and/or repair, N.O.C. (to be assigned only by the maritime underwriter)

Applies to establishments engaged in the building and/or repair of ships not covered by another classification (N.O.C.) and to the dismantling of hulls. Ships contemplated by this classification are recreational vessels under sixty-five feet and some commercial vessels such as, but not limited to, military vessels, tugs, scows, and barges ((and recreational vessels over 65 feet)). This classification may also include vessels over sixty-five feet that do not meet the situs and status provisions of the United States Longshore and Harbor Workers Compensation Act. This classification includes shop operations.

This classification excludes wood boat building and repair which is to be reported separately in classification 2903; sheet aluminum boat building which is to be reported separately in classification 3404; fiberglass boat building which is to be reported separately in classification 3511; plate aluminum boat building which is to be reported separately in classification 5209; and boat dealers, marinas, and boat house operations including repair centers which are to be reported separately in classification 3414.

Special note: This classification is seldom assigned as most work would be covered by LHWCA. Commercial vessels included in this classification are required to have a Small Vessel Exception Certificate issued by the U.S. Department of Labor.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-53802 Classification 1105.

1105-00 Septic tank pumping

Applies to establishments engaged in septic tank pumping services ~~((for others. In addition to driving duties, the drivers connect))~~. Operations contemplated by this classification include driving, locating the septic tank and digging as necessary to uncover it, connecting the pumping hose to ((the top of)) the septic tank ((and start the motor/pump to remove waste from the septic tank or cesspool. This classification includes the related disposal of waste products which are recovered by establishments subject to this classification)), pumping out the sludge, and disposing of the waste products.

This classification excludes installation and repair of septic tanks or systems which are to be reported separately in classification 0108, and cleaning of ~~((septic systems))~~ sewage treatment tanks which is to be reported separately in classification 0504.

1105-01 Street sweeping; parking lot sweeping; and portable chemical toilet servicing

Applies to establishments that perform street sweeping and parking lot sweeping services for others. Trucks used for sweeping are equipped with rotating or nonrotating brushes and vacuum/suction devices. In addition to driving duties, the drivers may adjust/unclog the brushes, and clean the hold-

ing tanks contained on the sweeping or pumping vehicle. This classification also includes snow removal by plowing, delivery of portable toilets and the related servicing and disposal of waste products which are recovered by establishments subject to this classification.

1105-02 Vacuum truck services

Applies to establishments engaged in vacuum truck services for others. Services include, but are not limited to, cleaning of duct work, picking up waste oils, lubricants, anti-freeze, bilge water, and similar waste products. Establishments subject to this classification may offer a regular service, one-time or occasional pick-up service. The driver has kits for testing the materials and, if there is a question, a sample is taken to a laboratory for further analysis. If the waste material is acceptable, it is pumped into the tanker truck. The waste material may be consolidated with similar products and "bulked" in storage tanks, then taken to appropriate treatment or disposal facilities, or it may be taken directly to appropriate facilities. If it is to be "bulked" with other products, it will be filtered as it is pumped into the storage tanks and allowed to sit for a few days for any water to settle to the bottom of the tank and be drained off. Bulk materials may be hauled away by the establishment's own trucks or by common carrier. Establishments subject to this classification may pick up containers of used oil filters and bring them into their plant where they are sorted into crushed and uncrushed filters, and gaskets removed. This activity is included within the scope of this classification if it is an incidental service. This classification includes the related disposal of waste products which are recovered by establishments subject to this classification.

This classification excludes septic tank pumping which is to be reported separately in classification 1105-00.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-53805 Classification 1108.

1108-02 Glass tempering

Applies to establishments engaged in glass tempering services for others. Operations contemplated by this classification include glass cutting, bending, grinding, beveling, and silvering. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles and tempering ovens. The process of glass tempering consists of taking auto or sheet glass which has been purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat realigns the molecular structure of the glass creating added strength, however, the appearance of the glass remains unchanged. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; establishments engaged in the manufacture of glass which is to be reported

separately in classification 3503; merchants who specialize in selling or installing auto glass which is to be reported separately in classification 1108-04; glass merchants engaged exclusively in flat glass sales which are to be reported separately in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported separately in classification 1108-05.

1108-03 Flat glass merchants - no tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglas. Glass products include, but are not limited to, window glass, plate glass, safety glass for automobiles, and mirrors. Work contemplated by this classification includes cutting of glass to customers specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass, and the installation of glass into frames within the shop or adjacent yard. Some dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Most glass dealers will cut glass to order. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and merchants who specialize in selling or installing auto glass which are to be reported separately in classification 1108-04.

1108-04 Auto glass merchants

Applies to establishments engaged in selling and installing automobile glass in vehicles. In addition to selling and installing new or replacement auto glass, merchants typically repair auto windshield cracks, scratches, bullseyes and breaks. Tools and equipment include metal and wood cutting tools, grinders, sanders, drills, saws, knives, windshield sticks, suction cups, putty, caulking, cleaning solvents, delivery and service vehicles. Solar tinting of auto glass with film to reduce heat and glare may also be performed, as well as selling and installing sun roofs. Auto glass merchants may offer 24-hour emergency service or pickup and delivery. Installation of auto glass, truck glass or boat tops performed in or away from the shop is included within the scope of this classification.

This classification excludes establishments engaged in the manufacturing of glass which are to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; glass merchants exclusively dealing in flat glass which are to be reported in classification

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1108-03; and combined auto/flat glass merchants with no tempering which are to be reported in classification 1108-05.

1108-05 Combined auto and flat glass merchants - no tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglas as window glass, plate glass, safety glass for automobiles, mirrors and other types of glass at a permanent shop location or adjacent yard. Work contemplated by this classification includes cutting of glass to customers' specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass and the installation of glass into frames. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, windshield sticks, putty, caulking, cleaning solvents, forklifts, packing materials, and delivery and service vehicles. A glass merchant performing the installation of glass in automobiles is also included within the scope of this classification; as are related services such as, but not limited to, repair of auto windshield cracks, scratches, bullseyes and breaks; in vehicle tinting of auto glass to reduce heat and glare; and installing sun roofs. Other dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Included within the scope of this classification is the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and flat glass merchants who do not sell or install auto glass which are to be reported separately in classification 1108-03.

1108-06 Glass frosting, etching, beveling or grinding

Applies to establishments engaged in shaping and finishing solid glass by cutting, frosting, etching, beveling, grinding, sandblasting, carving, glue chipping, decorating or grooving. Custom items manufactured in this classification include, but are not limited to, video game tops, glass signs, glass used in the assembly of electrical appliances such as microwave ovens, electronically controlled cabinets and display panels, and mirrors of all sizes. Machinery includes diamond or glass cutting saws, diamond or glass grinding wheels and discs, drills, polishing laps, etching tools and other hand tools. In the manufacture of mirrors, metallic solutions (usually silver), shellacs or varnishes, paints, and plate glass are received from outside sources. The glass is cut to size, ground, smoothed, and the edges may be beveled. Hole drilling, chemical etching, drying, buffing and polishing may be performed. Reflective surfaces are generally produced by pouring or spraying metallic solutions over pre-

pared glass. Heavier coats are obtained by successive applications of the plating solution. After applying the plating solution, the mirrors are sprayed or hand brushed with shellac or varnish, then with paint. Frames, handles or similar finishes may be attached. Production manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; glass merchants who do incidental grinding, beveling, silvering and cutting of glass who are to be reported separately in the classification applicable to the type of glass they specialize in; establishments manufacturing optical goods or telescopes, or perform precision grinding of blank or rough lenses which are to be reported separately in classification 6604; and establishments engaged in manufacturing stained or leaded glassware, or in melting or blowing glass which are to be reported separately in classification 3503.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-539 Classification 1301.

1301-00 Electric light and power plants operated by cities, towns, or counties

Applies to establishments, operated by a city, town, or county, engaged in generating and distributing electricity to their residents. These may be hydroelectric, fossil fuel steam or turbo-generator plants. This classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, turbines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools. Clerical office and administrative personnel are to be reported separately in classification 5305 for a city or town, or 5306 for a county.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-01 Electric light and power cooperatives

Applies to establishments, in the form of cooperatives, engaged in generating and distributing electricity to their customers. A cooperative is formed by, and owned jointly by, those who make use of the service being provided. The power may be generated by a hydroelectric, fossil fuel steam or turbo-generator plant. This classification is appropriate whether a cooperative owns a power plant or is distributing power purchased from another utility company. Work contemplated by this classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, turbines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools. Clerical office and administrative personnel are to be reported separately as appropriate for the ownership of the cooperative; 5305 for cities and towns; 5306 for counties; or 4904 and 6303 for nonmunicipal.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-02 Electric light and power plants operated by public utility districts

Applies to establishments, in the form of a public utility district (P.U.D.), engaged in generating and distributing electric power to a part of a county. This classification applies whether a P.U.D. owns a power plant or is distributing power purchased from another utility. Work contemplated by this classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, turbines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools. Clerical office and administrative personnel are to be reported separately in 5306.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-05 Steam heat power plants

Applies to establishments engaged in the operation of a steam heat power plant. These businesses use coal, oil, natural gases or electric power to produce steam which is distributed through a network of under or overground pipes to customers (the plant must be very near the purchaser). The initial process of producing the steam is the same as the process used in a steam powered electric generating plant, but the steam is channeled out to the purchaser instead of being used to turn turbines. The purchasers use the steam for heating buildings, operating saunas, as a heat source for cooking or processing in food processing plants, breweries or restaurants, producing the heat needed for wood drying kilns, or to convert back to hot water. Work contemplated by this classification includes, but is not limited to, the regular installation, maintenance or repair of plant machinery and equipment, the extension and maintenance of over or underground pipes, main-to-user hook-ups, meter installation and meter readers. Clerical office and administrative personnel are to be reported separately as appropriate for the ownership of the steam plant; 5305 for cities and towns; 5306 for counties; or 4904 and 6303 for nonmunicipal.

This classification excludes contractors engaged in over or underground pipeline construction, maintenance or repair, main-to-house line extensions and hook-ups, who are to be reported separately in classification 0107; contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603; and the construction of any buildings which is to be reported separately in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-544 Classification 1404.**1404-04 Bus companies and transit systems**

Applies to bus companies, transit systems, contract bus driving, and other establishments engaged in public transportation services such as, but not limited to, scenic bus tour services, contract school bus services, shuttle van services, and public transit systems. Work contemplated by this classification includes driving and related loading/unloading duties, inspecting and maintaining vehicles, and all terminal employment except for office personnel. Ticket sellers may be reported separately in classification 4904 provided that

they do not handle baggage and that all the conditions of the standard exception general reporting rules have been met.

This classification excludes limousine companies which are to be reported separately in classification 6301.

1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, and maintenance personnel (~~and on-board food service~~). Ticket sellers (~~can~~) may be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is to be reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is to be reported separately in classification 1102.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-545 Classification 1501.

1501-00 Counties and taxing districts, N.O.C. - all other employees

Applies to employees of counties and taxing districts, not covered by another classification (N.O.C.), who perform manual labor, or who supervise a work crew performing

manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists(±) who have field exposure, and (~~also includes store and stock~~) internal inventory and supply clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to or from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; bus or transit systems which are to be reported separately in classification 1404; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; port districts which are to be reported separately in classification 4201; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; clerical office and administrative employees who are to be reported separately in classification 5306, and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-01 Housing authorities, N.O.C. - all other employees

Applies to employees of housing authorities, not covered by another classification, who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes all functional operations of a housing authority such as inspection, maintenance and repairs, including minor structural repairs, janitorial service, and building and grounds maintenance. Also included in this classification are meter readers, security personnel, other than those with law enforcement powers, administrative personnel such as engineers and safety inspectors who have field exposure, and (~~store and stock~~) internal inventory and supply clerks. For purposes of this classification, housing authorities are defined as nonprofit, public and political entities which serve the needs of a specific city, county or Indian tribe. The nature and objectives of some of the projects undertaken by housing authorities include providing decent, safe and sanitary living accommodations for low income persons, or providing group homes or halfway houses to serve developmentally or otherwise disabled persons or juveniles released from correctional facilities. A housing authority has the power to prepare, carry out, lease and operate housing facilities; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project; to sell or rent dwellings forming part of the project to or for persons of low income; to acquire, lease, rent or sell or otherwise dispose of any commercial space located in buildings or structures containing a housing project; to arrange or contract for the furnishing of the units; and to investigate into the means and methods of improving such conditions where there is a shortage of suitable, safe and sanitary dwelling accommodations for persons of low income.

This classification excludes new construction or major alteration activities which are to be reported separately in the appropriate construction classifications; clerical office and administrative employees who are to be reported separately in classification 5306; security personnel with law enforcement powers who are to be reported separately in classification 6905; and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-08 Native American tribal councils - all other employees

Applies to employees of Native American tribal councils who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists(;) who have field exposure, ~~((and also includes store and stock))~~ and internal inventory and supply clerks of the tribal council. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to and from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; bus or transit systems which are to be reported separately in classification 1404; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classifications 6905 and 6906; new construction or reconstruction activities which are to be reported separately in the appropriate construction classification; clerical office and administrative employees who are to be reported separately in classification 5306.

Special notes: Housing authorities operating under the name of, and for the benefit of, a particular tribe are not exempt from mandatory coverage. These housing authorities are federally funded and are not owned or controlled by a tribe.

Only those tribal operations which are also provided by county governments are subject to classification 1501. The following activities, such as but not limited to, visiting nurses and home health care, grounds keepers, building maintenance, park maintenance, road maintenance, and garbage and sewer works, are considered to be normal operations to be included in this classification. All other tribal council operations which are not normally performed by a county government shall be assigned the appropriate classification for the activities being performed. The following operations, such as but not limited to, meals on wheels, bingo parlors, casinos, liquor stores, tobacco stores, grocery stores, food banks, gift shops, restaurants, motels/hotels, Head Start programs, fish/shellfish hatcheries, logging, and tree planting/reforestation are outside the scope of classification 1501 and are to be reported separately in the applicable classifications.

1501-09 Military base maintenance, N.O.C.

Applies to establishments, not covered by another classification (N.O.C.), engaged in providing all support operations and services on a military base on a contract basis. Such services include, but are not limited to, data processing, photography, mail delivery (on post and to other military facilities), hotel/motel services, mess halls, recreational facilities, grounds and building maintenance, vehicle maintenance, and may also include the maintenance of such facilities as water works, sewer treatment plants and roads.

This classification excludes new construction or construction repair projects which are to be reported separately in the applicable construction classification for the work being performed; contracts for specific activities on a military base such as, but not limited to, building maintenance, club or mess hall operations, or vehicle maintenance, which are to be reported separately in the applicable classification for the work being performed; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; and clerical office and administrative employees who are to be reported separately in classification 5306.

Special note: Classification 1501-09 is to be assigned to an establishment only when *all* support services on a military base are being provided by the contractor.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-552 Classification 1801.

1801-01 Lead smelting, sintering, or refining; calcium carbide manufacturing

Applies to establishments primarily engaged in the smelting, sintering, or refining of lead, including the manufacturing of calcium carbide. The lead ore most commonly mined is galena which is the sulfide of lead. The ore is mixed with other metalliferous minerals, such as sphalerite, copper pyrites and iron pyrites. The smelting process consists of fusing or separating the metallic elements. After ore has been received, the process begins by crushing, washing and screening the ore. There may be various steps of milling, concentration or amalgamation (floatation) to separate the galena from the sphalerite and other minerals. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which are mixed with coke and placed into a shaft furnace. The material is then desilvertized which is achieved by adding metallic zinc and raising the temperature sufficiently to dissolve it. The molten metal is then cast into ingots. The ingots may go through further refining processes or may be considered a finished product. This classification also includes the manufacturing of calcium carbide which is a crystalline material produced by heating pulverized limestone or quicklime with carbon and used to generate acetylene gas, as a dehydrating agent, and in making graphite and hydrogen.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of ores not covered

by another classification, (N.O.C.) which is to be reported separately in classification 1801-08; the recovering, refining or reprocessing of metals which is to be reported separately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-03 Steel or iron rolling mills; rolling mills, N.O.C.

Applies to establishments engaged in operating iron or steel rolling mills. In a rolling mill ingots and/or slabs of steel are rolled (i.e., they are passed between rollers whereby they undergo an increase in length and a corresponding reduction in depth). The rollers used by the rolling mills vary widely in size and shape, depending on the type of rolled section(s) to be produced. Depending upon the thickness of the metal to start and the desired thickness when finished, a single piece of metal may pass through the same or a different set of rollers several times.

Rolling mills for pipes may be divided into two categories - welded pipes and seamed pipes. Welded pipes are produced from a steel strip which is bent to a tubular shape and whose edges are then joined by welding. Seamed pipes are produced from cast or rolled billets at rolling temperature. There are different processes for both kinds of manufacturing. Whatever method is used the metals are somehow heated to temperatures up to 1400 degrees Fahrenheit. The equipment may include, but is not limited to, rakes, ladle, forklifts and front loaders.

This classification excludes aluminum smelting plant operations which are to be reported separately in classification 1802, and establishments engaged in the manufacture of pipe or tube from iron or steel by drawing or bending which are to be reported separately in classification 5101.

1801-08 Ore smelting, sintering or refining, N.O.C.

Applies to establishments engaged in the smelting, sintering, or refining of ores not covered by another classification (N.O.C.). Smelting and sintering are refining processes which use different properties of heat which may or may not reduce the ore to molten form. Temperatures are usually lower than 1400 degrees Fahrenheit. Ore is received direct from the mine or in a variety of forms such as, but not limited to, pellets, particles, molds and briquettes. ~~((After ore has been received,))~~ The process begins by crushing, washing and screening ~~((the ore,))~~; there may be various steps of milling, concentration or amalgamation ~~((floatation) to separate the ore or already formed materials))~~. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which may be mixed with other materials and placed into a shaft furnace. The molten metal ore is then cast or recast into ingots. The ingots may go through further refining processes or may be considered a finished product.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the recovering, refining or reprocessing of metals which is to be reported sep-

arately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-09 Metal recovering, refining or reprocessing

Applies to establishments engaged in the recovering, refining, or reprocessing of metals. These establishments are considered secondary processors or reprocessors to primary metal producers. The primary producer uses ore to manufacture metal, whereas, the secondary processors or reprocessors will recover, refine, or reproduce refined metals from coarse metal. Types of metal include, but are not limited to, gold, aluminum, silver, lead, and zinc. Metal comes in various forms to include cast ingots, dross, and scrap material. The scrap material and dross are recycled to extract reusable metallic elements. Other metals are reprocessed and may include adding alloys and/or other elements, or recasting the metals into different shapes and sizes. An example may include adding magnesium to zinc as part of the recycling process in which zinc oxide is produced and sold to rubber companies for manufacturing tires and other rubber products. Metals are weighed, sorted and/or sifted through a variety of screens and includes crushing as needed. Next, the materials are placed in an oven or furnace and chemicals and/or alloys are added. At this point the metal may be placed in molds and cooled by air or water. Finished products are inspected, graded, weighed, packaged and shipped. To assist in the processing function, ladles, rakes, conveyers, scales, hoist, front end loaders and forklifts may be used. This classification also includes the incidental buying and selling of scrap metal.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the smelting, sintering or refining ores not covered by another classification N.O.C., which is to be reported separately in classification 1801-08; ore reduction which is to be reported separately in classification 1701; scrap metal dealers which are to be reported separately in classification 0604; and establishments which compact or recycle metal containers such as aluminum or tin cans which are to be reported separately in classification 2102.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-564 Classification 2104.

2104-01 Vegetable packing - fresh

Applies to establishments engaged in the packing of fresh vegetables. These operations are usually located in produce growing areas and are generally seasonal. The vegetables are generally brought to the packing plant by the farmer or co-op drivers, but some packing plants may employ their own drivers to pick up the product from the local farms or co-op. Typical activities of the packing operation include, but are not limited to, sorting, grading, cleaning, trimming, packing and shipping of the vegetables. Various packing containers such as plastic bags, boxes, barrels, crates, and baskets

may be used. The packing may be done by hand for fragile vegetables or by machine for the more sturdy produce. This classification includes cold storage operations if it is used solely for the storage of their own produce. Drivers employed by these establishments who pick up the vegetables from the ~~((farmer))~~ suppliers or deliver the packaged product to the market are included in this classification. ~~((When an establishment is engaged in both fresh vegetable and fresh fruit packing a determination needs to be made as to which produce is the majority of their business in order to assign the appropriate classification.))~~ A farm operation that grows and packs their own fresh vegetables or packs other farms' fresh vegetables in addition to their own is to be assigned this classification (2104) for the packing operation. However, if the farmer only sorts and stores the fresh vegetables, the appropriate agricultural classification is applicable to both the growing and sorting/storage operations. This classification also includes establishments engaged in ~~((seed potato))~~ processing ~~((These processors will pick the potatoes up from the farmer and take them to their processing plant where the potatoes are washed and chopped up by machine on a conveyor belt. The seeds are then removed by hand using a knife. After the processing is completed the seeds are returned to the farmer))~~ potatoes into seed potatoes. Processing plants receive whole potatoes from their suppliers. At the plant the potatoes are moved along on a conveyor belt, cleaned as appropriate, cut into small pieces (usually quarters), and treated with a fumigant powder or other sterilizer. The smaller pieces, referred to as "seed potatoes," are delivered to farmers who plant them for future crops.

This classification excludes fresh fruit packing which is to be reported separately in classification 2104-02; cannery or freezing operations and/or any processing of the vegetables which are to be reported separately in classification 3902; and cold storage operations not exclusively part of a packing operation which are to be reported separately in either classification 4401 or 4404.

2104-02 Fruit packing - fresh

Applies to establishments engaged in the packing of fresh fruit. These operations are usually located in produce growing areas and generally are seasonal. The fruit may be brought to the packing plant by the farmer or co-op drivers, but some packing plants may employ their own drivers to pick up the product from the local farms or co-op. Typical activities of the packing operation include, but are not limited to, sorting, grading, cleaning, trimming, packing and shipping the fruit. Various packing containers such as plastic bags, boxes, barrels, crates and baskets may be used. The packing may be done by hand for fragile fruit or by machine for the more sturdy produce. This classification includes any cold storage operations if it is used solely for the storage of their own produce. Drivers employed by these establishments who pick up the fruit from the farmer or deliver the packaged product to the market are included in this classification. ~~((When an establishment is engaged in both fresh fruit and fresh vegetable packing a determination should be made of which produce is the majority of their business to assign the appropriate classification.))~~ A farm operation that grows and packs their own fresh fruit, or packs other farms'

fresh fruit in addition to their own, is to be assigned this classification (2104) for the packing operation. However, if the farmer only sorts and stores the fresh fruit the appropriate agricultural classification is applicable to both the growing and sorting/storage operations.

This classification excludes fresh vegetable packing which is reported separately in classification 2104-01; cannery or freezing operations and/or any processing of the fruit which are to be reported separately in classification 3902; and cold storage operations not exclusively part of a packing operation which is reported separately in either classification 4401 or 4404.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-57603 Classification 3304.

3304-00 Fish processors, packers and repackagers - wholesale or combined wholesale/retail

Applies to establishments engaged in processing, packing, and repackaging fish such as salmon, cod, whitefish, halibut, tuna, and/or shellfish when conducted by a wholesale or combined wholesale/retail operation. Typically, fish will arrive at a port via a commercial fishing vessel. Before the load of fish is accepted the wholesaler will inspect the commercial fishing vessel's records to ensure that the fish were caught, handled and stored in accordance with all applicable laws. The fish is then unloaded, identified, inspected for quality, weighed and stored in a refrigerated area or a freezer to await further disposition. Fish are processed, packed and repackaged as requested by the customers. Processing may include, but is not limited to, cutting, filleting, cooking, and/or canning. The fish may be sold to fish and meat markets, supermarkets, grocery stores, restaurants, or other wholesale dealers. This classification includes fishing activities that are not covered by another classification (N.O.C.) and the harvesting, planting or packaging of aquatic plants or shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation.

This classification excludes establishments engaged in the cold storage or locker operations of products owned by others which are to be reported separately in classifications 4401 or 4404 as applicable; establishments engaged in the raising, harvesting and subsequent processing and packing of shellfish which are to be reported separately in the appropriate classifications; and establishments engaged exclusively in retail fish activities, or the packaging of whole minnow, herring, or anchovy (not processed), which are to be reported separately in classification 3303.

3304-01 Meat and/or poultry dealers - wholesale or combined wholesale/retail

Applies to establishments engaged in the wholesale or combined wholesale/retail distribution of fresh, frozen, cured, or smoked meat or poultry. Wholesale dealers generally purchase meat (whole, half, or quarter carcasses) from slaughterhouses, and poultry from poultry processing plants. The meat or poultry is cut into steaks, chops, roasts, fillets or poultry parts, for sale to commercial or institutional customers such as restaurants, hotels, grocery stores, meat and poul-

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try markets, hospitals, and prisons. Wholesale dealers typically do not have display cases for the meat or poultry and receive orders by telephone or by mail. This classification includes the processing and butchering of poultry.

This classification excludes meat products manufacturing, canning or dehydrating, and packing house or slaughterhouse operations, which are to be reported separately in classification 4301; custom meat cutting operations, including farm kill, which are to be reported separately in classification 4302; cold storage or locker operations which are to be reported separately in classifications 4401 or 4404 as applicable, when conducted as a separate and distinct business; establishments engaged in processing, packaging, and repackaging fish which are to be reported separately in classification 3304-00; and retail meat, fish and poultry dealers who are to be reported separately in classification 3303.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-580 Classification 3402.

3402-00 Air compressor: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of air compressors. This includes air or gas compressors used for paint sprayers, air tools, tire inflation, and general industrial purposes. Operations contemplated include, but are not limited to, welding, machining, general mechanical and electrical work. Machinery and equipment includes, but is not limited to, hand and air tools, welders, punches, shears, and compression equipment. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-01 Printing or bookbinding machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of printing or bookbinding machinery. The outside casings of the machines may be made of plate metal that varies between 1" to 2 1/2" in thickness. The machines used to make the presses and binding machinery may include both Computer Numeric Controlled (CNC) and manual mills and lathes. Other machinery used in the manufacturing process includes, but is not limited to, welders or cutters, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and the set up, installation and repair of printing or bookbinding machinery which is to be reported separately in classification 0603.

3402-02 Pump, safe, scale, auto jack, and water meter: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of pumps, safes, scales, auto jacks, and water meters. Materials range from brass screws and rubber washers used to rebuild water meters to plate metal and steel castings used for safe and pump manufacturing. Machinery includes, but is not limited to, hand tools used for repairs, lathes, welders, and pressure testers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation and repair of safes which is to be reported separately in classification 0607; and the installation of pumps which is to be reported separately in the applicable classification.

3402-03 Shoe or textile machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of shoe machinery or textile machinery. Metal materials used vary in size, shape and dimension. Machinery includes, but is not limited to, drills, mills, lathes, saws, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of shoe or textile machinery which is to be reported separately in classification 0603.

3402-04 Confectioners or food processing machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of food processing or confectioners machinery. Metal materials used vary in size, shape and weight. These establishments often have an assembly line operation and a separate electronic assembly area. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when

operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of confectioners and food processing machinery which is to be reported separately in classification 0603.

3402-05 Machine shops, N.O.C.

Applies to establishments engaged in general machine shop operations not covered by another classification (N.O.C.), tool sharpening, and mobile welding shops. Many of the establishments in this classification are "job shops." Size and shape of materials vary with steel and aluminum being the most common. Plastics, light weight aluminum, and alloyed metals are becoming increasingly popular in the manufacture of equipment for some industries. These establishments often have welding shops along with machine shops. Machinery and equipment includes, but is not limited to, mills, lathes, grinders, saws, welding equipment, inspection equipment, and material handling equipment. Machinery is both manual and Computer Numeric Controlled (CNC). This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

Special note: The term "job shop" is an industry term that means the shop will produce products to customer specifications.

3402-06 Power saw, lawn and garden equipment, small motor, N.O.C.: Repair

Applies to establishments engaged in repairing small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.). The largest piece of equipment repaired in this classification is generally a riding lawn mower. Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and also repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer representative who performs warranty repairs. Tools used in this type of repair are mainly hand and air tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the repair of electrical motors which is to be reported separately in classification 5201.

3402-07 Gear: Manufacturing or grinding

Applies to establishments engaged in the manufacture or grinding of gears. Establishments in this classification may

also cut key slots and broaches. Establishments that cut stock to manufacture the gear are often not the same ones that perform the final grinding process. Gears may go through two, three, or four different grinding, slotting, and/or keying establishments and then go to another establishment for electroplating or galvanizing before they are ready for sale or use. Precision machine shops may grind gears to the ten thousandths of an inch. Materials used are usually stainless steel, aluminum, or plastic. Machinery includes, but is not limited to, gear shapers, drill presses, mill, hobbers, grinders, some of which might be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-08 Elevator: Manufacturing

Applies to establishments engaged in the manufacture of elevators and associated electronic components. Machinery includes, but is not limited to, mills, drills, lathes, saws, and grinders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation, service, and repair of elevators which is to be reported separately in classification 0602.

3402-11 Metal goods: Manufacturing and shop services (temporary classification)

Applies temporarily to all establishments assigned any classification within WAC 296-17-580. When the metal goods study is complete, the establishments within this classification will be assigned to the appropriate classifications. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. ~~((This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.))~~

This classification excludes all activities away from the shop or plant.

3402-12 Multimedia blasting

Applies to establishments engaged in multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiberglass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments

that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and sandblasting of buildings or structures which is to be reported separately in classification 0504.

3402-14 Furnace, heater or radiator: Manufacturing

Applies to establishments engaged in the manufacture of furnaces, radiators, or similar heating fixtures. Materials include, but are not limited to, metal cast parts, sheet metal, aluminum, or stainless steel. Machinery includes, but is not limited to, hand tools, solder guns, punches, lathes, and saws. Establishments in this classification may have separate areas for electronic assembly and/or painting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of radiators for automobiles or trucks which are to be reported separately in classification 3402-48; and establishments engaged in the manufacture of baseboard heaters which are to be reported separately in classification 3404.

3402-16 Die casting

Applies to establishments engaged in the manufacture of products by die casting. Die casting is a manufacturing process for producing accurately-dimensioned, sharply-defined metal products which are referred to as "die castings." "Dies" are the steel molds used to mass produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and establishments engaged in making dies for

others which are to be reported separately in classification 3402-74.

3402-26 Saw blade: Manufacturing, assembly, or sharpening

Applies to establishments engaged in the manufacture, assembly, or sharpening of saw blades such as, but not limited to, those used in circular saws, band saws, rip saws, key-hole saws, and handsaws such as hacksaws or meat saws. This classification also includes sharpening services for items such as, but not limited to, tools, scissors, and knives. Materials include, but are not limited to, high tensile steel and carbide tipped blades. Machinery includes, but is not limited to, saws, mills, drills, and hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the repair or sharpening of chain saws which are to be reported separately in classification 3402-06; and establishments engaged in the manufacture or repair of electrical saws which are to be reported separately in classification 5201.

3402-28 Heat treating metal

Applies to establishments engaged in heat treating metal. The heat treating process may use computer numeric controlled ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same using noncomputer numeric controlled heat treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat treat a variety of products to customer specifications. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, N.O.C.: Manufacturing Sprinkler head, speedometer, carburetor: Manufacturing or assembly

Applies to establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles not covered by another classification (N.O.C.). This classification also applies to establishments engaged in the manufacture or assembly of sprinkler heads, speedometers, or carburetors. Materials include, but are not limited to, steel or iron rods which may be pressed or formed, and small component parts. Machinery includes, but is not limited to, saws, shears, presses, chucks, threading and tapping machines, some of which may be Computer Numeric Controlled (CNC). Establishments may have separate areas for deburring, inspecting, packing and shipping. The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles. In either case the repairs are made exclusively with hand and air tools and sometimes a diagnostic scope and a drill press. A speedometer is usually embodied with a mileage recording mechanism. The central feature of the device is a permanent magnet. There are gears, spindles, and a drive shaft present in most speedometers. There is also a unit counting disc and a spiral spring calibrator. Hand tools are used almost exclusively in the repair of this kind of speedometer. Today many speedometers are computer controlled. Basically, if this kind of speedometer is in need of repair, a computer chip(s) is replaced, using hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of hardware that is not covered under another classification, such as handles, latches, and hinges which are to be reported separately in classification 3404, and the repair of speedometers or carburetors in a vehicle which is to be reported separately in the appropriate vehicle repair classification.

3402-32 Abrasive wheel: Manufacturing

Applies to establishments engaged in the manufacture of abrasive wheels. Manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edge of the mainly high tensile steel wheels. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)

Applies to establishments engaged in welding or cutting operations not covered by another classification (N.O.C.)

either in the shop or at the customer's site. Steel is the predominant material along with some aluminum alloys. Machinery is predominantly welding equipment, but may include tools such as, but not limited to, grinders, saws, drills, and material handling equipment. This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

This classification excludes repairs to buildings or structures which are to be reported separately in the appropriate construction classification and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops

Applies to establishments engaged in the manufacture and/or repair of automobile or truck radiator and heater cores. Manufacturers in this classification may have a die casting area and a separate electronic assembly area. Tools and equipment include, but are not limited to, hand tools, solder guns, and punches. Shops that repair radiators may work on the radiators in the vehicles, but usually the radiators have been removed from the vehicle. The radiator is examined and the core may be removed. Next the radiator is cleaned, air pressurized, and dipped in a water tank to check it for leaks. Once the leaks are found they can generally be repaired by welding the holes shut. The radiator is dipped again to ensure the repair has been made properly. Cleaning the radiator may be done by sandblasting, ultra sound baths or by "rodding" the radiator to remove corrosion. Repair equipment includes, but is not limited to, welders, air and hand tools, dipping tanks, hoists, and forklifts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-60 Office machinery, N.O.C.: Manufacturing or assembly; Cash register or sewing machines: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of cash registers, sewing machines and office machinery not covered by another classification (N.O.C.) such as, but not limited to, copiers, collators, mail/postage machines, calculators and automatic letter openers. Component parts may be metal, plastic, or wood. Operations include, but are not limited to, cutting, shaping, forming,

drilling, riveting, clamping, and bolting; there may be a separate electronic assembly area. Machinery and tools vary within this classification; some establishments use hand and air tools only, others use additional equipment such as, but not limited to, saws, lathes, mills, drills, or water jets, some of which may be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-61 Small arms: Manufacturing, assembly, or rebuild

Applies to establishments engaged in the manufacture, assembly, or rebuild of small arms. For the purpose of this classification, small arms means .50 caliber or less, such as pistols, rifles, shotguns, and light machine guns. Operations include, but are not limited to, metal stamping of casings, machining, assembling, and a high proportion of inspecting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of ammunition which is to be reported separately in classification 4601; the manufacture or repair of heavy arms which is to be reported separately in classification 5109; and gun stores which are to be reported separately in classification 6309.

3402-74 Tool: Manufacturing, not hot forming or stamping; Die: Manufacturing - ferrous

Applies to establishments engaged in tool manufacturing or die manufacturing, for others, from ferrous materials. Tools manufactured in this classification are usually cutting tools used in lathes, mills, rotors, and saws. Machinery includes, but is not limited to, sharpeners, grinders, lathes and mills, which are both manual or Computer Numeric Controlled (CNC). The die manufacturing included in this classification includes those made exclusively of ferrous materials including, but not limited to, jigs, fixtures, and dies for metal work in general. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of machine-finished tools which are to be reported separately in classification 3402-83.

3402-77 Auto, truck, semi-trailer and bus body: Manufacturing;

Travel trailer body: Manufacturing or repair

Applies to establishments engaged in the manufacture of auto, truck, and bus bodies, and in the manufacture or repair of travel trailer bodies ((~~manufacturing or repair~~) or cargo containers. Repairs are usually made with the use of welders or cutting torches and air or hand tools. These establishments will also repair or replace hydraulic units. Material used in the manufacture of goods in this classification is usually steel and aluminum, varying in thickness from 16 gauge to plate metal up to one inch thick. Shapes include, but are not limited to, sheet metal, tubes, solid rod or I-beams. Equipment includes, but is not limited to, shears, breaks, hydraulic presses, iron workers, drill presses, grinders, welders, hoist, cranes, and forklifts. Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-83 Tool: Manufacturing and machine finishing

Applies to establishments engaged in manufacturing and machine finishing tools. Tools manufactured in this classification are usually hand held instruments such as, but not limited to, wrenches, screw drivers, hammers, torque wrenches, pliers, and sockets. Machinery includes, but is not limited to, air and hand tools, polishers, grinders, inspection equipment, mills, lathes, shapers, and drill presses, some of which may be Computer Numeric Control (CNC). Establishments may have a galvanizing and/or electroplating area for the finish work which is included when performed by employees of employers subject to this classification. Other establishments in this classification send the finish work out. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of tools from ferrous materials which are to be reported separately in classification 3402-74; and establishments engaged

in tool forging which are to be reported separately in classification 5106.

3402-85 Auto or truck parts: Machining or rebuild not in vehicle

Applies to establishments engaged in machining or rebuilding auto or truck parts such as, but not limited to, water pumps, fuel pumps, transmissions, heads, brake drums, ball joints, and rear ends, which are not in the vehicle. Work contemplated in this classification may also include manufacturing sockets, pulleys, shafts, fittings, flywheels, and/or bearings. Machinery includes, but is not limited to, mills, lathes, grinders, sanders, presses, welders, and balancing equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines which are to be reported separately in classification 3402-86.

3402-86 Auto, truck or aircraft engine, N.O.C.: Manufacturing or rebuilding

Applies to establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts. Establishments in this classification often specialize in the type of engines they make or rebuild. The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts being worked on. Engine rebuild shops use many specialized machines and air tools to tear the core down to an engine block; then rebuild the engine. After the engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease. After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot. The engine block is then placed in a large pressure washer which removes the steel shot. Next, the crank and cam shafts are ground and turned on machinery similar to lathes. There is usually a separate room or area which is called the "head shop" where the heads and valves are machined on valve grinders, valve facers, and head grinders. Engine rebuild shops that do not have the equipment to grind the crank and cam shafts will contract work out to other shops, or buy new crank shafts and cam shafts. Other machinery includes, but is not limited to, boring bars and hones to polish cylinder walls, small pressure washers for oil pans and other smaller parts, solvent tanks, and hoists or forklifts for lifting the engines or engine parts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in machining or

rebuilding auto or truck parts, other than engines, which are to be reported separately in classification 3402-85.

3402-91 Bed spring or wire mattress: Manufacturing

Applies to establishments engaged in the manufacture of bed springs or wire mattresses. The wire stock is coiled and cut to length on a coiling machine, then tempered in an oven to produce the spring. The coils are fastened to the frame either by hand or by machine. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of stuffed mattresses which are to be reported separately in classification 3708.

3402-93 Valve: Manufacturing

Applies to establishments engaged in the manufacture of valves. Valves regulate the flow of air, gases, liquids, or loose material through structures by opening, closing, or obstructing passageways. They are operated manually, electrically, with compressed air, or hydraulic pressure. Valves are usually cut from aluminum, steel, or stainless steel either by a Computer Numeric Controlled machine (CNC) or water jet machine. Depending upon the complexity of the valve, they are assembled in one or several stages. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of valves made in a die mold which are to be reported separately in classification 3402-74.

3402-94 Precision machined parts, N.O.C.: Manufacturing

Applies to establishments engaged in manufacturing precision machined parts not covered by another classification (N.O.C.). Most of these establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product. Many establishments in this classification manufacture precision parts for the aerospace industry. Machining usually begins with solid blocks of material such as, but not limited to, steel, aluminum, titanium, inconel, or plastic, although some hollow tube, flat bar, and angle stock may also be used. The "rough cuts" are often made on manual machines, and the finish cuts on Computer Numeric Controlled (CNC) machines. Depending on the establishment and the job specifications, a specific part may be sent to one or more additional shops to be tempered, milled, or inspected

before the original establishment is through with the manufacturing process. Some parts are so sensitive that climate controlled conditions are necessary. Both manual and CNC mills and lathes are the most common types of machines used. Others include, but are not limited to, saws, drills, and grinding machines. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-95 Storage battery: Manufacturing, assembly or repair

Applies to establishments engaged in the manufacture, assembly, or repair of storage batteries. Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300 - 400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box-like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of dry cell (flashlight type) batteries which are to be reported separately in classification 3602; and establishments engaged in battery sales and installation which are to be reported separately in the applicable automotive services classification.

3402-96 Automobile or motorcycle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of automobiles or motorcycles. Most of the manufacturing operations, such as cutting, milling, and turning, are performed with Computer Numerically Controlled (CNC) machinery. Most of the assembly operations are performed with air and hand tools. Other machinery includes but is not limited to saws, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having

operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged only in the manufacture of auto bodies which are to be reported separately in classification 3402-77.

3402-98 Machinery, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of machinery not covered by another classification (N.O.C.). For purposes of this classification, machinery means any combination of mechanical parts constructed primarily with metal. Finished products vary widely and range from hand held machines to those weighing thousands of pounds; products include, but are not limited to, grinding machines, boring machines, conveyer systems, and wood chippers. Machinery used to manufacture these items includes, but is not limited to, lathes, mills, press, breaks, shears, and welders, some of which may be Computer Numerically Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-99 Photo processing machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of photo processing machinery such as, but not limited to, photo processors or film enlargers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-581 Classification 3403.

3403-00 Aircraft: Manufacturing

Applies to establishments engaged in the manufacture of aircraft. For the purposes of this classification "aircraft manufacturing" means the original manufacture of such aircraft as distinguished from rebuilding, modifying, or converting existing aircraft and applies *only* to the production of units

that, when completed, are capable of in-air flight as distinguished from aircraft kits to be assembled by the purchaser that are not capable of air flight when sold. This classification includes (~~clerical office and sales personnel and~~) aircraft operations incidental to the manufacture, such as test flights.

This classification excludes establishments engaged in the original manufacture of aircraft parts which are to be reported separately in classification 3405 or as otherwise provided for in WAC 296-17-58201; the manufacture of aircraft kits which is to be reported separately in the classification applicable to the work being performed; modification, repair or conversions made to an existing aircraft which are to be reported separately in classification 6804; and the *assembly of aircraft kits into an airplane* which is to be reported separately in classification 6804.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-583 Classification 3406.

3406-00 Automotive or truck gas service stations, N.O.C.

Applies to establishments operating full service gasoline or diesel service stations not covered by another classification (N.O.C.) and includes lube and oil change specialists and mobile lube and oil services. Full service includes, but is not limited to, pumping gas for customers, replacing wiper blades, checking and/or filling the fluid levels (oil, transmission, wiper wash and antifreeze), and adding air to the tires. The repairs included in this classification are oil and filter changes, tune-ups, replacement of brakes, front end alignments and the repair or replacement of tires. This classification includes cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments engaged in automobile or truck repair services and tune up specialists which are to be reported separately in classification 3411; (~~semi-truck, tractor, or bus repair services which are to be reported separately in classification 3413;~~) establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410.

3406-01 Automobile or truck storage garages

Applies to establishments operating automobile or truck storage garages. Generally, these types of storage garages consist of an enclosed structure and usually with more than one level of parking. Storage garages may provide additional incidental services such as, but not limited to, gasoline, tune-ups, washing and waxing services, as well as cashiers and full time attendants or security personnel.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments providing parking lot services which are to be reported separately in classification 6704; automobile or truck repair services which are to be reported

separately in classification 3411; (~~semi-truck, tractor, or bus repair services which are to be reported separately in classification 3413;~~) establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and full service gas station services which are to be reported separately in classification 3406-00.

Special note: Storage garages applicable to this classification are distinguishable from parking lots in classification 6704 in that parking lots usually are not an enclosed structure, and they do not provide service to automobiles.

3406-04 Automobile or truck - detailing by contractor

Applies to establishments engaged in providing automobile or truck detailing services. Detailing involves complete, in-depth cleaning of exteriors and interiors such as, but not limited to, washing, waxing, polishing, buffing, vacuuming or otherwise cleaning the auto bodies, chrome work, tires, hub caps, windows, mirrors, carpets and seats. This classification includes the tinting of automobile or truck window glass when performed by employees of the detailing operation, as well as cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; tinting of automobile or truck window glass performed by a glass dealer which is to be reported separately in classification 1108; detailing performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411; detailing performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; detailing performed in connection with (~~semi-truck, tractor or bus dealers, service centers or repair garages~~) establishments engaged in the service or repair of machinery or equipment, N.O.C. which ((are)) is to be reported separately in classification ((3413)) 6409; and detailing performed in connection with full service gas stations which are to be reported separately in classification 3406-00.

3406-05 Automobile or truck car washes

Applies to establishments providing automobile or truck washing services. This classification includes the exterior washing, waxing, polishing or buffing, cleaning of chrome and tires, and the interior cleaning of windows, carpets, dash and seats. These services may be performed at a coin operated self-service unit, or at a full service automatic unit where the vehicle is conveyed through the line assisted by attendants. This classification includes cashiers and the sale of accessory items such as, but not limited to, bottled car care products, air fresheners, floor mats, beverages and snack foods.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; washing services performed in connection with automobile or truck dealers, services centers or repair garages which are to be reported separately in classification 3411; washing services performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; washing services

performed in connection with (~~semi-truck, tractor or bus dealers, services centers or repair garages~~) establishments engaged in the service or repair of machinery or equipment, N.O.C. which are to be reported separately in classification ((34+3)) 6402; washing services performed in connection with full service gas stations which are to be reported separately in classification 3406; washing services performed in connection with self-service gasoline operations which are to be reported separately in classification 3409; and washing services performed in connection with convenience stores that have self-service gasoline operations which are to be reported separately in classification 3410.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-58502 Classification 3410.

3410-00 Convenience grocery stores or mini-markets with self-service gasoline operations

Applies to establishments engaged in operating convenience grocery stores or mini-markets with self-service gasoline operations. These establishments provide retail sale of convenience grocery items, not just snack items, in addition to self-service gasoline. Gasoline operations are limited to self-service only where the store employee is a cashier who monitors the pumps and collects the payments inside the store. Self-service/convenience store operations in classification 3410 differ from self-service gas stations in classification 3409 in that establishments in classification 3410 provide a more extensive line of grocery items. In addition to snack foods, staples such as bread, milk, and canned foods are available for sale. They may also prepare food such as sandwiches, chicken, jo jos, or hot dogs, and occasionally fill a customer's propane tank, and offer automobile or truck washing services, all of which is included within the scope of this classification.

This classification excludes establishments which provide any full service or limited services in addition to self-service operations at the same location which are to be reported separately in classification 3406; establishments which provide only self-service gasoline operations and whose grocery items are limited to prepared snack foods such as chips and candy, and cigarettes which are to be reported separately in classification 3409; and convenience stores with no gasoline services which are to be reported separately in classification 6403.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-615 Classification 3902.

3902-00 Fruit and vegetable: Cannery and freezer operations

Applies to establishments engaged in fruit and vegetable canning or freezing operations for wholesale customers. Operations contemplated by this classification include the receipt of fruit and vegetables directly from growers or dealers, preparing produce for canning by removing foreign materials such as leaves or weeds, washing, sterilizing, grad-

ing, peeling, slicing, coring, blanching, scalding and pre-cooking, premeasuring, mixing them in a hopper with sugar or other ingredients, and further processing into canned or frozen products. Pea vining, when performed by employees of a cannery, is also included in this classification.

This classification excludes establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing *fresh* vegetables and fruits which are to be reported separately in classification 2104; and pea vining when done by employees of farm operations or farm labor contractors which is to be reported separately in the applicable farm classification.

3902-01 Fruit and vegetable: Evaporating, preserving or dehydrating

Applies to establishments engaged in evaporating, preserving, or dehydrating fruits and vegetables for wholesale customers. Operations contemplated by this classification include the receipt of fruit and vegetables directly from growers or dealers, washing, peeling, cooking, pressing fruits and vegetables by machine, adding preservatives and congealants, pasteurizing, then dehydrating, drying, or evaporating to remove the moisture which preserves the fruits and vegetables and leaves only the dry, solid portion. Finished products are packaged in cans, plastic bags, or boxes for shipping.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-02 Fruit syrup or juice, cider, jam or jelly: Manufacturing

Applies to establishments engaged in the manufacture of fruit syrup, juice, cider, jam, or jelly. Operations contemplated by this classification include the receipt of fruit directly from growers or dealers, washing, peeling, and cooking the fruit, extracting juice and separating seeds from pulp with fruit presses or separators, adding sugars, congealants and preservatives, pasteurizing, blending juices to produce a variety of flavors, and further processing to produce bottled, canned, or concentrate products.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; and farm operations which are to be reported separately in the applicable farm classification.

3902-11 Chocolate, cocoa, corn products: Manufacturing

Applies to establishments engaged in the manufacture of cocoa or chocolate such as Dutch or sweet chocolate or of

corn products such as, but not limited to, tortillas. Operations contemplated by this classification include receipt of corn and cocoa beans from growers or dealers, processing operations, testing, packaging and shipping. Foreign matter is removed from the cocoa beans and they are sorted, divided, cleaned, and roasted in ovens. Shells are cracked, usually by machines, and the beans examined to ensure quality. Depending on the products being manufactured, beans may be pasteurized, ground, further dried, mixed with chocolate liquor, sugar, powdered milk, cocoa butter, or potassium solutions to make into finished products. Depending on the corn product being made, ingredients are pressed, kneaded, cut, shaped or flattened, and baked or cooked.

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, and pasta, or chocolate candy and confections which are to be reported separately in classification 3906, and farm operations which are to be reported separately in the applicable farm classification.

3902-12 Baking powder, dextrine, glucose and starch: Manufacturing

Applies to establishments engaged in the manufacture of baking powder, dextrine, glucose and starch. Operations contemplated by this classification include the receipt of vegetables and grains, such as, but not limited to, potatoes, corn, and wheat from growers or dealers, processing operations, testing, storing finished products in storage tanks, packaging into drums or cans, and shipping. Vegetables or grains are cleaned, sorted, and foreign matter removed. They are dumped onto conveyors and transported to grinding machines where they are ground into a starch paste. Water may be added to make liquid starch or starch milk or dryers may remove excess moisture. Starch blends may be made from raw starch suspensions using chemical solutions. Shakers remove bran, gluten or other particles from the starch suspension. Dextrine is made by further mixing the starch with dextrine paste, adding chemicals, cooking and stirring until the starch is converted to dextrine. Baking powder is made by mixing baking soda, starch, and an acid compound such as cream of tartar.

This classification excludes establishments engaged in the manufacture of food sundries not covered by another classification which are to be reported separately in classification 3902-14 and farm operations which are to be reported separately in the applicable farm classification.

3902-13 Nut shelling, egg breaking, coconut shredding and peanut handling

Applies to establishments engaged in nut shelling, egg breaking, coconut shredding, and peanut handling. Nuts are received from suppliers in bulk and placed into machinery which cracks shells and separates broken shells from the nut meat. Another machine sorts whole nut meats from those that are chipped, broken, or contaminated. At each machine, nuts are examined for rejects, and foreign matter is removed with a vacuum hose or by hand. They may be chopped, sliced, or left whole, then poured from the machines into sacks or containers. The meats of certain nuts, such as almonds, may be ground into meal, then canned for shipment.

This classification also includes the grading and polishing of nuts, and shredding of coconuts. Egg breaking machines break eggs and separate the yolk from the white. They are observed for color, quantity, and clarity; inferior yolks or whites are discarded prior to being automatically dropped onto separator trays with individual cups. Eggs may then be mixed with water, pasteurized or dried prior to packaging.

This classification excludes establishments engaged in the manufacture of oils which are to be reported separately in classification 3902-27 and establishments engaged in the manufacture of food sundries which are to be reported separately in classification 3902-14.

3902-14 Food sundries, N.O.C.: Manufacturing or processing

Applies to establishments engaged in the manufacture of a variety of miscellaneous food products not covered by another classification (N.O.C.). Products include, but are not limited to, imitation crab, spices, peanut butter, condiments, salsa, salad dressings, mayonnaise, soups, tofu, instant potatoes, salads and ((other product blends)) certain ready-to-eat dishes that are usually sold to wholesale distributors. This classification also applies to the grinding and roasting of coffee beans. Operations contemplated by this classification include the receipt of raw ingredients from growers or dealers, processing operations, testing, quality control, laboratory operations, packaging and shipping. Individual processes, which vary depending on the product being manufactured, include, but are not limited to, cleaning, dividing, grinding, mixing, blending with other ingredients, cooking, cooling, dividing again into desired portions, and packaging. The products are packaged in plastic bags, bottles, or cans, usually by machine. Some products require vacuum sealing, pasteurizing, or freezing. ~~((This classification also includes the preparation of ready-to-eat salads, sandwiches, and similar food items for convenience stores and vending machines.))~~

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, pasta, cough drops, confectionery, and chewing gum which are to be reported separately in classification 3906 and farm operations which are to be reported separately in the applicable farm classification.

3902-15 Pickles and sauerkraut: Manufacturing

Applies to establishments engaged in the manufacture of pickles and sauerkraut. Operations contemplated by this classification include the receipt of produce from growers or dealers, processing operations, testing, laboratory operations, packaging and shipping. Produce, such as cucumbers and cabbage, is cleaned, cut, chopped and placed in barrels, vats, or tanks of brine (a mixture of salt, sugar, spices, vinegar) until cured. At the end of curing period, product may be packed into glass jars, plastic bags, or cans. This classification also applies to the pickling of fruits or vegetables such as, but not limited to, tomatoes, peppers, and asparagus.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and

vegetables which are to be reported separately in classification 3902-01; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-17 Pet food: Manufacturing

Applies to establishments engaged in the manufacture of canned pet foods. Operations contemplated by this classification include the receipt of raw ingredients, processing operations, packaging and shipping. After bones and foreign matter are removed, raw ingredients are cleaned and ground. Depending on the product, various ingredients such as, but not limited to, animal meat and fat, fish by-products, cornmeal, soybean meal, ground wheat, rice, poultry, yeast, whey, salt, acids, chemicals, minerals, vitamins, water, or oil are mixed in large vats either by machine or by hand. Mixture is baked, dried, and shaped or packed into cans.

This classification excludes establishments engaged in the manufacture of dry pet food which is to be reported separately in classification 2101 and farm operations which are to be reported separately in the applicable farm classification.

3902-24 Breakfast food: Manufacturing

Applies to establishments engaged in the manufacture of breakfast foods such as cereals or breakfast bars. Operations contemplated by this classification include the receipt of ingredients, processing operations, quality control, laboratory operations, packaging, and shipping. Flour, meal, or milled grains such as, but not limited to, corn, oats, barley, wheat, and nuts are mixed with other ingredients, formed into a dough, rolled out and extruded into flakes or other shapes. Pressure cylinders may be used to expand or puff whole grains. Cereals may be sifted through screens to check for size, color, and uniformity or otherwise tested for quality, then baked or dried in bulk prior to packaging.

This classification excludes establishments engaged in the manufacture of wholesale bakery goods which are to be reported separately in classification 3906; establishments engaged in milling or grinding operations which are to be reported separately in classification 2101; and farm operations which are to be reported separately in the applicable farm classification.

3902-26 Poultry canning and canneries, N.O.C.

Applies to establishments engaged in canning poultry or canning operations not covered by another classification (N.O.C.). Operations contemplated by this classification include the receipt of poultry or other products, processing operations, quality control, laboratory operations, packaging, and shipping. The process includes, but is not limited to, washing, cutting or chopping, and cooking poultry or other foods items. Preservatives or flavorings may be added before product is sealed in cans or jars.

This classification excludes establishments engaged in canning or freezing fruits or vegetables which are to be reported separately in classification 3902-00 and establishments engaged in canning or dehydrating meat products which are to be reported separately in classification 4301.

3902-27 Vegetable oil or butter substitutes: Manufacturing

Applies to establishments engaged in the manufacture of salad or vegetable oils, shortening, margarine or other butter substitutes. Operations contemplated by this classification include the receipt of seeds or beans from growers or through dealers, processing operations, quality control, laboratory operations, packaging and shipping. To make oils, soybeans, cottonseeds, safflower seeds, or shelled corn is cracked, ground, milled, steam cooked, and pressed to extract the oil. Depending on the product being made, other ingredients such as water, milk, powdered milk or salt may be blended with the oil, then heated, filtered, and filled into cans or bottles. To make shortening or butter substitutes, flavoring, catalytic agents, and chemicals are added to harden the oils; some products are kneaded to spread the coloring uniformly; then they are packaged in cans, plastic containers, or wrapped in plastic or foil. Machinery includes, but is not limited to, grinders, screens, presses, extractors, dryers, and conveyors.

This classification excludes establishments engaged in the manufacture of "real" butter which are to be reported separately in classification 4002 and farm operations which are to be reported separately in the applicable farm classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-647 Classification 4806.

4806-01 Farms: Nuts, berries, prunes, or field flowers and bulbs - hand harvesting

Applies to those employees of an employer who are engaged *exclusively* in hand harvesting nuts, berries, prunes, or field flowers or bulbs. This classification is limited to the harvest of crops which are picked from trees or from the ground, by hand and by a worker either sitting, kneeling, bending, stooping, or standing on the ground. This classification excludes any operation where ladders, stools, or other climbing devices are used; all operations where harvesting is accomplished or aided with hand held cutting devices or tools, and any mechanical picking or harvesting equipment including incidental workers who may or may not follow behind such machinery and collect the harvested crops by hand; the picking of wild berries or other products in forests or other lands not associated with farming operations; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: Classification 4806 is not to be assigned to any grower as the single farming classification. Refer to classification 4802 for berry or flower and bulb raising operations and to classification 4803 for orchard operations.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-649 Classification 4808.

4808-01 Farms: Diversified field crops

Applies to establishments engaged in growing a variety of grain, vegetable, or grass crops during a single season. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

Alfalfa	Garlic	Potatoes
Barley	Grain	Rye
Beans, Dry	Grass Seed	Sugar Beets
Clover	Hay	Timothy
Corn	Peas, Dry	Wheat

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: This classification differs from classification 4802 "vegetable farm operations" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. See classification 4802-12 for additional information. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-02 Farms: Alfalfa, clover and grass seed

Applies to establishments engaged exclusively in raising alfalfa, clover, and grass crops for seed. Work contemplated by this classification includes, but is not limited to, preparing

soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. (~~Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.~~)

This classification excludes establishments engaged in grading, sorting, and packaging seeds; or selling baled alfalfa or clover who are not engaged in growing operations which are to be reported separately in classification 2101; establishments engaged exclusively in grain or seed storage who are not engaged in growing operations which are to be reported separately in classification 2007; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-04 Farms: Hay

Applies to establishments engaged exclusively in raising hay or straw grass for sale, and includes the raising of such crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. (~~Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.~~)

This classification excludes establishments engaged in grading, sorting, and packaging seeds, or selling baled hay who are not engaged in growing operations which are to be reported separately in classification 2101 and contractors hired by a farm operator to install, repair or build any farm

equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-06 Farms: Cereal grain

Applies to establishments engaged in growing cereal grain crops. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands or operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. ~~((Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.))~~ Typical cereal grain crops include the following:

Barley	Rye
Corn	Wheat

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: See classification 4802-12 for additional information relative to corn. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-07 Potato sorting and storage

Applies ~~((exclusively))~~ to establishments engaged in ~~((sorting and))~~ storing potatoes in storage warehouses or cellars. Work contemplated by this classification is limited to sorting the good potatoes from damaged ones or from debris

such as vines or rocks, piling them into the storage area by size, and storing them until they are taken to processing or packing plants. Sorting may be done either in the field or at a storage warehouse(and packaging and storage of potatoes. For purposes of this classification, packaging is limited to putting potatoes into bags, bins, boxes, or sacks)). This classification also includes potato digging and piling when performed by employees of an employer engaged in ~~((sorting and))~~ storing potatoes but who is not engaged in growing potatoes.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; potato chip manufacturing which is to be reported separately in classification 3906; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-08 Custom hay baling

Applies exclusively to a specialist farm labor contractor engaged in mowing, turning, and baling hay owned by others. This classification also includes the incidental loading of hay onto trucks and stacking of hay in a barn or warehouse when performed by employees of a specialist farm labor contractor engaged in mowing, turning, and baling hay for others.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-10 Farms: Shellfish - mechanical harvesting

Applies to establishments engaged in the propagation of shellfish for sale and includes the subsequent harvest of shellfish by means of mechanical dredging operations. Work contemplated by this classification includes spawning of shellfish, seeding in controlled tanks, placement of shellfish into deep water growing beds, harvesting, and processing. Harvesting, processing, and packing of shellfish by a farm labor contractor is included in this classification provided that the shellfish being harvested were grown by an establishment subject to this classification. This classification includes the sale of shellfish at roadside stands operated at or near the business location and store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Businesses operating multiple retail locations may qualify to have those activities reported separately if all the conditions of the general reporting rule covering the operation of a secondary business have been met.

This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation which are to be reported sep-

arately in classification 3304 and contractors hired by a shellfish grower to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The distinction between establishments assigned to classification 4808 and those which are to be reported separately in classification 4805 is in the harvesting process. Establishments subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools while those assigned to classification 4808 are engaged in mechanical harvesting activities by way of dredging operations. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4808-11 Custom farm services by contractor

Applies exclusively to contractors engaged in supplying and operating agricultural machinery and equipment at their customer's locations. Work contemplated by this classification involves preparing fields for crops, planting and cultivating crops, fertilizing, and harvesting operations using machinery and equipment such as, but not limited to, tractors, plows, fertilizer spreaders, combines, reapers, potato diggers, boom loaders and pickers. Contractors subject to this classification are generally not responsible for the overall care of the crops, but are merely hired to provide specified services, which involve the use of machinery and employee equipment operators. This classification also includes seasonal agricultural produce hauling from the field to a processing or storage plant when performed by employees of an employer not engaged in the related farming operations associated with the crop being hauled.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-653 Classification 4904.

4904-00 Clerical office, N.O.C.

Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification (N.O.C.) assigned to their employer's account. Duties of clerical office personnel contemplated by this classification are limited to answering telephones, handling correspondence, creating or maintaining financial, employment, personnel or payroll records, composing informational material on a computer, creating or maintaining computer software, and technical drafting.

Special note: When considering this classification, care must be taken to look beyond titles of employees. Employees

with occupational titles such as, but not limited to, cashiers, clerks, or ticket sellers, may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

4904-13 Clerical office: Insurance companies, agents or brokers

Applies to clerical office employees of insurance companies, including insurance agents or brokers who perform duties exclusively of clerical nature and without an interchange of labor between clerical and nonclerical duties (~~(, and that these duties be performed in an area or areas separated from the operative hazards of the business))~~). This classification is limited to duties defined as responding to telephone inquiries, assisting walk-in customers, handling correspondence such as the preparation of insurance policies and billing, receiving and processing payments and invoices, maintaining personnel and payroll records, and performing the necessary computer work.

Special note: (~~(This is a standard exception classification and is not to be assigned unless all the conditions of the general reporting rule covering clerical office standard exception employees have been met. Care should be exercised as insurance agents, insurance brokers, or insurance solicitors defined in RCW 48.17.010, 48.17.020, and 48.17.030, may be exempt employment as defined in RCW 51.12.020(11). In some instances, an insurance company may qualify for this standard exception classification for their entire operation.))~~ Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. In addition, care should be exercised to determine if the insurance company employs individuals such as receptionists, bookkeepers, or claims clerks who perform clerical duties which may include the incidental taking of insurance applications and receiving premiums in the office of an agent or broker. Such individuals may or may not hold a license as issued by the office of the insurance commissioner, and are not deemed to be a solicitor, agent or broker when compensation is not related to the volume of such applications, insurance, or premiums. In these instances, the clerical individuals fall under mandatory workers' compensation coverage, and do not meet the requirements to be exempt from coverage as specified in RCW 51.12.020(11).

4904-17 Clerical office: Employee leasing companies

Applies to clerical office employees of employee leasing companies. This classification requires that clerical office employees perform duties exclusively of a clerical nature, without an interchange of labor between clerical and nonclerical duties, and that these duties be performed in an area or areas separated from the operative hazards of the business. This classification is limited to duties defined as responding to telephone inquiries, receptionist and administrative duties, handling correspondence such as preparing and processing billing statements and forms, maintaining personnel and pay-

roll records, and performing the necessary computer entry work.

Special note: This is a standard exception classification and is not to be assigned unless all the conditions of the general reporting rule covering clerical office standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-675 Classification 5206.

5206-78 Permanent yard or shop operations; logging or log hauling contractor

Applies to a permanent yard or shop ((employees)) of logging or log hauling contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their logging and/or log hauling business. This classification does not contemplate any manufacturing operations. Only employees of a logging or log hauling contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-78 cannot have any other duties other than those related to the storage of materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable logging or log hauling classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

5206-79 Permanent yard or shop operations; Construction or erection contractor

Applies to a permanent yard or shop ((employees)) of construction or erection contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their construction business. This classification does not contemplate any manufacturing operations. For example, a contractor engaged in cabinet manufacturing and installation is to report the shop and yard operation in classification 2907 and is not entitled to classification 5206. Only employees of a construction or erection contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-79 cannot have any duties other than those related to the storage of materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable construction classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-678 Classification 5305.

5305-06 Clerical office ((and)), administrative employees, and elected officials of cities and towns

Applies to clerical office ((and)), administrative employees, and elected officials of cities and towns. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the city or town facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classifications 0803, 1301, 1404, 6901, 6904, 6905 and 6906 for other city or town operations.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-679 Classification 5306.

5306-07 Clerical office ((and)), administrative employees, and elected officials of counties, public utility districts and taxing districts, N.O.C.

Applies to clerical office ((and)), administrative employees, and elected officials of counties, public utility districts and taxing districts, not otherwise classified (N.O.C.). Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. Administrative duties may be conducted in or out of the county, public utility district or taxing district facilities, but are conducted in an atmosphere free from the operative hazards of the work environment. In addition to management activities, this classification also includes field auditors, social workers, alcohol and drug abuse programs, senior health and nutrition programs, medical and dental clinics or similar activities professionals would perform.

See classifications 1301, 1404, 1501, 1507, 4201, 6103, 6104, 6901, 6904, 6905, and 6906 for other county, public utility districts and taxing districts operations.

5306-25 Clerical office and administrative employees of Native American tribal councils

Applies to clerical office and administrative employees of Native American tribal councils. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free

from all operative hazards of the work environment. Administrative duties may be conducted in or out of the tribal council facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers, alcohol and drug abuse programs, senior health and nutrition programs, youth services, counselors, courts, medical and dental clinics or similar activities professionals would perform.

See classifications 1501 and 6905 for other Native American tribal council operations.

Special note: Tribal operations unrelated to the business of governing such as liquor and tobacco stores, casinos, logging, fisheries and bingo parlors are to be reported separately in the classification applicable to the operation.

5306-26 Clerical office and administrative employees of local public housing authorities

Applies to clerical office and administrative employees of local public housing authorities. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the housing authority facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

This classification excludes all other employees including meter readers who are to be reported separately in classification 1501 and volunteers who are to be reported separately in classifications 6901 or 6906 as appropriate.

5306-27 Clerical office and administrative employees of military base maintenance contractors

Applies to clerical office and administrative employees of military base maintenance contractors. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers, and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the military base facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classification 1501 for other military base maintenance contractors' operations.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-686 Classification 6109.

6109-00 Physicians (~~and~~), surgeons, and medical clinics, N.O.C.

Applies to establishments of licensed practitioners such as physicians and surgeons, and to medical clinics not covered by another classification (N.O.C.) (~~who are~~) engaged in the practice of general or specialized medicine and surgery. Physicians diagnose and treat a variety of diseases and injuries, order or execute various tests, analyses, and diagnostic images to provide information on a patient's condition, analyze reports and findings of tests and of examination, diagnose conditions, and administer or prescribe treatments and drugs. Physicians may also inoculate and vaccinate patients to immunize them from communicable diseases, or refer patients to a medical specialist or other practitioners for specialized treatment. They may also make house and emergency calls to attend to patients unable to visit the office. Surgeons examine patients to verify necessity of surgery, review reports of patient's general physical condition and medical history, reactions to medications, estimate possible risk to patient, and determine best operational procedure. Surgeons may specialize in a particular type of surgery. This classification includes licensed ophthalmologists who specialize in the diagnosis and treatment of diseases and injuries of the eyes, and examine patients for symptoms indicative of organic or congenital ocular disorders. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the physician's or surgeon's office or in a medical clinic, such as laboratory or X-ray technicians, and nurses.

This classification excludes (~~medical clinics, N.O.C., which are to be reported separately in classification 6109-06;~~) psychologists and psychiatrists who are to be reported separately in classification 6109-10; (~~and~~) optometrists who are to be reported separately in classification 6109-09; radiology and MRI referral clinics which are to be reported separately in classification 6109-17; orthotic referral clinics which are to be reported separately in classification 6109-14; and nutrition, diet, or weight loss clinics which are to be reported separately in classification 6109-12.

6109-01 Dentists(~~, N.O.C.~~) and dental clinics

Applies to establishments of licensed dental practitioners (~~who are~~) and dental clinics engaged in the practice of general or specialized dentistry (~~and who are not covered by another classification (N.O.C.)~~). Services provided by dental offices or clinics include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventative care. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the dentist's office such as hygienists, and dental assistants or technicians.

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~~((This classification excludes dental clinics, N.O.C., which are to be reported separately in classification 6109-07.))~~

6109-02 Chiropractors, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the practice of chiropractic medicine. Chiropractors diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system. They manipulate the spinal column and other extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the chiropractor's office.

6109-04 Naturopaths, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who diagnose, treat, and care for patients, using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations to treat the sick. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the naturopath's office.

~~**6109-06 Medical clinics, N.O.C.**~~

~~Applies to establishments operating as clinics of medical providers not covered by another classification (N.O.C.) who provide services in a typical doctor's office environment. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the medical clinic.~~

~~This classification excludes radiology and MRI referral clinics which are to be reported separately in classification 6109-17; orthotic referral clinics which are to be reported separately in classification 6109-14; and nutrition, diet or weight loss clinics which are to be reported separately in classification 6109-12.~~

~~**6109-07 Dental clinics, N.O.C.**~~

~~Applies to establishments engaged in the operation of dental clinics not covered by another classification (N.O.C.) who provide the full range of dental services. Services provided by dental clinics include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventative care. This classification includes clerical office and sales personnel, and all employees engaged in dental services.~~

~~This classification excludes dentists who do not operate as part of a dental clinic who are to be reported separately in classification 6109-01.))~~

6109-08 Physical therapists, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who are engaged in

the practice of physical therapy, occupational therapy, respiratory therapy, or speech therapy. Therapists treat and rehabilitate people with physical or mental disabilities or disorders, to develop or restore functions, prevent loss of physical capacities, and maintain optimum performance. Includes occupations utilizing means such as exercise, massage, heat, light, water, electricity, and specific therapeutic apparatus, usually as prescribed by a physician; or participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities. *Physical therapists* plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability. *Occupational therapists* plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of the mentally, physically, or emotionally handicapped. *Respiratory therapists* administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system, under the supervision of physicians and by prescription. *Speech therapists* specialize in diagnosis and treatment of speech and language problems, and engage in scientific study of human communication. This classification includes clerical office and sales personnel, as well as other employees engaged in therapy services and also includes travel to health facilities or other locations to administer therapy services.

6109-09 Optometrists, N.O.C.

Applies to establishments of optometrists not covered by another classification (N.O.C.). Optometrists are licensed practitioners, but do not hold a medical degree. An optometrist in general practice examines patients' eyes to determine the nature and degree of vision problems or eye diseases and prescribes corrective lenses or procedures, performs various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness. An optometrist may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the optometrist's office.

This classification excludes optometrists employed by optical goods stores who are to be reported separately in classification 6308, and ophthalmologists who are to be reported separately in classification 6109-00.

6109-10 Psychologists and psychiatrists, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the diagnoses and treatment of patients with mental, emotional, or behavioral disorders. *Psychologists* are licensed practitioners who diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment. They interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories. *Psychiatrists* are licensed practitioners who diagnose and treat patients with mental, emotional, and behavioral disorders. They organize data obtained from the patient, relatives, and other sources, concerning the patient's family,

medical history, and the onset of symptoms, and determine the nature and extent of mental disorder and formulate a treatment program utilizing a variety of psychotherapeutic methods and medications. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the doctor's office.

6109-12 Nutrition, diet, or weight loss clinics, N.O.C.

Applies to establishments engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.) which provide programs whereby clients may achieve a healthy and permanent weight loss. The programs vary in approaches but most are based on the behavior modification theory, utilizing private counseling or group support meetings and seminars to educate individuals about their eating habits and proper eating patterns. Some programs may sell vitamin supplements or a line of food products to be used by their clients and may publish newsletters or other forms of literature for the benefit of their clients. This classification includes clerical office and sales personnel.

This classification excludes exercise programs which are to be reported separately in the appropriate classification.

6109-13 Childbirth classes

Applies to establishments providing childbirth education for expectant parents. Topics include, but are not limited to, expectations during pregnancy, breathing and relaxing techniques, and massage therapy. Literature and/or movies may be provided in addition to oral instruction. This classification includes clerical office and sales personnel.

6109-14 Orthotic referral clinics

Applies to establishments operating as clinics to provide care to patients with disabling conditions of the limbs and spine by fitting and preparing orthopedic braces under the direction of and in consultation with physicians. Orthotists examine and evaluate the patient's needs in relation to disease and functional loss, and assist in the design of an orthopedic brace. Orthotist select materials, makes cast measurements, model modifications and layouts. When the brace is finished, they evaluate it on the patient, make adjustments to ensure correct fit, and instruct the patient in the use of the orthopedic brace. This classification also includes clinics of prosthetists who provides care to patients with partial or total absence of a limb by planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the referral clinics.

This classification excludes the manufacture of orthopedic braces, splints or prostheses which is to be reported separately in the applicable classification.

6109-15 Midwife services

Applies to establishments engaged in the practice of midwifery. Midwives provide care for women undergoing medically uncomplicated pregnancy and low risk labor and delivery. The delivery may take place in a clinic setting or in the expectant mother's home. This classification includes clerical office and sales personnel.

6109-16 Licensed massage therapy services

Applies to establishments of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes. If a client is referred by a physician, the therapist will review the medical report and in conjunction with the client, will determine the nature of the massage (whether it is for relaxation or to correct or relieve a medical problem) and the modality to be used, such as deep-muscle work, trigger-point therapy, or joint rotation. This classification includes clerical office and sales personnel as well as other employees engaged in licensed massage therapy services.

This classification excludes massage therapists employed by a health club, gymnasium, and unlicensed massage therapists employed by a sauna, or bath house who are to be reported separately in classification 6204.

6109-17 Radiology and MRI referral clinics

Applies to establishments of licensed practitioners who are engaged in the practice of radiology and/or magnetic resonance imaging. Radiologists diagnose and treat diseases of the human body using X-ray and radioactive substances. They examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests. They administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens. Radiologists may employ magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the clinics, such as nurses or technologists.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-693 Classification 6207.

6207-00 Carnivals - traveling

Applies to those employees of an employer engaged in operating traveling carnivals, who are drivers and/or engaged in the set up and/or tear down of mechanical and nonmechanical amusement rides, and any temporary structure associated with a traveling carnival such as, but not limited to, game, food, or souvenir concession booths, mobile offices, aid rooms or ticket booths.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; clerical employees who travel with the carnival or with ride operators and who work out of a mobile office, ride operators, game attendants, ticket sellers/takers and personnel involved in the care, custody, and maintenance of carnival facilities who are to be reported separately in classification 6208; establishments engaged in operating mechanical or nonmechanical rides at a permanent location which are to be

reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

6207-01 Circuses - traveling

Applies to establishments engaged in operating a traveling circus. Work contemplated by this classification includes all preparations, operations and maintenance normally performed by employees of an employer having operations subject to this classification. Employments include, but are not limited to, drivers, trainers, performers, ticket sellers/takers, clerical staff who travel with the circus, set up/tear down of mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths and all other temporary structures associated with a traveling circus.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

Special note: Classifications 6208 and 5206 do not apply to circus operations.

6207-02 Amusement rides - traveling

Applies to establishments engaged in operating mechanical or nonmechanical amusement rides. Employments contemplated by this classification include, but are not limited to, drivers and all employees engaged in the set up and tear down, operation, and maintenance of mechanical and nonmechanical rides and all other temporary structures associated with the amusement rides. This classification also includes automobile stunt shows, such as monster trucks or motorcycle car jumps, that perform for entertainment purposes. Covered employments associated with automobile stunt shows include, but are not limited to, drivers, mechanics, and maintenance employees who set up and take down ramps or other structures used in the show.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; clerical employees who travel with the amusement operations and work out of a mobile office, ride operators, attendants, ticket sellers/takers, and personnel involved in the care, custody, and maintenance of amusement facilities who may be reported separately in classification 6208; employers engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement

park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

6207-03 Rodeos

Applies to establishments engaged in the production of rodeos. Employments contemplated by this classification include all operations normally performed by employees of an employer having operations subject to this classification such as, but not limited to, drivers and all arena employees, setting up/tearing down temporary enclosures/structures/bleachers, clowns, gate openers, animal handlers, ticket sellers/takers, first aid staff, and clerical staff who travel with the rodeo.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; and stock handlers who contract with a rodeo producer to supply horses, bulls, or other rodeo animals, who are to be reported separately in classification 7302.

Special note: Classifications 6208 and 5206 do not apply to rodeos.

6207-04 Fireworks exhibition

Applies to establishments engaged in producing pyrotechnic exhibitions. This classification includes purchasing ready made fireworks, setting up displays, timing fuses, lighting the fireworks, and cleaning up.

This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification 4601.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-698 Classification 6303.

6303-00 Outside sales personnel, N.O.C.; messengers

Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account. Duties of outside sales personnel contemplated by this classification are limited to soliciting new customers by telephone or in person, showing, selling, and explaining products or services, servicing existing accounts, completing correspondence, placing orders, performing public relations duties, and estimating. Duties of messengers are limited to delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business.

This classification excludes the delivery of products or merchandise or the stocking of shelves which is to be reported separately as applicable; the demonstration or delivery of machinery or equipment which are to be reported sep-

arately as applicable, establishments engaged as collection agencies or public relations agencies which are to be reported separately in classification 5301; establishments engaged in providing inspection and valuations exclusively for insurance companies which are to be reported separately in classification 4903.

Special note: When considering this classification care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, collectors, counselors, consultants, or appraisers may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6303-03 Insurance sales personnel and claims adjusters

Applies to insurance sales personnel and claims adjusters with outside duties. Duties of employees subject to this classification are limited to selling insurance policies at their place of business or at the client's home, or going to the scene of an accident or catastrophe to assess damage. Work may be performed within an office or away from the employer's premises.

Special note: ~~((This is a restrictive classification and is not to be assigned unless all the conditions of the general reporting rule covering standard exception employees have been met.))~~ Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department.

6303-21 Home health care services: Social workers and dietitians

Applies to social workers and dietitians employed by home health care service establishments who provide care for handicapped individuals. Duties of these employees include teaching and assisting physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor. This classification also includes dietitians, sometimes called nutritionists, who usually are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops a food plan to meet the patient's needs. Employees subject to this classification do no cooking.

This classification excludes nursing and home health care services which are to be reported separately in classification 6110; therapy services which are to be reported separately in classification 6109; domestic servants who are to be reported separately in classification 6510; and chore workers who are to be reported separately in classification 6511.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

This classification is not to be assigned to any account that does not also have classification 6110.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-699 Classification 6304.

6304-00 Stores: Department - retail

Applies to establishments engaged in operating large retail stores which are characterized by specialized departments such as, but not limited to, wearing apparel, jewelry, luggage, housewares, cosmetics and furniture. For purposes of this classification, a department store will include all of the following departments: Wearing apparel, shoes and household furnishings (such as, but not limited to, window coverings, bedding, linens, lamps). A department store will also have at least two of the following departments: Furniture, jewelry, audio equipment, luggage, hardware, giftware, china, or sporting goods. This classification includes employees of specialty services such as alteration personnel, and delivery drivers. This classification is distinguishable from clothing stores in classification 6305, or retail variety stores in classification 6406, in the number of specialized departments and the variety of nonclothing or giftware merchandise for sale. This classification also includes the placement or installation of furniture items such as, but not limited to, couches, china cabinets, end tables, dining tables, bedding such as mattresses and box springs, curtains, draperies, and mirrors in customer's locations.

This classification excludes automotive service centers which are to be reported separately in the applicable service classification and the installation of carpet, floor vinyl, tile, cabinets, exterior siding, painting, fencing, roofing or similar construction related activities which are to be reported separately in the classification applicable to the construction work being performed.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6304-01 Antique variety stores - retail

Applies to establishments engaged in the retail sale of a variety of used or antique merchandise. While the majority of merchandise is used, some of the items may be new. Merchandise includes, but is not limited to, glassware, jewelry, clothing, pictures, tools, floor coverings, and silverware and could include a limited amount of furniture.

This classification excludes antique or specialty stores engaged primarily in the sale of furniture which are to be reported separately in classification 6306; antique specialty stores engaged primarily in the sale of glassware, china or silverware which are to be reported separately in classification 6406; and antique specialty stores engaged primarily in the sale of wearing apparel and/or shoes which are to be reported separately in classification 6305.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

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AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-700 Classification 6305.

6305-00 Stores: Clothing - retail

Applies to establishments engaged in the retail sale of new or used clothing. Merchandise varies, but generally includes shoes, jewelry, giftware, or accessories in addition to wearing apparel. Some establishments will specialize in certain types of clothing such as, but not limited to, athletic wear, T-shirts, coats, socks, or vintage clothing. This classification also applies to stores that rent clothing such as, but not limited to, costumes, tuxedos, or wedding apparel. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 or retail variety stores in classification 6406 in the limited number of specialized departments and the variety of nonclothing or giftware merchandise for sale.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6305-01 Stores: Dry goods - retail

Applies to establishments engaged in the retail sale of a variety of new or used dry goods. For purposes of this classification dry goods include, but are not limited to, fabric, embroideries, veiling, laces, textile trimmings, curtains, draperies, blankets, bedspreads, sheets, pillowcases, tablecloths, napkins, and towels. This classification includes all store employees.

This classification is distinguishable from retail fabric stores in classification 6406 in that dry good stores will carry primarily finished piece goods for sale while fabric stores will carry primarily fabric, sewing notions and a limited supply of finished goods.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6305-02 Stores: Shoe - retail

Shoe shine stands

Applies to establishments engaged in the retail sale of new or used shoes. Establishments may sell a full line of shoes or they may specialize in certain types such as athletic shoes, safety shoes, work boots, women's, men's, or children's shoes. It is customary for shoe stores to sell some related products such as, but not limited to, handbags, socks, belts, or shoe care products. This classification includes all store employees. This classification also applies to shoe shine stands.

This classification excludes establishments engaged in the manufacture or repair of shoes or boots which are to be reported separately in classification 3802.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately pro-~~

~~vided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6305-04 Stores: Western wear, including tack - retail

Applies to establishments engaged in the retail sale of new or used western style clothing. Merchandise varies, but may also include western style shoes and boots, jewelry, giftware, or horse tack. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 in that classification 6305 businesses are not comprised of specialized departments and do not carry furniture, housewares, and similar items required as part of the department store classification.

This classification excludes establishments engaged exclusively in the sale of horse tack and related animal grooming and care products which are to be reported separately in classification 2009 "farm supply stores."

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6305-05 Stores: Wig or hat - retail

Applies to establishments engaged in the retail sale of new or used wigs or hats. Merchandise varies, but generally these establishments will also sell related hair care products, hat pins, broaches or similar accessory items. This classification includes all store employees.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6305-06 Custom dressmaking, tailoring, alterations

Applies to establishments who provide custom dressmaking, tailoring, or alterations services to others. Activities include the showing of sketches and fabrics, modeling samples, taking individual orders and measurements, cutting, basting and fitting. Employees use sewing machines, but much of the work is hand sewing, steaming or pressing. Materials include fabrics, buttons, zippers, and sewing notions. Tools and machinery include, but are not limited to, scissors, steam presses and irons, dress forms, and sewing machines with attachments to perform a variety of sewing functions. Custom dressmakers and tailors may sell fabrics and sewing notions, or limited supply ready-made apparel. The sale of these items by establishments engaged in custom dressmaking or tailoring is included in this classification. This classification is distinguishable from clothing manufacturers in classification 3802 in that establishments subject to classification 6305 make custom clothing for individuals rather than making garments on a quantity basis. However, customers of a 6305 business may order several items of a kind such as for a wedding party or small theater group.

This classification excludes the mass production of wearing apparel which is to be reported separately in classification 3802.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately pro-~~

~~vided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-703 Classification 6308.

6308-00 Stores: Jewelry - wholesale or retail

Applies to establishments engaged in the sale of premanufactured jewelry. Jewelry sales may be retail to consumers or on a wholesale basis to other stores and dealers. It is common for jewelry stores to employ a goldsmith who will size rings on premises, mount gem stones into settings, or make custom jewelry. Jewelry stores could also be engaged in watch repair and engraving and may offer these services as a part of the jewelry store business. Repair of watches and engraving is included in this classification when performed by jewelry store employees. Custom jewelry making subject to classification 6308-00 is distinguishable from jewelry manufacturing subject to classification 3602 in that businesses in classification 3602 are engaged primarily in the manufacture of jewelry in mass quantities, while jewelry stores in classification 6308 are primarily in the business of selling jewelry purchased from a manufacturer or dealer, and may also make custom or one-of-a-kind pieces.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6308-01 Stores: Hearing-aid - wholesale or retail

Applies to establishments engaged in the sale of hearing aids. Hearing aids are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other hearing-aid stores. Stores subject to this classification routinely offer free hearing tests to customers. Classification 6308-01 is distinguishable from medical services rendered by a physician subject to classification 6109 in that technicians employed by hearing-aid stores subject to classification 6308 rely on sound testing equipment to conduct examinations. They can provide hearing-aid appliances to customers, but do not perform medical procedures and do not need medical certification. This classification includes technicians employed by the store who conduct hearing tests. Medical doctors, on the other hand, perform a number of medical tests including X-ray and may recommend or perform hearing corrections through surgical procedures.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6308-02 Stores: Optical - wholesale or retail

Applies to establishments engaged in the sale of optical goods such as, but not limited to, eye glasses and contact lenses. Optical stores purchase eye glass frames and premade lenses from other sources and sell them to retail customers, or wholesale to other optical stores. Stores subject to this classification routinely offer free eye exams to customers. The eye examinations are performed by optometrists or by techni-

icians. These technicians do not need medical certification in order to conduct tests. This classification includes optometrists or technicians employed by optical stores. Classification 6308-02 is distinguishable from medical services rendered by a physician (ophthalmologist) subject to classification 6109 in that optical stores in classification 6308 rely on testing equipment and can only provide eye glass appliances to customers. Medical doctors, on the other hand, perform a number of medical tests including X-ray and may recommend or perform vision corrections through surgical procedures.

This classification excludes establishments engaged in grinding operations as part of the manufacture of optical lenses which are to be reported separately in classification 6604 and establishments engaged in the manufacture of eye glass frames which are to be reported separately in the classification applicable to the materials and processes used.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6308-03 Stores: Clock and watch - wholesale or retail

Applies to establishments engaged in the sale of clocks and watches, including related repair. Stores subject to this classification carry an assortment of clocks and watches such as, but not limited to, cuckoo clocks, grandfather clocks, anniversary clocks, and an assortment of heirloom quality pocket or wrist watches. Establishments assigned to this classification are not engaged in the manufacture or assembly of clocks or clock kits. Clocks are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other stores. Classification 6308-03 is distinguishable from clock or watch manufacturing subject to classification 3602 in that clock stores subject to classification 6308 are engaged exclusively in the sale of items manufactured by others and businesses in classification 3602 are engaged primarily in the manufacture of clock mechanisms.

This classification excludes establishments engaged in the manufacture of wooden components or cabinets such as those for grandfather or cuckoo clocks which are to be reported separately in classification 2905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6308-04 Stores: Trophy or awards - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of trophies, plaques, awards and related items such as, but not limited to, banners, name badges, certificates, buttons, pins, ribbons, pens, advertising or specialty items. As a convenience to their customers, trophy stores may also sell small signs or similar items which they purchase from others. Establishments subject to this classification purchase component parts from other unrelated businesses, then assemble and engrave or letter them per customer specifications. Component pieces include, but are not limited to, plastic, marble, metal, or wood bases and backings, decorative mounts, small hardware, vinyl fabric, and ready made banners. They use

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hand tools, table top punching or bending devices and engraving equipment. While stores may still use old style engraving machines for some custom orders, most of today's engraving or lettering is done on computerized equipment.

This classification excludes the manufacture of component pieces or signs which is to be reported separately in the classification applicable to the work being performed.

Special note: Producing "computerized vinyl lettering or designs" is a normal activity in several types of businesses such as, but not limited to, trophy stores, manufacturers of textile banners, or sign painting services in a shop. Computerized lettering or designs are made on a plotter/cutter that is attached to a computer. A roll of vinyl fabric is placed on the plotter/cutter. Designs are created on the computer, then transferred electronically to the plotter/cutter that punches them out in the vinyl material. Designs are transferred onto the backing with the use of transfer paper. One must look beyond the producing of computerized vinyl applications when determining the nature of the business being classified. An employee whose *only* duties are generating vinyl lettering or designs on computerized equipment in an office environment could qualify for classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-704 Classification 6309.

6309-02 Stores: Gun - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hand guns and rifles. Gun stores subject to this classification will routinely sell related goods such as, but not limited to, knives, archery supplies, ammunition, cleaning kits, targets, target launchers, ammunition belts and specialty clothing. It is common for gun stores to repair guns for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory, or that are special ordered from the manufacturer. Gun stores are not generally involved in machining operations although some light machine work is contemplated by this classification. Gun stores in this classification can also make custom ordered guns. This term may be misleading in that a custom gun made by a gun store is simply the assembly of various components to produce the desired gun. Depending on the size and location of the store a related shooting range may be found on the premise. Whether the shooting range is operated in connection with the store operation or by an independent business unrelated to the gun store, it is to be reported separately in classification 6208. Establishments in classification 6309-02 are distinguishable from operations covered in classification 3402, in that gun stores subject to classification 6309 are not engaged in the manufacture of guns, which includes such operations as machining barrels, fabricating triggers, springs, bolts, levers, clips and handles ~~((as well as~~

~~mass)), or in the mass assembly of gun components into finished goods.~~

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-03 Stores: Bicycle - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of all types of bicycles. Bicycle stores subject to this classification will sell related goods such as, but not limited to, helmets, pumps, carrier racks, water bottles, shoes, trailers, child carriers, and specialty clothing. It is common for bicycle stores to assemble new bicycles as well as tune and repair bicycles for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory or that are special ordered from the manufacturer. Bicycle stores subject to this classification will occasionally make a custom bicycle. This term may be misleading in that a custom bicycle may be nothing more than the assembly of various components to produce the desired bicycle, or it could be the actual cutting, bending, and welding of tube metal, or the cutting, rolling and heating of graphite reinforced plastic material. *Only* those custom bicycles that are assembled from components *manufactured by others* are to be reported in classification 6309 and *only* if such custom work is incidental to the primary sales of off-the-rack bicycles manufactured by others.

This classification excludes machining operations, frame welding, and establishments engaged in custom manufacturing or mass producing bicycles from nonfinished goods which are to be reported separately in the classification applicable to the bicycle frame material and process used to manufacture the finished units.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-06 Stores: Garden supply - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of homeowner type yard and garden tools, equipment, and supplies. Establishments subject to this classification will carry in their inventory and have available for immediate sale various garden tools and gloves, equipment, and supplies such as, but not limited to, rakes, shovels, post hole diggers (nonpower), hoes, wheel barrows, garden carts, edgers, weed wackers, lawn sprinklers, garden hose, lawn mowers, and chain saws. On a seasonal basis these establishments will routinely stock bags of various types of lawn, shrub and plant fertilizer, lawn seed, bags of potting soil, bags of beauty bark, flower bulbs, vegetable and flower seeds, and some bedding plants and small shrubs. This classification is distinguishable from nurseries in that nurseries sell plants, shrubs and trees that they have purchased from others or raised from seeds or cuttings, most of which are available for sale all year round. Nurseries typically sell soils and bark in bulk, but seldom sell lawn mowers, lawn tractors, edgers and similar items. Nurseries are further distinguishable from garden supply stores in that garden supply stores have a limited outside

yard and are primarily composed of a store operation. Nurseries, on the other hand, have limited store operations and extensive yards where plants, shrubs, and trees are displayed and cared for, as well as extensive greenhouse operations. This classification also includes merchants who are engaged in the sale and/or hand packaging of agricultural seeds that have been processed by others.

This classification excludes the repair of tools and equipment sold which is to be reported separately in the classification applicable to the work being performed.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-07 Locksmiths

Applies to establishments engaged in servicing or repairing locksets. Establishments subject to this classification will have a small retail store where they sell new door locksets, repair customer locksets, re-key locksets, make duplicate keys, and sell home security items such as safes and alarm systems. In addition to store operations, this classification includes locksmith field work such as unlocking a car, removing a broken key from an ignition or door, and installing a replacement lockset in a door.

This classification excludes the installation of safes, new locksets, or dead bolt locks which is to be reported separately in classification 0607 and the installation of home security systems which is to be reported separately in classification 0608.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-08 Stores: Automobile, truck, motorcycle, or aircraft accessories or replacement parts - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of automobile, truck, motorcycle, or aircraft accessories or replacement parts. Most establishments subject to this classification carry a full line of parts ranging from batteries, wiper blades, ignition components, to engines, tires, and transmissions. However, this classification also applies to establishments that sell specialized product lines such as, but not limited to, batteries, electrical systems, or transmission parts. This classification covers only the store operation. Any vehicle, tire, or machine shop service is to be reported separately in the applicable repair or service classification. Care should be exercised when considering the assignment of this classification to an establishment engaged in vehicle service or repair as parts departments may be included in the service or repair classification. *Only* those vehicle service or repair establishments that have "full line" replacement parts stores are to be assigned to this classification and *only* when the classification that governs the repair or service permits, the parts department to be reported separately.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately pro-~~

~~vided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-09 Stores: Architectural and surveyor supplies - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of professional and technical measurement equipment used primarily by architects and surveyors. Products sold by establishments subject to this classification include, but are not limited to, plan holders, plotters, lettering systems, engineering software, CAD supplies, copiers and computer paper and films. This classification includes the *in-shop* servicing or repair of products sold, such as replacing or adjusting parts.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-11 Stores: Stained art glass - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of stained art glass supplies. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, lead and leaded glass, crafts, light fixtures, terrarium parts, lamp shade parts, kits for picture frames, mirrors, books on stained glass, small grinders, glass cutters and other tools for making stained glass items.

This classification excludes the manufacture of stained glass and the fabrication and assembly of stained art goods which is to be reported separately in classification 3503 and stores that sell craft-making goods or hobby supplies which are to be reported separately in classification 6309-21.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-12 Stores: Wood stove and accessories - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of wood stoves, pellet stoves, fireplace inserts, and accessories. The majority of stoves today are produced from cast iron or steel plate and may be finished with enamel or paint. Stove stores subject to this classification will sell related accessories such as, but not limited to, noncombustible hearths and irons, wood holders, pellet scoops, stovepipes, metal chimneys, decorative brass legs and brass handles and bags of pellets. Some wood stove dealers may sell both stoves and spas as their main product lines. Stores that sell both are to be reported separately in classification 6309-14. This classification includes the set-up of wood stoves and heaters which can be operated as part of a display area or showroom in the store when performed by employees of this business.

This classification excludes the installation and repair of wood stoves, furnaces, air conditioning units and vacuum

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cleaner systems which is to be reported separately in classification 0307; masonry work which is to be reported separately in classification 0302; and chimney cleaning which is to be reported separately in classification 4910.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-13 Stores: Hardware variety, N.O.C., specialty hardware or marine hardware - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hardware related items. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated business dealers or manufacturers, warehousing of inventory, stocking of shelves, cashiering, customer load out, assistance and delivery. Establishments subject to this classification cater to homeowners and, therefore, do not carry contractor quantities of products for sale. Hardware variety stores applicable to this classification are generally small retail stores (3,000 square feet or less). Hardware variety stores will have a wide assortment of products for sale ranging from paint and painting supplies, electrical and plumbing supplies, to hand or power tools, garden supplies, housewares, and hardware. For purposes of this classification the term "hardware" applies to nails, screws, bolts, hinges, staples, chain, and similar items. Classification 6309-13 is distinguishable from classification 2009 in that the quantity of products sold by hardware variety stores subject to classification 6309-13 is limited to homeowner quantities, the selection of product is limited, and they carry only a limited selection of lumber, if at all. Hardware variety stores may also carry seasonal plants. This classification also applies to specialty hardware or marine hardware stores.

This classification excludes hardware stores that sell lumber or building materials which are to be reported separately in classification 2009.

Special notes: Care should be exercised when assigning classification 6309-13 to a business. All other store and nursery classifications are to be considered before this classification is assigned. It is common for a nursery to have a substantial inventory of hardware and tools, just as it is common for farm supply stores to sell similar products, yet these types of businesses are covered in alternative classifications.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-14 Stores: Hot tub or spa - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hot tubs and spas. Most dealers subject to this classification have small store operations where a limited supply of spas and hot tubs are displayed. Some may have distribution centers where spas are shipped from the manufacturer and stored until delivered to a showroom or directly to a customer. The majority of spa units are portable and self-contained, which means the plumbing, pump, wiring, and controls are already in place and enclosed in the siding sur-

rounding the tub. They are ready to use once the electricity is hooked up at the customer's site. The other type of spas are referred to as "shells," which are usually set in place in the ground, then the pump, plumbing, electrical wiring, and any surrounding rockery or structures built around it. Stores that sell spas and hot tubs also stock related items such as, but not limited to, spa or swimming pool chemicals and cleaners, brushes, replacement pumps and parts, filters, and spa accessories such as fragrances. Some may also sell other product lines such as swimming pool shells, wood or pellet stoves and related items such as, but not limited to, lawn furniture, barbecues, or water sports equipment. Operations contemplated by this classification include the receipt of tubs, spas, pools, pool liners, chemicals and other products from manufacturers or unrelated companies, stocking shelves, setting up displays, cashiering, delivery of products to customer locations, instruction on testing and maintaining pool waters, and incidental pump repair in the store; it does not contemplate the repair or service of pumps or pools at customer's location. Establishments that sell both wood stoves and spas are to be reported in this classification. This classification also applies to establishments that rent hot tubs and deliver them to, and pick them up from, the customer's location.

This classification excludes establishments that sell only accessories for tubs or pools which are to be reported separately in classification 6406; establishments engaged in the sale of wood or pellet stoves, but do not sell spas, which are to be reported separately in classification 6309-12; and establishments engaged in the manufacture or installation of hot tubs which are to be reported separately in the classification applicable to the work being performed.

Special notes: Spa and hot tub dealers may be licensed contractors who build swimming or wading pools, in addition to the spas and hot tubs sold. Except for the in-store pump repair, all other electrical or plumbing installation or repair work, pump repair, landscaping, building of structures, pouring of concrete, and servicing of the pool waters are excluded from this classification and are to be reported separately in the classification applicable to the work being performed.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-15 Stores: Floor covering - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of floor coverings. Establishments subject to this classification sell a variety of floor coverings and related items such as, but not limited to, sheet vinyl, floor tile, ceramic wall or countertop tile, wood parquet, floor or area rugs, carpeting, window coverings, bathroom and kitchen accessories, and supplies to install products. Other stores may specialize in only one or a few of these products. Floor covering stores generally consist of a store operation where samples of all product types are displayed. Merchandise is usually ordered from the factory or distributor per customer specifications; however some goods are kept in stock and are available for immediate sale. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses and manufacturers, stock-

ing shelves, cashiering, estimating floor covering needs from plans, blue prints and customer measurements, ordering special floor coverings from distributors or manufacturers, and delivering the product to customers.

This classification excludes all installation work and the manufacture of any product sold by floor covering stores, which is to be reported separately in the applicable construction, installation, or manufacturing classification.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-16 Pawn shops

Applies to establishments engaged in loaning money to others in exchange for collateral of new or used merchandise such as, but not limited to, jewelry, video equipment, and computers. It is common for pawn shops to sell new and used merchandise they have taken as collateral for defaulted loans. Operations contemplated by this classification include receiving merchandise from others, stocking of shelves, and cashiering.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-17 Stores: Sporting goods - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of a variety of sporting goods. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, and delivery. For purposes of this classification the term "sporting goods" includes, but is not limited to, baseball gloves, bats, balls, fishing poles, tackle, reels, tennis racquets, bicycle helmets, exercise equipment, and specialty clothing and shoes. A store may carry equipment and related items for a number of sports, or specialize in a particular sport such as skiing or fishing.

This classification excludes *stores that specialize in selling bicycles* and related items such as tire pumps, water bottles, locks, shoes and clothing, which are to be reported separately in classification 6309-03, *and stores that specialize in selling guns* and related items such as ammunition, hunting supplies, archery equipment, targets, knives, and clothing which are to be reported separately in classification 6309-02.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-18 Stores: Paint and wallpaper - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of paint and wallpaper supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, mixing paints and stains, warehousing, stocking of shelves, cashiering, and delivery of merchandise to customers. Establishments subject to this classification routinely offer pressure washer and spray units, and ladders

for rent or sale which is included in this classification when such sales and rentals are conducted in connection with a paint and wallpaper store. This classification excludes establishments engaged in the rental of spray paint and pressure washer units which are to be reported separately in classification 1106.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-19 Stores: Sewing machines or vacuum cleaners - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new or reconditioned sewing machines or vacuum cleaners. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, demonstrating or delivering merchandise to customers, providing instructions or sewing classes to customers, and in-store repair. Sewing machine repair is generally limited and consists mainly of adjusting thread and stitch tensioners, aligning components (needle and foot), replacing electrical motor, lights and belts. Types of sewing machines include sergers, button holers, embroidery machines, and commercial machines such as those used by a tailor or an upholstery shop, but does not include industrial machines such as those used in feed and carpet mills.

This classification excludes fabric stores that may also sell sewing machines which are to be reported separately in classification 6406; and establishments engaged in the repair of industrial sewing machines which are to be reported separately in classification 3402 for shop operations and classification 0603 for field repairs.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-20 Stores: Custom framed art or U-frame - wholesale or retail; Art galleries

Applies to establishments engaged in the wholesale or retail sale of custom framed art such as, but not limited to, posters and pictures. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, cutting matte board, glass and frame material, assembling frames, mounting art, posters or pictures into custom made or premade frames and delivery of merchandise to customers. Custom frame manufacturing covered by this classification is distinguishable from other frame manufacturing covered in classifications 3404, 2909, and 3512 in that custom frame making contemplated in classification 6309-20 consists of cutting frame material purchased from others with a specialized saw and fastening the pieces together with a small air nailer or finish screws. Frame manufacturing operations in other classifications consist of extruding metal or plastic through dies to produce the desired frame material, or planing and molding the

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dimensional lumber to the desired appearance, cutting material in mass quantities, fastening frames together (mass production oriented) and boxing for shipment. U-frame operations consist of selling the various components such as, but not limited to, premade frames or precut unassembled frame kits, matte board, glass and prints to customers for customer assembly. This classification also includes establishments that operate art galleries, as the framing activities are similar.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6309-21 Stores: Hobby and craft - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hobby and craft supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashing, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, floral arrangement supplies, pottery supplies, art glass supplies, doll making supplies, jewelry components such as beads and wire, and artist supplies. It is common for establishments subject to this classification to also be involved in custom picture framing in connection with hobby or craft store operation.

This classification excludes the manufacture of hobby and craft goods which is to be reported separately in the classification applicable to the materials and processes and stores that specialize in the sale of stained art goods which are to be reported separately in classification 6309-11.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-706 Classification 6402.

6402-00 Stores: Grocery, N.O.C. - retail

Applies to establishments engaged in providing retail sale of a full line of grocery items. To qualify for this classification an establishment must provide for retail sale all of the following items: Canned goods, dairy products, a full line of fresh meats, frozen meats, vegetables and fruits, baked goods, carbonated and alcoholic beverages, juices, household cleaners, laundry and health care products. These stores will generally be of the supermarket size but there may be some smaller stores which are also to be included in this classification if all of the items listed above are in their inventory. Also included in this classification, when performed by employees of the store, are in-store departments or services that are provided for the customer's convenience such as in-store bakeries, delis, video rental, film developing, florists, and wine departments.

This classification excludes in-store pharmacies which are to be reported separately in classification 6406, espresso

street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905; convenience store or mini-markets that do not sell all of the above mentioned items which are to be reported separately in classification 6403; grocery or convenience stores with self-service gasoline operations which are to be reported separately without division of hours in classification 3410; and specialty retail stores that sell only dairy products, fruits and vegetables, soft drinks or wine and/or liquor which are to be reported separately in classification 6403.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-707 Classification 6403.

6403-01 Stores: Coffee, tea, or spice - retail

Applies to establishments engaged in the retail sale of specialty coffees, teas, or spices. They may sell coffee/tea in packaged and/or ready to drink forms and may offer a small selection of pastries or cookies for the customers convenience.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6403-02 Stores: Dairy products - retail

Applies to establishments engaged in the retail sale of dairy products such as, but not limited to, milk, eggs, cheese, and ice cream. As a convenience to their customers, these establishments may offer a limited supply of related foods such as bread. This classification is distinguishable from other 6403 store operations in that the primary products available for sale are dairy products.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6403-04 Stores: Fruit or vegetable - retail

Applies to establishments primarily engaged in the retail sale of fresh fruits and/or vegetables. These stores are usually found in individual stands at public or municipal street markets, or at roadside stands not located on the farm which may range from a small booth to a store-like operation. Sales at roadside stands away from the farm location or public markets are to be reported in this classification even if vendors grow all their own produce.

This classification excludes establishments that grow their own fruits and vegetables and sell them at their farm

location which are to be reported separately in the appropriate agricultural classification as required by the general inclusion provision of the general rules, espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6403-05 Stores: Specialty grocery - retail

Applies to establishments engaged in retail sale of specialty grocery items. Establishments subject to this classification have a limited selection of grocery items which are generally related to ethnic foods and cuisine, gourmet meats, cheeses, or condiments, health food or pet food. This classification also applies to stores that sell U-bake pizza.

This classification excludes establishments engaged in the sale of nutritional supplements such as, but not limited to, vitamins, herbal compounds, protein powders, or energy bars, which are to be reported separately in classification 6406; espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6403-06 Stores: Mini-markets or convenience grocery, N.O.C. -retail

Applies to establishments engaged as retail convenience grocery stores or mini-marts. Generally these stores sell convenience items such as, but not limited to, soft drinks, beer/wine, snack foods, candy and a limited selection of canned or boxed foods. They may also prepare foods such as sandwiches, chicken, jo jos and hot dogs. While these stores may sell a variety of grocery items they are distinguished from stores in classification 6402 in that they do not sell all of the items specified for retail grocery store operations. Generally the difference can be established by determining if the store cuts and sells fresh meat. This classification also applies to food bank operations.

This classification excludes establishments engaged as convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410 and espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6403-07 Stores: Wine, liquor, or soft drinks - retail

Applies to establishments engaged primarily in the retail sale of wine, liquor, or soft drinks and an assortment of pre-packaged mixed drinks, and related gift items. Establishments in this classification are not operated in connection with a manufacturing, bottling, restaurant, or tavern operation. This classification also applies to liquor stores operated

by Native American tribes and to contract state liquor stores operated by nonstate employees. This classification contemplates a minimal amount of mail order sales and locker rentals in a wine cellar operated by a wine store.

This classification excludes state operated liquor stores which are reported separately in classification 5307; establishments engaged in the distillation, brewing, or bottling of alcohol, beer or wine, which often have tasting rooms and gift shops, which are reported separately in classification 3702; and establishments engaged primarily in selling wine-making or beer-making kits and supplies which are reported separately in classification 6406.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-708 Classification 6404.

6404-00 Stores: Florists - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of fresh-cut flower arrangements, potted plants, balloon arrangements, or arrangements of artificial or dried flowers and foliage. These shops typically carry related gift items, such as, but not limited to, terrariums, vases, and gift cards. Operations contemplated by this classification include the receipt of flowers, plants, and other merchandise from unrelated businesses, making the arrangements, storing fresh-cut flowers in refrigerated cases, caring for potted plants in a greenhouse, and delivering items sold. Also included in this classification is the assembly and/or decoration of Christmas wreaths. Wreaths may be assembled from fresh greens and decorations added, or decorations may be attached to grapevine wreath bases or metal rings. Establishments in this classification work with hand cutting tools, glue guns, small wires and wooden stakes, floral foam or clay, greenery, wreath bases, and decorative trimmings. This classification also applies to "cottage industries" that make similar items, and to establishments primarily engaged in packing holly that was grown by others.

This classification excludes establishments engaged in the planting, cultivating, and/or harvesting of flowers, plants, shrubbery, trees, florist greens, holly, baby's breath or florist greens which are to be reported separately in the classification applicable to the work being performed.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6404-02 Stores: ((Indoor)) Potted plants or aquariums - wholesale or retail: Sale, lease, or care of

Applies to establishments engaged in the wholesale or retail sale, lease, or care of ((indoor)) potted plants or aquariums. Establishments subject to this classification will deliver, set up, service, and maintain plants or aquariums at the customer's location. The plants or aquariums are usually located inside, but may also be placed on extended living

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areas such as, but not limited to, porches, patios, or decks. Maintenance/care includes, but is not limited to, watering, trimming, pruning, fertilizing, and cleaning. Such establishments will frequently have a small greenhouse facility for caring and storing plants.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6404-03 Stores: Candy or cookie arrangement - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of candy or cookie arrangements in containers such as, but not limited to, mugs, vases, booklets, and novelty items. Typical occupations include, but are not limited to, making arrangements, answering telephones, selling to walk-in customers, cashiering, and delivering the bouquets. This classification does not include any on-premise manufacturing of candies or cookies.

This classification excludes establishments engaged in retail candy sales with on-premise manufacturing which are to be reported separately in classification 3905, and establishments engaged in specialty bake shops which are to be reported separately in classification 3901.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-709 Classification 6405.

6405-01 Tire sales and service centers, including automobile or truck care service centers or repair garages operated in connection with a tire service or repair center

Applies to establishments engaged in the sale, installation, and repair of vehicle tires for others. This classification includes, but is not limited to, tire store employees, service managers, and auto care service employees. Services provided include, but are not limited to, tire mounting and balancing, in-shop or mobile service flat repair, alignments, brake service, muffler repair, tune-ups, and oil changes. It is common for tire centers to offer other automotive services such as wiper replacement, radiator flush, battery replacement and even major engine and transmission work which are also included in this classification. This classification is distinguishable from classification 3411 ~~((and 3413))~~ in that classification 6405 applies to any business that installs and services tires regardless of the number of tires sold. Establishments assigned to classification 3411 ~~((and 3413))~~ do not install or service tires. *Classification 3411 ~~((and 3413 are))~~ is not to be assigned to an establishment assigned classification 6405.*

This classification excludes towing services for hire which are to be reported separately in classification 1109 and tire sales and services centers which are also engaged in tire retreading operations which are to be reported separately in classification 6405-06.

6405-06 Tire rebuilding, retreading and/or recapping

Applies to establishments engaged in rubber tire rebuilding, retreading and/or recapping either at their tire dealership location, or at a location physically separate from the tire store. Rebuilding tires differs from the manufacture of tires in that rebuilding, recapping, or retreading simply restores used tires to a usable condition by bonding new rubber onto the existing work tread and lateral surface. First, tires are inspected for separations and penetrations. To remove the tread pattern, the casing is mounted on a wheel, inflated, and smoothed with a buffer or abrasive file. Any rocks, nail heads, etc., are pulled out with air tools, and the holes repaired with a rubber patch or a strip of rubber applied with an extruder gun. In the hot process, the buffed tire is put on a spinning wheel and unvulcanized tread rubber is wrapped around the tread area of the tire body either manually or mechanically. The tire is then placed inside a curing mold which has a tread design, and heated at 320 degrees for several hours so the rubber expands into the design and forms the tread. After the tire is removed from the vulcanizing mold, it is inflated to high pressure and cooled. In the cold process, commonly referred to as bandage, the new tread is a precured strip or rubber compound with the tread design already molded into it. Only enough old rubber is removed to true the tire and provide a bonding surface. Air hoses or solvents are used to remove contaminants which would interfere with the adhesion process. The tire is inflated to its normal running pressure and a rubber cement is applied over the buffed surface by spray gun or brush. When the cement dries the precured tread is wrapped around the casing. The strip is bonded to the tire casing under pressure and heated at 210 degrees in a curing chamber. This classification excludes tire dealers that do not perform rebuilding, recapping or retreading which are to be reported separately in classification 6405-01 and the manufacture of tires which is to be reported separately in classification 3513.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-710 Classification 6406.

This classification applies to specialty retail store operations engaged primarily in the sale of a wide variety of products ranging from collectibles such as stamps, coins, sports cards, and dolls to table top appliances such as portable televisions, blenders, mixers and toasters. This classification is comprised of subclassifications that cover a specific type of retail store operation. One of the subclassifications applies to the sale of products which are not covered by another classification. Although the products sold by establishments subject to this classification will vary by each subclassification, the overall operational activities are similar. Each business covered by this classification will generally employ cashiers and merchandise stockers, as well as other occupations of workers.

Special note: This classification excludes all repair operations unless it is specifically included in the classification, delivery service, ~~((on-premises manufacturing.))~~ outside installation work, and lunch counters and restaurants which

are to be reported separately in the classification applicable to the work or service being performed.

~~(Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.)~~

6406-00 Retail stores, N.O.C.

Applies to establishments engaged in the retail sale of merchandise or services not covered by another classification (N.O.C.). Merchandise includes, but is not limited to, greeting cards, costume jewelry, scarves, tropical fish and birds and related fish or bird supplies, table top appliances such as mixers, blenders, microwave ovens, or table top satellite receiving units, quick print copy or FAX services and related specialty items or services. This classification also applies to establishments that provide inventory services for other businesses.

This classification excludes pet stores that sell dogs or cats and establishments engaged in pet grooming services which are to be reported separately in classification 7308; pet food stores which are to be reported separately in classification 6403; and offset, cold press and similar printing operations which are to be reported separately in classification 4101.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-01 Stores: Camera or photography supply - retail

Applies to establishments engaged in the retail sale of cameras and photography and dark room supplies such as, but not limited to, batteries, film, processing trays, chemicals, print paper, enlargers, and timers. It is common for these establishments to offer film developing services which may be either a one-hour service or an overnight process. Both types of film developing services are included in this classification when conducted in connection with a camera and photography supply store. This classification is distinguishable from classification 6506 in that establishments covered in classification 6506 are not engaged in the sale of cameras or photo developing equipment.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-03 News and magazine stands - retail

Applies to establishments engaged in the retail sale of newspapers and magazines. Establishments subject to this classification may sell newspapers or magazines from various locations such as, but not limited to, stands at public markets, store operations in malls, or from a street corner.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-09 Arcades: Coin or token operated

Applies to establishments engaged in operating coin- or token-operated arcades. This classification covers attendants, change makers, and security personnel who monitor the game rooms and make change. Attendants may remove

tokens and money from machines and may perform minor adjustments such as resetting a jarred machine.

This classification excludes the installation, removal or repair of machines which is to be reported separately in classification 0606.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-11 Stores: Office stationery and machinery - retail

Applies to establishments engaged in the retail sale of office stationery, supplies, and/or machinery. For purposes of this classification "office stationery and supplies" includes, but is not limited to, paper, writing tablets, computer software, pens, pencils, markers, staples, staplers, scissors, paper clips, and binders. "Office machinery or business machinery" includes, but is not limited to, calculators, typewriters, various types of copy machines, fax machines, and desk top and lap top computers.

This classification excludes service and repair of office/business machines which is to be reported separately in classification 4107 and establishments engaged in sale of office furniture which are to be reported separately in classification 6306.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-12 Stores: Fabric, yardage, yarn and needlework supplies -retail

Applies to establishments engaged in the retail sale of fabric, yardage, yarn and needlework supplies. It is common for establishments subject to this classification to have a small inventory of noncommercial/industrial sewing machines and sergers for sale in addition to fabric, sewing notions, patterns, and related supplies. Fabric and yarn stores may also offer sewing and craft classes which are included in this classification when taught by employees of an employer subject to this classification. This classification is distinguishable from sewing machine stores in classification 6309 in that the principle products sold in classification 6406 are fabric and sewing notions while sewing machine stores are not engaged in the sale of fabric or yardage.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-14 Stores: Wind or string musical instruments - retail

Applies to establishments engaged in the retail sale of musical instruments such as, but not limited to, drums, wind instruments, guitars, and banjos. This classification includes music lessons when provided by employees of an employer subject to this classification and includes minor adjustment services such as replacing a drum skin or a broken string on a guitar.

This classification excludes the repair of wind and string musical instruments which is to be reported separately in the applicable repair classification; establishments engaged in the repair of pianos which are to be reported separately in classification 2906; and establishments engaged in the sale of

pianos and organs which are to be reported separately in classification 6306.

Special notes: Classification 6406 does not apply to any establishments that sells pianos or organs in addition to wind or string instruments. Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-16 Stores: Drug - retail

Applies to establishments engaged in the retail sale of prescription and nonprescription drugs and/or nutritional supplements such as, but not limited to, vitamins, herbal compounds, and energy bars. ~~((Establishments))~~ Drug stores subject to this classification ~~((will routinely))~~ may also carry a variety of personal care and grooming products ~~((in addition to prescription and nonprescription drugs))~~ and may ~~((also))~~ rent crutches, canes, wheel chairs, and walkers.

This classification excludes establishments engaged in the sale and/or rental of hospital beds, motorized wheel chairs, and other patient appliances which are to be reported separately in classification 6306, and establishments engaged in the sale/rental and service (repair) of motorized mobility aids such as wheelchairs and 3-wheel scooters which are to be reported separately in classification 3309.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-17 Stores: Variety - retail

Applies to establishments engaged in the retail sale of a variety of consumer goods such as, but not limited to, housewares, linens, clothing, toys, and candy. In earlier years establishments subject to this classification were often referred to as "5 and 10 cent stores." Although these stores carry much of the same merchandise as a department store, they are distinguishable in that variety stores are not comprised of specialized departments and do not generally carry the quantity/assortment of products that department stores do.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-18 Private mail box; safety deposit box; computer tape storage facilities - rent or lease

Applies to establishments engaged in renting or leasing private mail boxes, safety deposit boxes, or computer and financial record storage facilities. Establishments subject to this classification will operate a secured facility where they receive and sort their customers' mail, parcels and packages from the U.S. Post Office or other parcel/package delivery companies, and package articles for shipment for their customers. They also provide a secured storage facility equipped with safety deposit boxes which they rent out on a short or long term basis. It is common for these establishments to offer additional services such as FAX, and copying services.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-19 Stores: Coins, stamps, baseball cards, and comic books -retail

Applies to establishments engaged in the retail sale of coins, stamps, baseball cards, comic books, and similar collectibles. Establishments subject to this classification may be engaged exclusively in mail order sales, sell from browse tables at collectible or trade shows, through specialty auctions, or may sell from a store location. Coin and stamp stores routinely sell magazines, periodicals, and supplies that cater to collections or hobbies. Card shops routinely sell other sports memorabilia such as autographed baseballs, footballs and basketballs, framed pictures, POGS and buttons.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-20 Stores: Book, record, cassette, compact disc, and video -retail

Applies to establishments engaged in the retail sale or rental of new or used books, records, cassettes, compact discs or videos. Establishments subject to this classification may be engaged exclusively in mail order sales, sell from browse tables or trade shows, through specialty auctions or may sell from a store location.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-23 Stores: Candy - retail

Applies to establishments engaged in the retail sale of packaged and unpackaged candy they have purchased from others.

This classification excludes establishments engaged in the on-premise manufacture of candy and the subsequent retail sale of these products which are to be reported separately in classification 3905; and establishments engaged in the manufacture of candy or confections for wholesale to retail establishments or distributors which are to be reported separately in classification 3906.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-24 Stores: Cigarette and tobacco - retail

Applies to establishments engaged in the retail sale of cigarettes, tobacco, and related products such as, but not limited to, pipes, pipe cleaning supplies, rolling machines, cigarette papers, lighters, lighter fluid, and cigarette cases.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-25 Stores: Telephones - retail

Applies to establishments engaged in the retail sale of telephones, pagers, and cell phones. Establishments subject to this classification are not a utility company in that they do not operate telephone exchanges and are not regulated by the Utilities and Transportation Commission of Washington. Their operations are limited to the sale of communication hardware. Stores subject to this classification may arrange

activation and service for their customer, or the customer may contact the service provider directly.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-27 Stores: Stereo components - retail

Applies to establishments engaged in the retail sale of stereo components. Establishments subject to this classification will sell a variety of audio and video appliances such as, but not limited to, video players, stereos and portable televisions. These establishments may also sell and install automobile stereo speaker systems and car phone systems; however, the installation is not covered in classification 6406-27.

This classification excludes the installation, service or repair of home or car stereos and car phone systems which are to be reported separately in classification 0607, and establishments engaged in the sale of stereo and television console sets, big screen televisions, or other major appliances which are to be reported separately in classification 6306.

Special note: Classification 6306 applies to any establishment that sells TV console sets or big screen TVs, even if the majority of their inventory is stereo components and/or portable TVs. Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-29 Stores: Toys - retail

Applies to establishments engaged in the retail sale of a variety of toys, games, and related items for persons of all ages. Merchandise includes, but is not limited to, video games, tricycles or bicycles, books, dolls and stuffed animals, outdoor play equipment, and specialty clothing.

This classification excludes establishments engaged in the retail sale of sporting goods and bicycles which are to be reported separately in classification 6309. This classification is distinguishable from businesses in classification 6309 in that the principle products of stores subject to classification 6406 are toys and games, as compared to stores in classification 6309 which are primarily engaged in the sales of sporting goods and bicycles.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-30 Stores: Cosmetics - retail

Applies to establishments engaged in the retail sale of cosmetics and fragrances. Related services usually offered by these types of stores include consultations with clients regarding make-up techniques, styles, and colors.

This classification excludes hair and nail salons which are to be reported separately in classification 6501.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-31 Stores: (~~(Kitchen, bath and drapery)~~) Housewares - retail

Applies to establishments engaged in the retail sale of (~~(kitchen or bathwares)~~) housewares such as, but not limited to, pots and pans, flatware, dishes, towels, canister sets, soap

dishes, towel bars, waste baskets, plant stands, and curtains or draperies.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

6406-33 Stores: Gift shops, N.O.C. - retail

Applies to establishments engaged in the retail sale of gift items not covered by another classification (N.O.C.) such as, but not limited to, crystal and silver serving pieces, china, cut glass, picture frames, wedding and shower books and invitations, special occasion cards, decorative statues, boxed candy, and ornaments. This merchandise tends to be of a finer selection than the everyday wares common in variety shops.

Special note: Refer to classification 6406 general description at the beginning of this rule for operations excluded from this classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-711 Classification 6407.

6407-00 Wholesale stores, N.O.C. - including combined wholesale and retail store operations

Applies to establishments engaged in the wholesale, or combined wholesale and retail sales of merchandise that is not covered by another classification (N.O.C.). Establishments subject to classification 6407 usually own the merchandise they sell, but may also be marketing goods on consignment, in which case classification 6407 still applies because the exposure and processes are the same. This classification is primarily the wholesale counterpart (supplier) for establishments assigned to retail store classification 6304, 6305 and 6406. Work contemplated by classification 6407 includes, but is not limited to, maintaining warehouse inventories, (~~(incidental assembly (limited to joining pre-made parts of bicycles, tables, etc., with screws, nuts, bolts))~~) sorting and grading goods, and breaking down bulk quantities to repackage into smaller lots. Equipment typically used includes, but is not limited to, balers to bind merchandise into bundles, strapping equipment to secure palletized goods, forklifts, and hand tools.

This classification excludes delivery which is to be reported separately in classification 1101.

Special notes: When assigning classification 6407, care must be exercised to look beyond the words "wholesale" or "retail." The manufacturer of a product will also "wholesale" their merchandise (or a combination of their own merchandise and finished products bought from other manufacturers) to a customer. These sales are an integral part of the manufacturing/marketing process and is an inclusion in the manufacturing classification. Establishments that buy goods, such as clothing or cloth goods, in wholesale quantities, then screen print or embroider them for resale are performing manufacturing operations and are to be reported separately in the appropriate manufacturing classification.

Warehouse operations in classification 2102, with the exception of grocery dealers, do not own the product they are warehousing and are not in the business of selling the goods

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they store. Businesses in classification 6407 may operate a warehouse, but only as an integral part of the wholesaling/distribution process, which is included in classification 6407.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-712 Classification 6408.

6408-03 Dealers: Farm machinery/implement

~~((Applies to establishments engaged in the sale, rental, or lease of new or secondhand farm machinery and implements, service and/or repair by dealer either in the dealer's shop or at the customer's site. Establishments subject to this classification will occasionally service or repair other equipment, such as farm trucks, owned by their customers, which is considered incidental to their main activity and is included in this classification. For purposes of this classification the term "farm machinery" refers to engine-powered machinery such as, but not limited to, tractors, combines, and swathers. Implement refers to attachments to and/or powered by farm machinery such as, but not limited to, plows, discs, balers, and rakes. This classification includes parts and service department employees, the demonstration of machinery or implements at the dealer's premises or the customer's site, truck drivers, regional sales and/or service representatives who provide factory service or training to local dealers and to customers. The parts departments in these establishments not only provide parts to their service departments, but frequently will sell a larger quantity to the general public. Many will also carry a substantial inventory of automobile parts, for the convenience of their customers, which is also included in this classification. Establishments subject to this classification will have a large inside display room which may contain small to medium sized tractors, riding mowers, both agricultural and garden type, sprayers, pumps, generators, a limited amount of small hardware items, and supplies such as oil, filters, and belts. The variety of merchandise varies with the needs of the particular geographical area. Larger horsepower tractors, implements, and used machinery and implements, are usually displayed on outside fenced lots.~~

This classification excludes dairy equipment and supply dealers who are to be reported separately in classification 6407 for their "store" operations and classification 0603 for the installation, service, or repair of their machinery and equipment; wind machine dealers who are to be reported separately in classification 0603 for all field work, such as tower erection, hooking up generators and motors, installing gear boxes, and installing propane or diesel fuel tanks, as well as regular maintenance or repair work; and establishments that repair farm type tractors, but who are not involved in the sale of them, which are to be reported separately in classification 3413.) Applies to establishments engaged in the sale, lease, and/or rental, of new or used farm machinery and implements. This classification also applies to the service, repair and/or demonstration of those items by the dealer either on their premises or at the customer's site. For purposes of this classification the term farm machinery refers to engine-powered machinery such as, but not limited to, tractors, com-

bins, and swathers, riding mowers, sprayers, pumps, and generators. Implements include, but are not limited to, plows, discs, balers, or rakes which are attached to and/or powered by farm machinery. The variety of merchandise varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. In addition to parts for the machinery or implements, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes sales and lot personnel, service managers and employees, parts department employees, towing service for in-shop repairs, delivery of merchandise to the customer, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers.

This classification excludes establishments that repair and/or service farm type tractors, but who are not involved in the sale of them, which are to be reported separately in classification 6409; store operations of dairy equipment and supply dealers which are to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-713 Classification 6409.

~~((6409-00 Dealers: Machinery/equipment, N.O.C.~~

~~Applies to establishments engaged in the sale, rent, or lease of new or used machinery and equipment not covered by another classification (N.O.C.), and oil or gas well equipment or supplies. For purposes of this classification the terms machinery or equipment includes, but is not limited to, diesel tractors, bulldozers, dump trucks, buses, road graders, logging towers, feller/bunchers, skidders, semi trucks, printing presses, power generators, industrial and grain milling, and concrete barriers and other flagging equipment used in construction projects. Operations contemplated by this classification include, but are not limited to, the service, repair or demonstration of machinery and equipment at the dealer's premises or customer's site, and delivery to the customer's location. Establishments subject to this classification will occasionally service or repair other equipment such as farm trucks, owned by their customers, which is considered incidental to their main activity and is included in this classification. For the convenience of their customers, the parts departments of establishments subject to this classification frequently will carry a substantial inventory of automobile parts which is also included in this classification. Establishments subject to this classification usually have a large inside showroom to display their machinery, and accessories. Large pieces of machinery and equipment and used machinery and equipment usually are displayed on outside fenced lots. The variety of merchandise carried by a machinery and equip-~~

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ment dealer will vary with the needs of the particular geographical area and the market being served. Included within this classification is the rental and installation of temporary fences and regional sales and/or service representatives who provide factory service or training to local dealers and other customers.

This classification excludes installation of plant equipment such as that found in printing plants, feed mills, canneries, and sawmills, which is to be reported separately in classification 0603; farm machinery and equipment dealers who are to be reported separately in classification 6408; dairy equipment and supply dealers who are to be reported separately in classification 6407 for their "store" operations and classification 0603 for the installation, service, or repair of their machinery and equipment; wind machine dealers who are to be reported separately in classification 0603 for all field work such as tower erection, hooking up generators and motors, installing gear boxes, and installing propane or diesel fuel tanks, as well as regular maintenance or repair work; and establishments that repair buses, semi trucks and tractors, and construction equipment, but who are not involved in the sale of them, which are to be reported separately in classification 3413.))

6409-00 Dealers: Machinery/equipment, N.O.C.:
Service/repair garages: Machinery/equipment, N.O.C.

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment includes, but are not limited to, semi trucks, diesel tractors, buses, construction equipment, concrete barriers and other flagging equipment used in construction projects, logging equipment, transportation equipment, freight hauling equipment, well drilling equipment, power generators, and industrial or manufacturing machinery. Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer. The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines, motors, or transmissions, resurfacing heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes sales and lot personnel, service managers and employees, parts department employees, towing service for in-shop repairs, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. This classification also includes the rental and installation of temporary fences.

This classification excludes farm machinery and equipment dealers who are to be reported separately in classification 6408; installation of industrial plant equipment which is

to be reported separately in classification 0603; store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-717 Classification 6504.

6504-00 Stores: Charitable or welfare

Applies to those employees of a charitable or welfare organization who are engaged in operating a store. Stores of this type usually deal in used merchandise such as, but not limited to, clothing, household appliances, toys, housewares, furniture, and garden tools that has been donated to the organization. Work contemplated by this classification includes, but is not limited to, the collection of donated items from locations away from the store, conditioning donated items, stocking and cleaning the store, and cashiering. Conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture.

This classification excludes establishments engaged in repairing and selling used appliances which are to be reported separately in classification 0607; and all other employees of the charitable or welfare organization not employed in the store who are to be reported separately in the classification applicable to the work performed.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-719 Classification 6506.

6506-00 Photography studios

Applies to establishments engaged in the operation of photography studios. Photographers use a wide range of still and motion cameras; services include both sitting portraits and motion pictures of special events, and are photographed in the studio or at outside locations. Photographers may develop and print photographs in their own studio darkrooms, or they may contract out to an independent photo finishing shop. Studios may also offer services such as retouching negatives, restoration work, mounting and framing pictures, and enlarging photographs. This classification includes glamour and boudoir photography studios which often have a salon where clients have their hair styled and make-up applied. This classification also includes booths, usually located in malls, that will produce photography novelty items such as, but not limited to, cups, shirts and calendars from

photographs. Photographs may be taken on location or the customer may bring a picture or negative in to have the image applied to the particular item. Video taping services performed in connection with photography studios is included in this classification.

This classification excludes delivery drivers who are to be reported separately in classification 1101; and establishments engaged in video taping services not in connection with photography studio operations which are to be reported separately in classification 6303.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6506-01 Film processing shops

Applies to establishments engaged in processing film. Operations include, but are not limited to, processing film, reproducing negatives, prints or slides, enlarging pictures, mounting and finishing, storing and mixing chemicals, and inspecting and packaging finished products. Finishing processes may be manual or automated. These shops may offer retail type film developing services to commercial laboratories that provide mass film developing and/or one-hour processing services.

This classification excludes delivery drivers who are to be reported separately in classification 1101.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6506-02 Motion picture film exchanges

Applies to establishments engaged in the operation of motion picture film exchanges. These exchanges receive fully processed movie films from producers, which they catalogue and store for subsequent rental or sale to commercial movie theaters, television networks, or other groups. Film exchanges have a projection room where customers may view the film before they book it. When rented films are returned, they are inspected and repaired as necessary. Repair usually consists of cutting out damaged section and splicing the film with special adhesive and pressure.

This classification excludes delivery drivers who are to be reported separately in classification 1101 and video rental stores which are to be reported separately in classification 6406.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

6506-03 Microfilming

Applies to establishments engaged in providing microfilming services for others. Microfilming reproduces and preserves documents onto film in greatly reduced sizes to allow the storage of information in less space. Documents are photographed; the film is developed in automatic processing units, then stored on reels or cartridges or cut into microfiche. Establishments subject to this classification usually offer related services such as, but not limited to, advice on

setting up micrographic systems, the sale or rental of supplies or equipment, storage facilities, keypunch services, film restoration, and/or the destruction of source materials.

This classification excludes drivers who are to be reported separately in classification 1101.

~~((Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-72202 Classification 6511.

6511-00 Chore services

Applies to establishments engaged in providing chore ~~((workers/home care assistants))~~ services to private individuals. ~~((The))~~ Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-764 Classification 7202.

7202-00 Real estate agencies

Applies to establishments engaged in buying, selling, renting, and appraising real estate for others. A real estate ~~((agent))~~ licensee will study property listings, accompany clients to ~~((the))~~ property sites to show the property, and ~~((draw up))~~ assist in the completion of real estate ((contracts)) documents such as ~~((deeds))~~ real estate contracts, leases, and ((mortgages)) seller's disclosure documents. They will also hold open houses, conduct negotiations, and assist at the closing. This classification includes clerical office and sales personnel.

This classification excludes building and/or property management services which are to be reported separately in classification 4910.

AMENDATORY SECTION (Amending WSR 90-20-092, filed 10/1/90, effective 11/1/90)

WAC 296-17-87304 Change in ownership with an accompanying change in business activities. When a majority change in the ownership of a firm (business) is

accompanied by a change in the business activity of the firm (business) and this change is sufficient to result in a reclassification of the basic classification assigned to the firm (business), then the past experience, prior to the change, shall be excluded from future experience ratings of the acquiring entity. If the change in business activities is not sufficient to result in a reclassification of the basic classification assigned to the firm (business), the acquiring entity shall retain the past experience attributable to the firm (business) or portion thereof which was purchased. For purposes of this rule, the term "basic classification" shall mean the classification other than standard exception classifications as defined in WAC ((296-17-440)) 296-17-31018(2) which produces the largest number of worker hours during the calendar year in which the change in business operations is noted. The basic classification of a business shall be determined in accordance with WAC ((296-17-310 (2) and (7) "overview" and "assignment of classifications.")) 296-17-31012.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-900 Premium discounts. ~~((In providing a rate modification system consistent with recognized insurance principles, the department may, in addition to the experience rating plan, provide a premium discount plan which recognizes the differences in administrative expense to the department in collecting premiums from employers based on differences in their premium volume.))~~ (1) A premium discount is a reduction of premium, of a specified amount or percentage, which is earned by meeting certain requirements or conditions not required of all employers.

(2) The department may offer a specified group of employers a premium discount plan to encourage participation in a pilot project or other department program intended to evaluate or promote alternatives in premium reporting or loss control initiatives.

AMENDATORY SECTION (Amending WSR 96-18-040, filed 8/29/96, effective 9/29/96)

WAC 296-17-90120 Qualifications for drug-free workplace discount. (1) Employers must maintain all industrial insurance accounts in good standing with the department, such that at the time of certification and for the duration of the certification period, no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC ((296-17-310)) 296-17-31023. The department may at its discretion, determine that an employer is in good standing if the employer and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of the outstanding debt. Final determination of an employer's eligibility to participate in this discount program under this section rests with the department subject to review under chapter 51.52 RCW.

(2) An employer may not receive more than one premium discount. If participating in more than one program involving premium discounts, an employer will receive only the largest individual discount.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-58505 Classification 3413.

WSR 99-12-116
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 2, 1999, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-450-0100 Allocating income—Definitions, 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status, 388-450-016 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status, 388-450-0140 Income of ineligible assistance unit members—Food assistance, 388-450-0160 Sponsored alien—Food assistance, 388-450-0185 General information about earned income disregard and income deductions for food assistance, 388-450-0190 Shelter cost income deductions for food assistance, 388-450-0200 medical cost income deductions for food assistance, and 388-478-0025 TANF payment standards for recent arrivals to Washington state.

Purpose: Changes rules to be consistent with federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-450-0100, clarifies language in defining disqualified assistance unit members. WAC 388-450-0106, corrected reference to WAC 388-450-0100. WAC 388-450-0116, corrected reference to WAC 388-450-0100. WAC 388-450-0140, clarified language and added reference to felons as ineligible assistance unit members. WAC 388-450-0160, defined income of a sponsor to correctly address the income of the sponsor's spouse. WAC 388-450-0185, clarified language and requirements for dependent care deduction. WAC 388-450-0190, corrected shelter deduction to reflect current standard and removed reference to actual utility cost. WAC 388-450-0200, added language to include deduction for anticipated medical expenses. WAC 388-478-0025, repealed WAC on TANF payment standards for recent arrivals to Washington state.

Reasons Supporting Proposal: Current rules do not reflect federal laws, rules, and regulations.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-450-0100 Allocating income—Definitions, 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status, 388-450-0116 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status, 388-450-0140 Income of ineligible assistance unit members—Food assistance, 388-450-0160 Sponsored alien—Food assistance, 388-450-0185 General information about earned income disregard and income deductions for food assistance, 388-450-0190 Shelter cost income deductions for food assistance, and 388-450-0200 medical cost income deductions for food assistance.

Proposal Repeals the Following Rule: WAC 388-478-0025 TANF payment standards for recent arrivals to Washington state.

WAC 388-450-0100, clarifies language in defining disqualified assistance unit members. WAC 388-450-0106, corrected reference to WAC 388-450-0100. WAC 388-450-0116, corrected reference to WAC 388-450-0100. WAC 388-450-0140, clarified language and added reference to felons as ineligible assistance unit members. WAC 388-450-0160, defined income of a sponsor to correctly address the income of the sponsor's spouse. WAC 388-450-0185, clarified language and requirements for dependent care deduction. WAC 388-450-0190, corrected shelter deduction to reflect current standard and removed reference to actual utility cost. WAC 388-450-0200, added language to include deduction for anticipated medical expenses. WAC 388-478-0025, repealed WAC on TANF payment standards for recent arrivals to Washington state.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0100 Allocating income—Definitions.

The following definitions apply to the allocation rules for TANF/SFA, RCA, and GA programs:

(1) "**Dependent**" means a person who:

(a) Is or could be claimed for federal income tax purposes by the financially responsible person; or

(b) The financially responsible person is legally obligated to support.

(2) "**Financially responsible person**" means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(3) A "**disqualified assistance unit member**" means a person who is:

(a) An unmarried pregnant or parenting minor under age eighteen who has not completed a high school education or general education development (GED) certification and is not participating in those educational activities which would lead to the attainment of a high school diploma or GED;

(b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation; ~~((and))~~

(c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed ninety days;

(d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

(e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

~~((3) "Financially responsible person" means a parent, stepparent, adoptive parent, spouse or caretaker relative.))~~

(4) "**Ineligible assistance unit member**" means an individual who is:

(a) ~~((Is))~~ Ineligible for cash assistance due to citizenship/alien status requirement in ~~((chapter 388-424))~~ WAC 388-424-0005;

~~((Has been disqualified from receiving assistance under WAC 388-446-0010 based on a conviction in federal or state court of having made a fraudulent statement or representation with respect to their place of residence in order to receive assistance from two or more states at the same time;~~

~~((Has been disqualified from receiving assistance under WAC 388-446-0005 based on a conviction for unlawfully receiving public assistance;~~

~~((Has been disqualified from receiving))~~ Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

~~((Is disqualified from receiving))~~ (c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

~~((Is disqualified from receiving))~~ (d) Ineligible to receive assistance under WAC 388-442-0010 for violating a

condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;

- ~~((g)-(h))~~ (e) The spouse of a woman who receives cash benefits from the GA-S program; ~~(and~~
- ~~(h)-(i))~~ or
- (f) The adult parent of a minor parent's child.

AMENDATORY SECTION (Amending WSR 98-24-037, filed 11/24/98, effective 12/25/98)

WAC 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status. This section applies to TANF/SFA, RCA, RMA and TANF/SFA-related medical programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is included in the assistance unit, that person's income is allocated to household members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions:

- (1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;
- (2) An amount equal to the difference between the payment standards:
 - (a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and
 - (b) Only the eligible assistance unit members.
- (3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through ~~((h))~~ (f);
- (4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and
- (5) The employment related child care expenses for which the household is liable.

AMENDATORY SECTION (Amending WSR 98-24-037, filed 11/24/98, effective 12/25/98)

WAC 388-450-0116 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status. This section applies to TANF/SFA and RCA programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), that person's income, after allowing the following deductions, is countable income available to the assistance unit:

- (1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;

(2) An amount equal to the difference between the payment standards:

- (a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and
 - (b) Only the eligible assistance unit members.
- (3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through ~~((h))~~ (f);
- (4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and
- (5) The employment related child care expenses for which the household is liable.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0140 Income of ineligible assistance unit members—Food assistance. (1) When a food assistance ~~((unit))~~ household contains a person who is disqualified for intentional program violation or failure to meet work requirements as provided in chapter 388-444 WAC, all income of the disqualified person is included as part of the entire ~~((assistance unit's))~~ household's income:

- (a) The standard deduction and allowable deductions for earned income, medical costs, dependent care, and excess shelter costs are applied; and
 - (b) The ~~((assistance unit's coupon allotment is))~~ household's benefits are not increased as a result of the exclusion of the disqualified person.
- (2) When ~~((an assistance unit))~~ a household contains a person who is ineligible due to alien status ~~((or))~~, felon status as described in WAC 388-442-0010, failure to sign the application attesting to citizenship or alien status, or who has been disqualified for refusal to obtain or provide a Social Security number:

- (a) ~~((A share of))~~ The income of the ineligible person is ~~((counted as income to the eligible assistance unit members after prorating the income))~~ prorated among all household members ~~((, including the ineligible member, and excluding))~~. The ineligible person's share is excluded, and the remainder is counted as income to the eligible household members;
 - (b) Apply the twenty percent earned income ~~((deduction is applied))~~ disregard to the ineligible person's earned income attributed to the ~~((assistance unit))~~ household; and
 - (c) Divide the portion of the ~~((assistance unit's))~~ household's allowable shelter ~~((and dependent care expense which is paid by or billed to the ineligible person is divided))~~ expenses evenly among all members of the ~~((assistance unit, provided))~~ household, when the ineligible members have income.
- (3) The ineligible or disqualified ~~((assistance unit))~~ household member is not counted when determining the ~~((assistance unit's))~~ household's size for purposes of:
- (a) Comparing the ~~((assistance unit's))~~ household's total monthly income to the income eligibility standards; and
 - (b) Computing benefits.

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AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0160 Sponsored alien—Food assistance. For food assistance, this section applies to aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983:

(1) For the purpose of this rule, income of the sponsor means:

(a) Income of the sponsor; and

(b) Income of the sponsor's spouse when the spouse lives with the sponsor.

(2) Portions of the income of a sponsor (~~and sponsor's spouse are~~) is counted as unearned income and applied to the food assistance benefits of a sponsored alien (~~if living with the sponsor~~). The income of an alien's sponsor is available for three years following the alien's admission for permanent residence to the U.S.

~~((2))~~ (3) The income of the alien's sponsor (~~and sponsor's spouse~~) must be verified by the client (~~if the client is living with the sponsor~~) at application or recertification for food assistance.

~~((3))~~ (4) The available income is computed as follows:

(a) Total monthly earned and unearned income of the sponsor (~~and sponsor's spouse~~):

(i) Minus twenty percent of the gross earned income; and

(ii) Minus the amount of the gross income eligibility standard for a household size equal to the sponsor, the sponsor's spouse, and all dependents.

(b) Plus any actual money paid to the alien by the sponsor or sponsor's spouse in excess of the amount computed in subsection ~~((3))~~ (4)(a) of this section is treated as unearned income.

~~((4))~~ (5) The net income in subsection ~~((3))~~ (4) of this section is available to a sponsored alien who:

(a) Applies for and receives food assistance; or

(b) Is recertified for food assistance.

~~((5))~~ (6) If the sponsored alien can show the sponsor is also sponsoring other aliens, the available income is divided by the number of sponsored aliens applying for, or receiving food assistance.

~~((6))~~ (7) If an alien changes sponsors during the certification period, available income is reviewed based on the required information about the new sponsor as soon as possible after the information is supplied and verified by the client.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0185 General information (~~regarding~~) about earned income disregard and income deductions for food assistance programs. The following (~~income deductions are used~~) amounts are deducted from a household's income to compute food assistance program benefits:

(1) (~~A standard deduction of~~) One hundred thirty-four dollars per household per month (standard deduction);

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

(3) (~~A portion of the actual~~) The amount of the household's incurred or expected monthly ((amount of)) dependent care ((deduction)) expense;

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

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

(c) (~~Not to exceed~~) The expense must be payable to someone outside of the household; and

(d) The deduction cannot exceed:

(i) Two hundred dollars for each dependent ((one year of age or younger)) under two years of age; or

~~((d) Not to exceed)~~ (ii) One hundred seventy-five dollars for each ((other)) dependent age two or older.

(4) (~~A deduction for~~) Nonreimbursable monthly medical expenses over thirty-five dollars incurred or ((anticipated)) expected to be incurred by an elderly or disabled household member as specified under WAC 388-450-0200.

(5) (~~A deduction for~~) Legally obligated child support paid for a person who is not a member of the household.

(6) Shelter costs as provided in WAC 388-450-0190.

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 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0190 Shelter cost income deductions for food assistance. (1) Shelter costs include:

(a) Rent, lease payments and mortgage payments; and

(b) Utility costs.

(2) Shelter costs are deducted from gross income if the costs are in excess of fifty percent of the assistance unit's income after deducting the standard, earned income, medical, child support, and dependent care deductions:

(a) For an assistance unit containing an elderly or disabled member the entire amount of excess shelter costs is deducted;

(b) For all other assistance units the excess shelter cost deduction cannot exceed two hundred ~~((and fifty))~~ seventy-five dollars.

(3) Shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster if the:

(i) Assistance unit intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food assistance purposes; and

(iii) The home is not being leased or rented during the assistance unit's absence.

(b) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster.

(c) The standard utility allowance ~~((or actual utility costs))~~ as provided in WAC 388-450-0195.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0200 Medical cost income deductions for food assistance. (1) Excess medical and/or shelter deductions (~~(paid)~~) **incurred** by the client are allowed when a client:

- (a) Is elderly or disabled;
- (b) Received food assistance as a noncash assistance unit until becoming categorically eligible due to the receipt of SSI; or
- (c) (~~(Became)~~) **Becomes** categorically eligible due to the receipt of SSI after noncash assistance food stamps were denied as provided under (~~(chapter 388-414)~~) **WAC 388-414-0001**.

(2) One-time medical expenses are averaged over the certification period(;) or taken as a deduction at one time at the client's option.

(3) Anticipated medical expenses are averaged over the certification period.

(4) A medical expense deduction is not allowed when the expense is:

- (a) A reimbursement;
- (b) A vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments;
- (c) Claimed after the initial billing, even though:
 - (i) Not reported when first due;
 - (ii) Included in the most recent billing; and
 - (iii) Actually paid.
- (d) Allowed as a deduction once but not paid, and subsequently included in a repayment agreement;
- (e) Included in a timely but defaulted repayment agreement and then included in a subsequent repayment agreement;
- (f) Claimed by a client after presumptive SSI is denied;
- (g) Considered overdue to the provider; or
- (h) Already paid by a prospectively budgeted assistance unit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-478-0025 TANF payment standards for recent arrivals to Washington state.

WSR 99-12-117
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 2, 1999, 10:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-470-0025 Excluded resources for cash assistance, 388-470-0035 Excluded resources for

food assistance, 388-470-0045 Resources that are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs, 388-470-0055 Resources that are counted for food assistance, 388-470-0075 How vehicles are counted for food assistance, 388-482-0005 Student status for food assistance, 388-412-0005 General information about cash assistance payments, 388-412-0015 Food assistance allotments, and 388-416-0005 Certification periods for food assistance.

Purpose: Changes rules to be consistent with federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-470-0025, expanded descriptions of excluded resources. WAC 388-470-0035, added an additional excluded resource. WAC 388-470-0045, clarified how to treat motor homes for each program. WAC 388-470-0055, clarified what portion of the resource is counted. WAC 388-470-0075, expanded on vehicle exclusions. WAC 388-482-0055, corrected eligible student criteria. WAC 388-412-0005, eliminated duplication within the rule. WAC 388-412-0015, corrected food assistance calculation. WAC 388-416-0005, corrected certification period lengths.

Reasons Supporting Proposal: RCW 74.08.090 gives the department authority to make rules and regulations to ensure uniform administration of programs throughout the state. RCW 74.04.510 requires the department to adopt rules consistent with federal laws, rules and regulations relating to the food stamp program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, Division of Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3071.

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: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-470-0025 Excluded resources for cash assistance, 388-470-0035 Excluded resources for food assistance, 388-470-0045 Resources that are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs, 388-470-0055 Resources that are counted for food assistance, 388-470-0075 How vehicles are counted for food assistance, 388-482-0005 Student status for food assistance, 388-412-0005 General information about cash assistance payments, 388-412-0015 Food assistance allotments, and 388-416-0005 Certification periods for food assistance.

Current rules contain errors and omissions that must be resolved in order to allow for the correct administration of cash, medical, and food assistance programs. WAC 388-470-0025, expanded descriptions of excluded resources. WAC 388-470-0035, added an additional excluded resource. WAC 388-470-0045, clarified how to treat motor homes for each program. WAC 388-470-0055, clarified what portion of the

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resource is counted. WAC 388-470-0075, expanded on vehicle exclusions. WAC 388-482-0055, corrected eligible student criteria. WAC 388-412-0005, eliminated duplication within the rule. WAC 388-412-0015, corrected food assistance calculation. WAC 388-416-0005, corrected certification period lengths.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative change.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0025 Excluded resources for cash assistance. The following resources do not count toward the resource limits for cash assistance:

(1) Adoption support payments when the adopted child is excluded from the assistance unit.

(2) Bona fide loans which means the loan is a debt a client owes and has an obligation to repay.

(3) Earned income tax credit and advanced earned income tax credit in the month received and the following month.

(4) ~~((For cash assistance only.))~~ Excess real property on which a client is not living:

(a) When, for a period not to exceed nine months, a client:

(i) Makes a good-faith effort to sell the excess property; and

(ii) Signs an agreement to repay the amount of benefits received or the net proceeds of the sale, whichever is less.

(b) Upon cash assistance approval, the agreement to repay is sent to office of financial recovery to file a lien without a specified amount; or

(c) Is used in a self-employment enterprise and meets the criteria in subsection (10) of this section.

(5) Food coupon allotment from the food assistance programs.

(6) Food service payments provided for children under the National School Lunch Act of 1966, PL 92-433 and 93-150.

(7) Foster care payments provided under Title IV-E(;) and/or state ~~((or Local))~~ foster care maintenance payments.

(8) Housing and Urban Development (HUD) community development block grant funds.

(9) Income tax refunds are excluded in the month the refund is received.

(10) A bank account jointly owned with an SSI recipient when SSA counted the funds to determine the SSI recipient's eligibility.

(11) Real and personal property used in a self-employment enterprise if:

(a) The property is necessary to restore the client's independence or will aid in rehabilitating the client or the client's dependents; and

(b) The client has ~~((signed an agreed))~~ approved self-employment plan ((with the department)) ; and

(c) For WorkFirst participants, the self-employment enterprise is a component of the participant's approved individual responsibility plan (IRP).

(12) Retroactive cash benefits or TANF benefits resulting from a court order modifying a department policy.

(13) Self-employment-accounts receivable that a client bills to the client's customer but has been unable to collect.

(14) SSI recipient's income and resources.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0035 Excluded resources for food assistance. The following resources do not count toward a client's resource limit.

(1) Earned income tax credit is excluded:

(a) In the month it is received and the following month if the person was not a food assistance recipient when the credit was received; or

(b) For twelve months when the person:

(i) Was a food assistance recipient when the credit was received; and

(ii) Remains a food assistance recipient continuously during this period.

(2) Essential property needed for employment or self-employment of a household member is excluded. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(3) Excluded funds that are deposited in a bank account with countable funds continue to be excluded up to six months from the date of deposit.

(4) Governmental disaster payments to repair a damaged home when the household can be sanctioned if the funds are not used for this purpose.

(5) A home a client is living in including the surrounding property that is not separated by property owned by others is excluded. Public right of ways do not affect this exclusion;

(6) A home that the household is not living in and surrounding property is excluded if the household:

(a) Is making a good faith effort to sell; or

(b) Is planning to return to the home and it is not occupied due to:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Unlivable conditions caused by a natural disaster or casualty.

(7) Any other property is excluded if the household:

(a) Has offered the property for sale through a professional real estate broker; and

(b) Has not declined an offer equivalent to fair market value.

(8) Indian lands that are held jointly by the tribe or can be sold only with the approval from the Bureau of Indian Affairs (BIA) are excluded;

~~((8))~~ (9) Installment contracts:

(a) Installment contracts or agreements for the sale of land or property are excluded when they are producing income consistent with their fair market value;

(b) Value of property sold under an installment contract or held for security is excluded if the purchase price is consistent with fair market value.

~~((9))~~ (10) Insurance policies and pension funds:

(a) Cash value of life insurance policies and pension funds (excluding IRAs and Keogh Plans) are excluded.

(b) Prepaid burial plans are excluded when the plan:

(i) Is death insurance as opposed to a bank account; and

(ii) Requires repayment for allowable withdrawals.

~~((10))~~ (11) Land. Where a client plans to build a permanent home or is excluded where their property is not separated by land owned by others. The land is countable if the assistance unit owns another home.

~~((11))~~ (12) A resource is excluded when it is owned by an assistance

unit member who receives TANF/SFA or SSI.

~~((12))~~ (13) Resources that are owned by persons who are not members of the household are excluded.

~~((13))~~ (14) A resource is excluded when, if it is sold, would only result in a gain to the household of one-half of the applicable resource limit as defined under WAC 388-470-0005. The resource must be something other than stocks, bonds, negotiable financial instruments, or a vehicle.

~~((14))~~ (15) Prorated income for self-employed persons or ineligible students. These monies retain their exclusion for the period of time the income is prorated even when commingled with other funds.

~~((15))~~ (16) Real or personal property when:

(a) It produces yearly income that is equal to its fair market value even when used only on a seasonal basis;

(b) Secured by a lien for a business loan and the lien prevents the household from selling it; or

(c) It is directly related to the maintenance or use of a vehicle excluded in WAC 388-470-0075.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0045 Resources that are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs. (1) The following resources are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs:

(a) Liquid resources such as cash on hand, monies in checking or savings accounts; or

(b) ~~(Motor home when not used as a residence; or~~

~~(d))~~ Stocks or bonds minus any early withdrawal penalty.

(2) For TANF/SFA, GA, and TANF/SFA-related medical, the entire value of a motor home is counted as a resource when not used as a residence. For food assistance, a motor home is treated as a vehicle as described in WAC 388-470-0057.

(3) A resource owned with a person other than a spouse, contract vendor, mortgage or lien holder (jointly owned) is counted as follows:

(a) For cash assistance and TANF-related medical, the client's share of the equity value; or

(b) For food assistance, resources jointly owned by separate assistance units are considered available in their entirety to each assistance unit.

~~((3))~~ (4) A client may provide evidence that all or a portion of a jointly owned resource:

(a) Belongs to the other owner; and

(b) Is held for the benefit of the other owner.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0055 Resources that are counted for food assistance. The net value of the following resources are counted toward an assistance unit's resource limit:

(1) Excluded funds that are deposited in an account with countable funds (commingled) for more than six months from the date of deposit.

(2) Lump sums such as insurance settlements, refunded cleaning and damage deposits.

(3) Resources of ineligible household members, as described in WAC 388-408-0035(9).

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0075 How vehicles are counted for food assistance. (1) The entire value of a licensed vehicle even during periods of temporary unemployment is excluded if the vehicle is:

(a) Used over fifty percent of the time for income-producing purposes. An excluded vehicle used by a self-employed farmer or fisher retains its exclusion for one year from the date the household member ends this self-employment.

(b) Used to produce income annually that is consistent with its fair market value (FMV).

(c) Necessary for long-distance travel that is essential to the employment of an assistance unit member whose resources are considered available to the assistance unit. Vehicles needed for daily commuting are not excluded under this provision.

(d) Necessary for hunting or fishing to support the household.

(e) Used as the assistance unit's home.

(f) Used to carry fuel for heating or water for home use when this is the primary source of fuel or water for the assistance unit.

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(g) Needed to transport ~~((a temporarily or permanently))~~ an elderly or a physically disabled household member.

(2) The FMV in excess of four thousand six hundred fifty dollars is counted toward the assistance unit's resource limit for the following licensed vehicles if not excluded in subsection (1) above:

(a) One per assistance unit regardless of use;

(b) Used for transportation to and from work, training, or education; or

(c) Used for seeking employment.

(3) For all other licensed vehicles, the larger value of the following is counted toward the assistance unit's resource limit:

(a) FMV in excess of four thousand six hundred fifty dollars; or

(b) Equity value.

(4) Unlicensed vehicles driven by tribal members on the reservation are treated like a licensed vehicle.

(5) For unlicensed vehicles the equity value is counted towards the assistance unit's resource limit unless the vehicle is:

(a) Used to produce income annually that is consistent with its FMV even if used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of an assistance unit member.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-482-0005 Student status for food assistance. (1) A food assistance client is considered a student when the client is:

(a) Aged eighteen through forty-nine years;

(b) Physically and mentally able to work; and

(c) Enrolled ~~((at least half time))~~ in an institution of higher education at least half-time as defined by the institution.

(2) An institution of higher education is:

(a) Any educational institution requiring a high school diploma or general education development certificate (GED);

(b) Business, trade or vocational schools requiring a high school diploma or GED; or

(c) A two-year or four-year college or university offering a degree but not requiring a high school diploma or GED.

(3) To be ~~((an))~~ eligible ~~((student in the))~~ for food assistance ~~((programs))~~, a student as defined in subsection (1) of this section must meet at least one of the following requirements:

(a) ~~((Work and receive pay for a average of twenty hours each week. A self-employed student's weekly earnings must be equal to or above the federal minimum wage multiplied by))~~ Be employed for a minimum of twenty hours per week.

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of ~~((their child))~~ a dependent household member age five or younger;

(d) Be responsible for the care of ~~((their child))~~ a dependent household member six through eleven years of age and the department has determined that there is not adequate

child care available during the school year to allow the student to:

(i) Attend class and satisfy the twenty hour work requirement; or

(ii) Take part in a work study program.

(e) Be a single parent responsible for the care of ~~((their child))~~ a dependent household member eleven years old or younger even if child care is available;

(f) Be an adult who has parental control of a child eleven years of age or younger and neither the adult's spouse nor the child's parents reside in the home;

(g) Participate in the WorkFirst program as required under WAC 388-310-400;

(h) Receive benefits from TANF or SFA;

(i) Attend an institution of higher education through:

(i) The job training partnership act (JTPA);

(ii) Food assistance employment and training program (FS E&T);

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

(4) Student status:

(a) Begins the first day of the school term; and

(b) Continues through vacations. Vacations include the summer when the student plans to return to school for the next term.

(5) If the only reason a student is eligible for food assistance is the participation in work study, the student becomes ineligible during the summer months if the student is not working and receiving money from work study. Consider other student eligibility criteria during the summer months.

(6) Student status ends when a student:

(a) Graduates;

(b) Is suspended or expelled;

(c) Drops out; or

(d) Does not intend to register for the next school term other than summer.

AMENDATORY SECTION (Amending WSR 99-02-039, filed 12/31/98, effective 1/31/99)

WAC 388-412-0005 General information about ~~((for))~~ cash assistance payments. (1) Eligible clients may receive cash assistance by electronic benefit transfer (EBT) or ~~((warrants [Each separate assistance receives a separate cash benefit grant, even if there are multiple assistance units in the same residence].))~~

~~((2))~~ warrant, each separate assistance unit receives a separate cash benefit grant, even if there are multiple assistance units in the same residence.

~~((3))~~ (2) A married couple who both receive any general assistance benefit must be considered one assistance unit. However, cash payments are made individually and will not exceed one half of the two-person GA-U standard.

~~((4))~~ (3) Grants are rounded down to the next whole dollar amount with the following exceptions:

(a) Clothing and personal incidental (CPI) allowance; and

(b) Grants with a deduction for repayment of an overpayment.

~~((5))~~ (4) Grant payments are not issued for under ten dollars except:

- (a) Grants with a deduction for repayment of an overpayment;
- (b) CPI allowances with income deducted; or
- (c) Supplemental Social Security (SSI) interim assistance payments.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-412-0015 Food assistance allotments. (1) A client's food assistance benefit amount is called an allotment. An allotment is the total dollar value of coupons an eligible assistance unit receives for a calendar month.

(2) Assistance units with no income receive the maximum allotment as described under the thrifty food plan (TFP) in WAC 388-478-0060. Assistance units with net income receive smaller amounts.

(3) When an assistance unit has income, the allotment is determined by:

(a) Multiplying the assistance unit's net monthly income by thirty percent and rounding ~~((down that amount))~~ up to the next whole dollar; and

(b) Subtracting the results from the thrifty food plan for the appropriate assistance unit size as specified in WAC 388-478-0060.

(4) Except for those described in WAC 388-406-0055 eligible assistance units receive benefits from the effective date of eligibility to the end of the first month. This is called proration and is based on a thirty-day month.

(5) In the first month of eligibility, assistance units do not receive an allotment when the amount is less than ten dollars.

(6) Eligible one and two person assistance units receive a minimum ten dollar allotment:

- (a) After the first month of eligibility; or
- (b) In the first month of eligibility when the CSO receives the assistance unit's application on the first day of the month.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-416-0005 Certification periods for food assistance. A certification period is the specified amount of time the assistance unit is determined eligible. Assistance units are certified for the following periods:

(1) ~~((Up to))~~ Not more than twenty-four months for assistance units without earned income ~~((and))~~ or cash assistance when all members are elderly;

(2) ~~((Up to))~~ Not more than twelve months for assistance units~~(+)~~

- ~~(a) Receiving cash assistance;~~
- ~~(b) With earned income and required to report monthly;~~

or
~~(c) Without)~~ with no earned income and all household members are disabled or elderly.

(3) ~~((Up to))~~ Not more than six months for assistance units:

- ~~(a) ((Assistance units))~~ Receiving cash assistance;
- ~~(b) With earned income and required to report monthly;~~
- ~~(c) With recent work history and required to report monthly; or~~

~~((b) Assistance units))~~ (d) Not likely to have any changes.

~~((Up to))~~ Not more than three months for assistance units:

- ~~(a) Consisting of migrant((s)) or seasonal farmworkers; or~~

~~((All other assistance units))~~ Containing an able-bodied adult with out dependents (ABAWD):

~~(c) Without any income and not receiving cash assistance;~~

~~(d) With expenses that exceed income received;~~

~~(e) That are homeless or staying in an emergency or battered spouse shelter;~~

~~(f) That are staying in a non-ADATSA drug and alcohol treatment center; or~~

~~(g) Not ((included))~~ identified in this section.

WSR 99-12-118
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 2, 1999, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-450-0005 Income—Ownership and availability, 388-450-0215 Prospective budgeting, 388-450-0220 Retrospective budgeting, 388-450-0225 How to calculate the benefit amount for the first month of eligibility for TANF/SFA and RCA applicants, 388-450-0235 Discontinued income, and 388-450-0250 Income of a new assistance unit member.

Purpose: Changes rules to be consistent with federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-450-0005, expanded on definition of available income and how it affects eligibility. WAC 388-450-0215, removed definitions that do not belong in this rule. WAC 388-450-0220, removed duplication. WAC 388-450-0225, clarified how to calculate benefits for the first month of eligibility. WAC 388-450-0235, clarified how to treat discontinued income. WAC 388-450-0250, clarified how to budget the income of a new assistance unit member.

Reasons Supporting Proposal: RCW 74.08.090 gives the department authority to make rules and regulations to ensure uniform administration of programs throughout the state. RCW 74.04.510 requires the department to adopt rules consistent with federal laws, rules and regulations relating to the food stamp program.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, Division of Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3071.

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: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-450-0005 Income—Ownership and availability, 388-450-0215 Prospective budgeting, 388-450-0220 Retrospective budgeting, 388-450-0225 How to calculate the benefit amount for the first month of eligibility for TANF/SFA and RCA applicants, 388-450-0235 Discontinued income, and 388-450-0250 Income of a new assistance unit member.

Current rules contain errors and omissions that must be resolved in order to allow for the correct administration of cash, medical, and food assistance programs. WAC 388-450-0005, expanded on definition of available income and how it affects eligibility. WAC 388-450-0215, removed definitions that do not belong in this rule. WAC 388-450-0220, removed duplication. WAC 388-450-0225, clarified how to calculate benefits for the first month of eligibility. WAC 388-450-0235, clarified how to treat discontinued income. WAC 388-450-0250, clarified how to budget the income of a new assistance unit member.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative change.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0005 Income—Ownership and availability. (1) For TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs:

(a) All available income owned or possessed by a client is considered when determining the client's eligibility and benefit level.

(b) Ownership of income is determined according to applicable state and federal laws pertaining to property ownership and eligibility for assistance programs. For married persons, ownership of separate and community income is determined according to chapter 26.16 RCW.

(c) Income owned by a client is considered available when it is at hand and may be used to meet the client's current need. The gross amount of available income is counted in the month it is received.

(i) If income is usually available on a specific day, it is considered available on that date.

(ii) If income is usually received monthly or semi-monthly and the pay date changes due to a reason beyond the client's control, such as a weekend or holiday, it is counted in the month it is intended to cover rather than the month it is actually received.

(iii) If income is usually received weekly or bi-weekly and the pay date changes due to a reason beyond the client's control, it is counted in the month it is received.

~~(d) ((When the department determines that a client may be entitled to or have an interest in income which may be used to reduce the client's need for assistance, the client may be denied assistance when the client fails or refuses to make a reasonable effort to make the income available or receive the entitlement.~~

~~(i) A client's eligibility is not affected until the income is received as long as the client makes reasonable efforts to make potential income available; and~~

~~(ii) A client may choose whether to receive TANF/SFA or Supplemental Security Income (SSI) benefits.~~

~~(e))~~ The income of a person who is not a member of a client's assistance unit may be considered available to the client under the rules of this chapter if the person is financially responsible for the client and lives in the home with the client. For medical programs, financial responsibility is described in WAC 388-408-0055.

~~((f))~~ (e) For medical programs, the income of a financially responsible person, not living in the home is considered available to the extent it is contributed.

~~((g))~~ (f) Funds deposited into a bank account which is held jointly by a client and another are considered income possessed by and available to the client unless:

(i) The client can show that all or part of the funds belong exclusively to the other account holder and are held or used solely for the benefit of that holder; or

(ii) The funds have been considered by the Social Security Administration (SSA) when determining the other account holder's eligibility for SSI benefits.

(g) Potential income is income a client may have access to that can be used to reduce the need for assistance. For cash and medical programs, when the department determines that a potential income source exists, the client may be denied assistance when the client fails or refuses to make a reasonable effort to make the income available.

(i) A client's eligibility is not affected until the income is received as long as the client makes reasonable efforts to make potential income available; and

(ii) A client may choose whether to receive TANF/SFA or Supplemental Security Income (SSI) benefits.

(2) For TANF/SFA, RCA, GA and food assistance programs the income of an alien's sponsor is considered available to the alien under the rules of this chapter when determining the alien's eligibility and benefit level.

(3) For SSI-related medical:

(a) Income is considered available and owned when it is:
(i) Received; and

(ii) Can be used to meet the clients needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and certain other receipts are not defined as income for SSI-related medical purposes as described in 20 C.F.R. Sec. 416.1103.

(4) For medical programs, trusts are described in WAC 388-505-0595.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0215 Prospective budgeting. Unless specifically stated, this section applies to TANF/SFA, RCA, GA, medical and food assistance programs.

(1) Prospective budgeting means an assistance unit's benefit amount for the month is computed using the best estimate of income and circumstance for that month.

(2) Best estimate means a reasonable expectation and knowledge of current, past and future circumstances. For TANF/SFA, RCA and GA assistance:

(a) An overpayment is established if the income is underestimated; and

(b) A corrective payment is issued if the income is overestimated.

(3) For medical assistance programs, the assistance unit's income is always prospectively budgeted.

(4) For TANF/SFA, RCA, GA, and food assistance programs, an assistance unit's income and circumstances are prospectively budgeted:

(a) For the first two months of benefit eligibility;

(b) When the benefits have been closed for less than one month and were closed in the first prospectively budgeted month; or

(c) When the assistance unit's benefits are suspended, as defined in WAC 388-450-0245 and the assistance unit experiences a significant change in their income, such as loss of employment, in the budget or process month.

(5) For each month of benefit eligibility certain assistance units will have their income prospectively budgeted. This applies to assistance units in which:

(a) All adult members are elderly or disabled and do not have earned income or recent work history, as defined in WAC 388-404-0015, 388-400-0040 and 388-456-0010;

(b) ~~((The members are migrant workers. A migrant worker is a person who works in seasonal agricultural employment that requires the person to be away from their permanent place of residence overnight;~~

(e)) All members are homeless as defined in WAC 388-408-0050; ~~((or))~~

(c) The only countable income is received from migrant work; or

(d) For food assistance programs the only countable income is received from seasonal farm work(=

~~(i) A seasonal farm worker is a person working in seasonal agricultural employment but not required to be away from their permanent place of residence overnight; and~~

~~(ii) A seasonal farm worker assistance unit means an assistance unit which receives its only income from seasonal farm work or unemployment compensation)).~~

(6) Public assistance income is budgeted prospectively.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0220 Retrospective budgeting. This section applies to all TANF/SFA, RCA, GA, and food assistance programs.

(1) Retrospective budgeting means the assistance unit's benefit amount for the payment month is computed using the actual income and circumstances of the budget month.

(a) The budget month is the month in which the income is received by the client.

(b) The process month is the month following the budget month. It is the month during which the department computes the client's benefit amount when income from the budget month is reported timely.

(c) The payment month is the month following the process month.

(2) After the first two months of benefit eligibility, an assistance unit's income and circumstances are retrospectively budgeted, except when the assistance unit:

(a) Is listed in WAC 388-450-0215(5); and

(b) Has discontinued income, as defined in WAC 388-450-0235.

(3) An assistance unit's initial month's benefits are retrospectively budgeted when:

(a) The assistance unit's benefits are reopened after being closed in error;

(b) The assistance unit's benefits are reopened after being closed less than one month and closed after the first initial month of eligibility; or

(c) ~~((A person with income is added to the assistance unit and their income had been allocated to the assistance unit; or~~

~~(d))~~ The assistance unit's benefits were suspended, as defined in WAC 388-450-0245, and:

(i) The first month of eligibility follows the month of suspension; and

(ii) The assistance unit has not experienced a significant change, as provided in WAC 388-450-0245(=

~~(4) Income from a discontinued source that was prospectively budgeted during the first two months of eligibility, may be excluded for retrospective budgeting as specified in WAC 388-450-0235)).~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0225 ((Budgeting income for cash assistance)) How to calculate the benefit amount for the first month of eligibility for TANF/SFA and RCA applicants. (1) The ((grant)) benefit amount for the first calendar month of ((application is computed as follows:

(1) ~~All countable income to be budgeted during the first calendar month of eligibility is subtracted from the payment level plus authorized additional requirements; and~~

(2) ~~The grant is prorated for the remaining number of days in the month beginning with the effective date of eligibility. This prorated figure is the benefit level for the first month of eligibility.)~~ eligibility for TANF/SFA and RCA approved applications is the sum of:

- (a) The prorated grant amount; and
- (b) Approved additional requirements.

(2) The grant amount is calculated by subtracting the countable income as described in WAC 388-450-0180 from the payment standard.

(a) When the countable income is equal to or exceeds the payment standard and there are no approved additional requirements, the assistance unit is not eligible for cash assistance in the first month of eligibility.

(b) When the countable income is more than the payment standard and additional requirements are approved, the amount that exceeds the payment standard is subtracted from the additional requirements.

(c) When the countable income is less than the payment standard, the grant amount is prorated by:

(i) Dividing the grant amount by the number of days in the first month of eligibility; and

(ii) Multiplying the figure in (c)(i) of this subsection by the number of days from the date of eligibility to the last day of the month.

(3) The approved additional requirements are not prorated.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0235 Discontinued income. (1) For TANF/SFA, RCA, GA, and food assistance programs, discontinued income (~~means~~) is income (which) that was previously available to the assistance unit but ((is no longer received)) has stopped.

(2) Discontinued income affects retrospectively budgeted households as defined in WAC 388-450-0220.

(3) When the income of an assistance unit was used to determine the benefit amount in the first two months of eligibility ((has)) and stopped in one of the initial months, the income is not used to determine benefits for the following months.

~~((3))~~ (4) For food assistance ((programs, clients who report during the budget month that income stopped that month will not have the income counted for the)) discontinued income is not budgeted against the corresponding payment month if the client:

(a) Reports on the monthly report or ten days prior to the payment month that the income stopped during the budget month; and

(b) Begins to receive cash assistance the cash grant increases as a result of the discontinued income.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0250 Income of a new assistance unit member. This section applies to all TANF/SFA, RCA, GA, medical and food assistance programs.

(1) ~~((A client's income is treated as specified in chapter 388-418 WAC when the client enters))~~ When a new member is added to an assistance unit and that person has not received benefits in the last calendar month, the new member's income is budgeted prospectively for the first two months of eligibility.

(2) When a recipient establishes a separate assistance unit:

(a) That client is removed from the prior assistance unit; and

(b) The method of income budgeting that was in effect in the prior assistance unit is used for the new assistance unit.

(3) When a person with income is added to the assistance unit and their income had been allocated to the assistance unit:

(a) For cash assistance continue to budget the income retrospectively;

(b) For food assistance:

(i) Discontinue the allocation effective the payment month; and

(ii) Budget the new member's income prospectively for the first two months of eligibility.

WSR 99-12-119

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 2, 1999, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-450-0035 Educational benefits, 388-450-0045 Income from employment or training programs, 388-450-0060 Lump sum payments, 388-450-0065 Gifts—Cash and noncash, 388-450-0080 Self-employment income—General rules, and 388-450-0085 Self-employment income—Allowable expenses.

Purpose: Changes rules to be consistent with federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-450-0035, clarified how rule applies to graduate students. WAC 388-450-0045, added treatment for on-the-job training income for JTPA earnings. WAC 388-450-0060, added treatment of lump sum payments for food assistance. WAC 388-450-0065, corrected treatment of cash gifts for food assistance. WAC 388-450-0080, added requirements for lease or rental property income to be

considered as self-employment income. WAC 388-450-0085, clarified that there is no requirement for exclusive business use of portion of the home in order to have the related expenses considered as a self-employment expense.

Reasons Supporting Proposal: Current rules are not consistent with federal laws, rules, and regulations.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-450-0035 Educational benefits, 388-450-0045 Income from employment or training programs, 388-450-0060 Lump sum payments, 388-450-0065 Gifts—Cash and noncash, 388-450-0080 Self-employment income—General rules, and 388-450-0085 Self-employment income—Allowable expenses.

WAC 388-450-0035, clarified how rule applies to graduate students. WAC 388-450-0045, added treatment for on-the-job training income for JTPA earnings. WAC 388-450-0060, added treatment of lump sum payments for food assistance. WAC 388-450-0065, corrected treatment of cash gifts for food assistance. WAC 388-450-0080, added requirements for lease or rental property income to be considered as self-employment income. WAC 388-450-0085, clarified that there is no requirement for exclusive business use of portion of the home in order to have the related expenses considered as a self-employment expense.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0035 Educational benefits. This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) ~~((A student can))~~ We exclude the educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

- (a) College work study (federal and state);
- (b) Pell grants; and
- (c) BIA higher education grants.

(2) We do not count the following types of educational assistance, in the form of grants, loans, or work study ~~((are not counted))~~ when determining a student's need:

(a) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; and

(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:

- (i) Christa McAuliffe Fellowship Program;
- (ii) Jacob K. Javits Fellowship Program; and
- (iii) Library Career Training Program.

(3) Educational assistance under subsection (2)(a) of this section is disregarded when used for the following attendance costs ~~((is not counted))~~ when a student is attending school less than half-time:

- (a) Tuition;
- (b) Fees; and

(c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(4) Educational assistance under subsection (2)(a) of this section ~~((for a student attending school at least half-time))~~ that is used for the following ~~((attendance costs))~~ expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:

- (a) Books;
- (b) Supplies;
- (c) Transportation;
- (d) Dependent care; and
- (e) Miscellaneous personal expenses.

(5) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.

(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

PROPOSED

(7) When a student participates in a work study program that is not excluded by subsections (1) and (2) of this section, the income received is treated as earned income:

- (a) Applying the applicable earned income disregards;
- (b) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, excluding the difference between the student's appropriate need standard and payment standard; and
- (c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

(8) When a student receives Veteran's Administration Educational Assistance:

- (a) All applicable attendance costs are subtracted; and
- (b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

(9) When a student participates in graduate school studies, educational assistance made available to the student is ~~((treated))~~ counted as ((unearned income)):

(a) Assistance from another agency for cash and medical assistance:

(b) Earned income for food assistance if there are work requirements; or

(c) Unearned income for food assistance if there are no work requirements.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0045 Income from employment or training programs. This section applies to TANF/SFA, RCA, GA, and food assistance programs.

(1) Payments issued under the Job Training Partnership Act (JTPA) are ~~((treated))~~ considered as follows:

(a) Wages paid under JTPA including wages for on-the-job training are ~~((considered))~~ counted as earned income.

(b) For TANF/SFA, RCA, and GA assistance, needs based payments issued under JTPA including payments for on-the-job training are considered as follows:

(i) Payments which cover special needs not covered in the need standard are excluded.

(ii) Payments which duplicate items contained in the need standard are excluded up to the difference between the student's appropriate need standard and payment standard.

(c) For food assistance~~((;))~~:

(i) Living allowances and incentive payments under JTPA are excluded as income; and

(ii) Earnings received from on-the-job training programs under JTPA are:

(A) Counted as earned income for persons:

(I) Age nineteen and older; or

(II) Age eighteen or younger and not under parental control.

(B) Excluded income for persons eighteen years of age or younger and under parental control.

(2) Payments issued under the National and Community Service Trust Act of 1993 (AmeriCorps) are ~~((treated))~~ considered as follows:

(a) For cash assistance, living allowances or stipends paid under AmeriCorps are ~~((considered))~~ counted as earned income.

(b) For food assistance, living allowances or stipends paid under AmeriCorps are excluded income.

(3) AmeriCorps/VISTA stipends and living allowances paid to VISTA volunteers under the Domestic Volunteer Act of 1973:

(a) For TANF/SFA, RCA, and GA assistance, are disregarded as income; and

(b) For food assistance, are ~~((disregarded))~~ counted as earned income((;)). The payments are disregarded if the client received:

(i) Food assistance or cash assistance at the time they joined the Title I program; or

(ii) An income disregard for the Title I program at the time of conversion to the Food Stamp Act of 1977. Disregard of Title I program income will continue through temporary interruptions in food assistance participation.

(4) For TANF/SFA, RCA, and GA assistance, needs based payments issued under AmeriCorps are ~~((treated like))~~ considered the same way as JTPA payments as provided in subsection (1)(b) of this section.

(5) For food assistance, training allowances from vocational and rehabilitative programs are counted as earned income when:

(a) Recognized by federal, state, or local governments; and

(b) Not a reimbursement.

(6) For training allowances received by GA-U clients:

(a) The earned income incentive and work expense deduction specified under WAC 388-450-0175 is applied when applicable; and

(b) For clients enrolled in a remedial education or vocational training course, the actual cost of uniforms or special clothing required for the course is deducted from the training allowance.

(7) Support service payments received by or made on behalf of WorkFirst participants are not considered income.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0060 Lump sum payments. This section applies to TANF/SFA, RCA, GA, and TANF/SFA-related medical, and food assistance benefits. A one-time lump sum payment is ~~((treated))~~ considered as follows:

(1) Compensatory awards or related settlements are considered countable resources as provided in WAC 388-470-0080.

(2) For food assistance, nonrecurring lump sum payments are counted as a resource in the month received unless specifically excluded as a resource in WAC 388-470-0035.

(3) For all other one-time lump sum payments, the amount equal to the difference between the client's countable resources and the resource limit is disregarded as income. The remaining amount is called the net lump sum payment and affects the client's eligibility and benefit amount as provided in WAC 388-450-0240.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0065 Gifts—Cash and noncash. A gift is an item furnished to a client without work or cost on his or her part.

(1) A cash gift is a gift that is furnished as money, cash, checks or any other readily negotiable form.

(a) For TANF/SFA, RCA, GA-S, GA-H, and TANF/SFA-related medical programs, cash gifts (~~(of up to)~~ totaling no more than thirty (~~(cumulative)~~) dollars per calendar quarter for each assistance unit member are disregarded as income.

(b) For GA-U (~~(and food assistance programs)~~), cash gifts are treated as unearned income.

(c) For food assistance programs:

(i) Cash gifts to the assistance unit are excluded if they total thirty dollars or less per quarter:

(ii) Cash gifts in excess of thirty dollars per quarter are counted in full as unearned income.

(2) For TANF/SFA, RCA, GA-S, GA-H, GA-U and TANF/SFA-related medical programs, a noncash gift is treated as a resource.

(a) If the gift is a countable resource, its value is added to the value of the client's existing countable resources and the client's eligibility is redetermined as specified in chapter 388-470 WAC.

(b) If the gift is an excluded or noncountable resource, it does not affect the client's eligibility or benefit level.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0080 Self-employment income—General rules. This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs.

(1) Self-employment earned income is used to reduce a client's need for assistance. The income is treated as earned income as provided in WAC 388-450-0030.

(2) Self-employment earned income is defined as gross business income minus total allowable business expenses as defined in WAC 388-450-0085.

(3) In order to establish eligibility for assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.

(4) Income from the following is treated as self-employment income:

(a) Adult family home;

(b) Farming;

(c) Roomers and boarders;

(d) Rental and lease of personal property or real estate owned by the client (~~(-and)~~) is counted as unearned income unless the following conditions are met:

(i) For TANF/SFA clients, the use of the property is part of an approved individual responsibility plan:

(ii) For food assistance clients, the client spends at least twenty hours per week managing the property; or

(iii) For RCA or GA clients, there are no specific requirements of a self-sufficiency plan or a set number of hours managing the property.

(e) Self-produced or supplied items.

(5) For food assistance, when two or more assistance units share a residence, the money paid from one assistance unit to the other assistance unit for shelter costs is roomer income when:

(a) One assistance unit owns or is buying the residence; or

(b) One assistance unit is renting a residence and charges the other assistance unit an amount that is in excess of the total cost of renting the residence.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0085 Self-employment income—Allowable expenses. The following self-employment expenses are allowed as deductions from gross self-employment income for TANF/SFA, RCA, GA, medical and food assistance programs unless otherwise specified:

(1) Rent or lease of business equipment or property;

(2) Utilities;

(3) Postage;

(4) Telephone;

(5) Office supplies;

(6) Advertising;

(7) Business related insurance, taxes, licenses and permits;

(8) Legal, accounting, and other professional fees;

(9) For TANF/SFA, RCA, and GA assistance programs only, the cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of (~~(an agreed plan pursuant to chapter 388-470 WAC)~~) the individual responsibility plan or other plan approved by the department:

(10) Repairs to business equipment and property, excluding vehicles;

(11) Interest on business loans used to purchase income-producing property or equipment;

(12) Gross wages and salaries paid to employees who are not:

(a) Producing salable goods; or

(b) A member of the assistance unit

(13) Commissions paid to agents and independent contractors;

(14) Seed, fertilizer, and feed grain for a self-employed farmer;

(15) Other reasonable and necessary costs of doing business;

(16) The cost of the place of business(~~(-);~~);

(a) For TANF/SFA, RCA, GA, and medical assistance, if any portion of the client's home is used as the place of business, it must be used exclusively for business to be an allowable business expense. The percentage of the home used for business can be an allowable business expense;

(b) For food assistance, there is no requirement for a portion of the home to be used exclusively for business. The percentage of the home used for business can be an allowable business expense

(17) The following transportation expenses are allowed as a deduction from gross self-employment income:

- (a) Actual, documented costs for:
 - (i) Gas, oil, and fluids;
 - (ii) Replacing worn items such as tires;
 - (iii) Registration and licensing fees;
 - (iv) Auto loan interest; and
 - (v) Business related parking and tolls; or
- (b) A cost per mile established by the department.

WSR 99-12-120
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 2, 1999, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-478-0010 Households with obligations to pay shelter costs, 388-478-0060 Income eligibility standards for food assistance, 388-442-0010 Felons, and 388-408-0035 Assistance units for food assistance.

Purpose: Changes rules to be consistent with federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-478-0010, clarified language. WAC 388-478-0060, changed to show that all household members must receive cash benefits or SSI in order for the household to be exempt from the income standard. WAC 388-442-0010, changed to indicate that persons convicted of an element of possession, use, or distribution of an illegal drug are ineligible for benefits unless the specified conditions are met. WAC 388-408-0035, defined requirements for persons to be considered living in a separate residence and changed WAC to show that persons required to be in one household under subsection (2) of this WAC cannot be a separate household even if they meet the conditions of the previous subsection (4) of the WAC.

Reasons Supporting Proposal: Current rules are not consistent with federal laws, rules, and regulations.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-478-0010 Households with obligations to pay shelter costs, 388-478-0060 Income eligibility standards for food assistance, 388-442-0010 Felons, and 388-408-0035 Assistance units for food assistance.

WAC 388-478-0010, clarified language. WAC 388-478-0060, changed to show that all household members must receive cash benefits or SSI in order for the household to be exempt from the income standard. WAC 388-442-0010, changed to indicate that persons convicted of an element of possession, use, or distribution of an illegal drug are ineligible for benefits unless the specified conditions are met. WAC 388-408-0035, defined requirements for persons to be considered living in a separate residence and changed WAC to show that persons required to be in one household under subsection (2) of this WAC cannot be a separate household even if they meet the conditions of the previous subsection (4) of the WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-478-0010 Households with obligations to pay shelter costs. The monthly need and payment standards for cash assistance are based on a determination of assistance unit size and whether the assistance unit has an obligation to pay shelter costs.

Eligibility and benefit level is determined using standards for assistance unit with obligations to pay shelter costs (~~(if the assistance unit)~~). An assistance unit has an obligation to pay shelter costs if one of the members:

(1) Owns, purchases or rents (~~(its)~~) their place of residence, even if costs are limited to property taxes, fire insurance, sewer, water, or garbage;

(2) Resides in a lower income housing project which is funded under the United States Housing Act of 1937 or Section 236 of the National Housing Act, if the household either

pays rent or makes a utility payment (~~(in lieu)~~) instead of a rental payment; or

(3) Is homeless. Homeless households include persons or families who:

(a) Lack a fixed, regular, and adequate nighttime residence; or

(b) Reside in a public or privately operated shelter designed to provide temporary living accommodations; or

(c) Live in temporary lodging provided through a public or privately funded emergency shelter program.

household members receive cash benefits (TANF, GA-U, GA-S, etc.) ~~(and)~~ or Supplemental Security Income (SSI), they do not have to meet the income standard.

(2) All households (~~((assistance units))~~), based on their size, must have income at or below the limits shown in column B to be eligible for food assistance, except as follows:

(a) Column C is to be used when ~~((an assistance unit))~~ a household includes a person sixty years or older, or with disabilities;

(b) Column E is to be used when determining separate household status for an elderly person and a person with permanent disability, as described in WAC 388-408-0035 (1)(d).

AMENDATORY SECTION (Amending WSR 99-05-074, filed 2/17/99, effective 3/20/99)

WAC 388-478-0060 Income eligibility standards for food assistance. (1) When ~~((an assistance unit receives))~~ all

EFFECTIVE 10-1-98

Column A Household Size	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$ 873	\$ 671	\$125	\$1,107
2	1,176	905	230	1,492
3	1,479	1,138	329	1,877
4	1,783	1,371	419	2,262
5	2,086	1,605	497	2,647
6	2,389	1,838	597	3,032
7	2,693	2,071	659	3,417
8	2,996	2,305	754	3,802
9	3,300	2,539	848	4,187
10	3,604	2,773	942	4,572
Each Additional Member	+304	+234	+94	+385

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-442-0010 Felons. (1) A person is not eligible for TANF/SFA, GA and/or food assistance if the person is:

(a) Fleeing to avoid prosecution, custody, or confinement after conviction of a crime, or an attempt to commit a crime which is considered a felony in the place from which they were fleeing; or

(b) Violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision.

(2) A person is not eligible for TANF/SFA and/or food assistance if convicted of a felony committed after August 21, 1996 involving an element of possession, use, or distribution of an illegal drug, unless the person:

(a) Was convicted only of possession or use of an illegal drug; and

(b) Was not convicted of a felony for illegal drugs within three years of the latest conviction; and

(c) Was assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and

(d) Is taking part in or has completed a rehabilitation plan consisting of chemical dependency treatment and job services.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-408-0035 Assistance units for food assistance. (1) For food assistance, the assistance unit is called a household ~~((is))~~. The household can consist of:

(a) A person living alone;

(b) A group of people living together who purchase or prepare meals together;

(c) A group of people living together who are required to be one household because of the relationship to each other as described in subsection (2) of this section; or

(d) An elderly person with permanent disabilities who is unable to prepare meals. The combined income of all others living in the residence (excluding the spouse) cannot exceed the one hundred sixty-five percent standard under WAC 388-478-0060. The person's spouse must be included in the food assistance household.

PROPOSED

(2) The following people living together must be one household even if they purchase and prepare meals separately:

(a) Spouses which means persons who are legally married or who present themselves as husband and wife to the community, friends and relatives;

(b) Parents and their children under twenty-two years of ~~(age regardless of the child's marital status, and)~~ unless they are living at a separate residence:

(c) Children under eighteen years of age ~~(and the adult who the child is living with when the adult is not the child's parent. When a)~~ that live with an adult that is not their parent are considered under parental control and must be in the adult's household unless they are financially and otherwise independent.

(3) A minor child that lives with an adult who is not the child's parent~~(, the child is considered to be under parental control unless the child receives in their own name)~~ is considered independent financially and otherwise when the child:

~~((i))~~ (i) A TANF grant; or

~~((ii))~~ (ii) Lives with their spouse or children; or

(b) Receives a TANF/SFA grant or gross income equal to or exceeding the TANF/SFA grant standard in WAC 388-478-0020(2) unless the payee for the income is the adult living in the residence.

~~((3))~~ (4) A client lives in a separate residence when they:

(a) Have a separate address; or

(b) Share an address with other persons and have all of the following items separate from the other persons:

(i) Entrance;

(ii) Shower or tub;

(iii) Toilet;

(iv) Place for storing perishable food; and

(v) Device that would normally be used for cooking food.

(5) A household member who is absent from the household a full issuance month, is not eligible for benefits with that household.

~~((4))~~ (6) If not required to be in the household by subsection (2) of this section, the following persons living in the residence~~(are not household members and if eligible)~~ may choose to be a separate food assistance household:

(a) Roomers, who are persons ~~(that)~~ who pay for lodging but not meals;

(b) Others who purchase and prepare meals separately from the household; or

(c) Live-in attendants regardless of purchase and prepare arrangements.

~~((5))~~ (7) The following persons living in the residence are not household members and are not eligible for food assistance as a separate household:

(a) Ineligible students; and

(b) Persons eighteen to fifty years old without dependents who are no longer eligible for benefits as specified in ~~(chapter 388-444))~~ WAC 388-444-0030.

~~((6))~~ (8) A person who is living in the residence and is not a household member as described in subsection~~((4) and (5))~~ (6) and (7), is not included when household size, income

eligibility, and benefit level are determined for the food assistance unit.

~~((7))~~ (9) A boarder is a person who:

(a) Is paying a reasonable amount for lodging and meals as determined by the department; or

(b) Is in foster care.

~~((8))~~ (10) A client can exclude a boarder at the client's request. If excluded, the boarder cannot be a separate food assistance household. Residents of licensed for-profit boarding homes are not eligible for benefits.

~~((9))~~ (11) The following household members are ineligible for food assistance and are considered ineligible members:

(a) Those disqualified for:

(i) Intentional program violation (IPV) as specified in WAC 388-446-0015;

(ii) Noncompliance with work requirements as specified in WAC 388-444-0055; or

(iii) Failure to provide SSN as specified in WAC 388-476-0005;

(b) Those who fail to sign the application attesting to citizenship or alien status or immigrants not eligible because of alien status;

(c) Fleeing felons as specified in WAC 388-442-0010(1); or

(d) Those convicted of drug felonies as described under WAC 388-442-0010(2).

~~((10))~~ (12) A person who is living in the residence and is an ineligible household member is not included when household size and benefit level is determined.

WSR 99-12-121
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 2, 1999, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-07-105.

Title of Rule: WAC 388-418-0012 Prospective eligibility for food assistance, 388-418-0030 Notifying a recipient of intent to reduce, suspend, or terminate assistance, 388-406-0015 Expedited service for food assistance, 388-406-0035 Time limits for application processing, 388-406-0040 Delays in application processing, and 388-406-0050 Completing the application process.

Purpose: Changes rules to be consistent will federal laws, rules, and regulations.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: WAC 388-418-0012, created WAC to reflect requirement that clients be prospectively eligible for food assistance. WAC 388-418-0030, clarified that notice must be mailed ten days before an adverse action is taken. WAC 388-

406-0015, added definition of what expedited service includes and clarified time frame. WAC 388-406-0035, added application processing time frame for food assistance. WAC 388-406-0040, added text to clarify that medical applications are not to be delayed when an application for other assistance is pending. WAC 388-406-0050, removed incorrect reference to medical for no-shows to be considered as a withdrawn application.

Reasons Supporting Proposal: Current rules are not consistent with federal laws, rules, and regulations.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes rules to be consistent with federal laws, rules, and regulations.

Proposal Changes the Following Existing Rules: WAC 388-418-0030 Notifying a recipient of intent to reduce, suspend, or terminate assistance, 388-406-0015 Expedited service for food assistance, 388-406-0035 Time limits for application processing, 388-406-0040 Delays in application processing, and 388-406-0050 Completing the application process.

Proposal creates the following new rule: WAC 388-418-0012 Prospective eligibility for food assistance.

WAC 388-418-0012, created WAC to reflect requirement that clients be prospectively eligible for food assistance. WAC 388-418-0030, clarified that notice must be mailed ten days before an adverse action is taken. WAC 388-406-0015, added definition of what expedited service includes and clarified time frame. WAC 388-406-0035, added application processing time frame for food assistance. WAC 388-406-0040, added text to clarify that medical applications are not to be delayed when an application for other assistance is pending. WAC 388-406-0050, removed incorrect reference to medical for no-shows to be considered as a withdrawn application.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on July 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by June 25, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by July 6, 1999.

Date of Intended Adoption: July 9, 1999.

May 28, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-418-0012 Prospective eligibility for food assistance. (1) We determine eligibility for food assistance every month for all households based on the household's expected circumstances. This is called prospective eligibility.

(2) Households must meet all eligibility requirements in WAC 388-400-0040 or 388-400-0045 in order to be eligible for food assistance unless the household meets the categorical eligibility (CE) requirements in WAC 388-414-0001.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-418-0030 Notifying a recipient of intent to reduce, suspend or terminate assistance. (1) For cash, medical and food assistance a ~~((recipient))~~ notice to reduce, suspend, or terminate assistance must be ~~((notified))~~ mailed to the recipient at least ten days in advance of ((an)) the action ((to reduce, suspend or terminate assistance)). Certain types of circumstances do not require advance notice.

(2) When a ten day advance notice is not required:

(a) For cash assistance and medical, the notice must be mailed or given to the recipient by the date of the action to reduce, suspend or terminate the benefits.

(b) For food assistance, the notice must be mailed or given to the recipient by the date the benefits are received or should have been received.

(3) The ten day advance notice period is not required:

(a) For recipients of cash and food assistance when:

(i) The recipient's whereabouts are unknown and mail was returned by the post office marked no forwarding address;

(ii) The recipient requests termination;

(iii) The department has factual information that the assistance unit has moved to another state or will move to another state before the next benefits are issued; or

(iv) The recipient states in writing that they understand the information they provided will reduce, suspend or terminate their benefits.

(b) For cash and food assistance when the action is based on information provided on a monthly report.

(c) For cash assistance when:

(i) The department has factual information that the recipient or nonrecipient caretaker has died when no other caretaker is available;

(ii) A recipient child is removed from the home under a court order or is voluntarily placed in foster care by the adult caring for the child; or

(iii) A recipient was admitted or committed to an institution which makes them ineligible for benefits.

(d) When a cash assistance recipient's benefits are reduced or terminated because of long-term hospital stay or the recipient is placed in a nursing home.

PROPOSED

- (e) For food assistance only, when:
- (i) The department has factual information that all assistance unit members have died;
- (ii) The federal or state government makes mass changes;
- (iii) The benefits are reduced because cash assistance is approved;
- (iv) An assistance unit member is disqualified for an intentional program violation and the benefits of the remaining members are reduced or terminated because of this disqualification; or
- (v) The department reduces the allotment to collect for an overpayment and the assistance unit already received advance notice.

(4) A separate notice is not required:

- (a) For cash and food assistance when:
- (i) Benefits were approved the recipient was notified of the amount of benefits for each month because the amounts varied.
- (ii) The recipient was already notified when a supplemental payment or increased allotment to restore lost benefits would end.
- (b) For cash assistance, when the recipient was already notified that an emergent need payment was for one month only.

(5) A client continues to receive the same benefits received prior to a ten-day advance notice of reduction, suspension or termination of benefits (continued benefits) when:

- (a) The client requests a fair hearing during this ten-day period; and
- (b) For food assistance only, the client's certification period has not expired.

(6) A client receives continued benefits through the end of the month the fair hearing decision is mailed unless:

- (a) The client:
- (i) States in writing that the assistance unit does not want continued benefits;
- (ii) Withdraws the fair hearing request in writing; or
- (iii) Abandons the fair hearing request; or
- (b) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(7) For food assistance clients, continued benefits end when the certification period expires.

(8) Any continued benefits a client receives pending a fair hearing decision are considered an overpayment when the fair hearing decision agrees with the department's action.

(9) When eligibility for medical care is terminated the client is provided with advance and adequate written notice.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0015 Expedited service for food assistance. (1) ~~((Households eligible for))~~ Expedited service means a client will have verification postponed and receive food assistance benefits by the end of the fifth calendar day from the day after the date ~~((of))~~ the application is filed. The day after that date is day one. ~~((For SSI recipients, this time frame begins on the date the:~~

~~(a) Applicant's local CSO receives the application of a noninstitutionalized SSI household; or~~

~~(b) Applicant is released from a public institution.~~

~~(2) Applicants are eligible for expedited service when the household:~~

~~(a) Has liquid resources of one hundred dollars or less and has gross monthly income under one hundred fifty dollars; or~~

~~(b) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent and applicable utility allowance; or~~

~~(c) When all members are homeless; or~~

~~(d) Includes a destitute migrant or seasonal farmworker, as defined in WAC 388-406-0020, whose liquid resources do not exceed one hundred dollars.~~

~~(3) A household must provide verification of:~~

~~(a) The identity of the applicant; or~~

~~(b) The identity of the authorized representative who is applying for the household; and~~

~~(c) Other eligibility factors that can be verified within the five-day time period specified in subsection (1) of this section.~~

~~(4) A household is not limited to the number of times it can receive expedited service if, following the last expedited certification, the household:~~

~~(a) Completes the postponed verification requirements; or~~

~~(b) Was certified by the regular nonexpedited processing methods.~~

~~(5) When a household is eligible for expedited service and an office interview is not required, the household will have:~~

~~(a) A telephone interview or home visit; and~~

~~(b) Still receive their benefits within the five-day expedited time period.~~

~~(6) A household is entitled to an agency conference within two working days from the date of denial for expedited service))~~

(2) The five-day period starts at a time after the date the application is filed in the following situations:

(a) The five-day period starts the date of the rescheduled interview when the client is screened as expedited service eligible and causes a delay by not showing for the initial interview;

(b) The five-day period starts the date identification is provided when the client causes a delay by not providing identification at the interview; or

(c) The five-day period starts the date of the interview when the client:

(i) Waives the expedited interview and is found eligible for the service at the scheduled interview;

(ii) Is screened as ineligible for expedited service and later found eligible for the service at the scheduled interview; or

(iii) Does not request expedited service on the application and is found eligible for the service at the interview.

(3) For SSI recipients, the five-day period begins on the date the:

(a) Applicant's local office receives the application of a noninstitutionalized SSI household; or

(b) Applicant is released from a public institution.

(4) When clients request expedited service on a recertification form, the five-day period:

(a) Starts the first day of the new certification period when the recertification is made prior to the end of the current certification period;

(b) Starts the first day of the new certification period or the date of interview, whichever is later, when the client causes a delay in the recertification; or

(c) Is the same as a new application when the recertification is made after the current certification period ends.

(5) Clients are eligible for expedited service when:

(a) The household has liquid resources of one hundred dollars or less and has gross monthly income under one hundred fifty dollars; or

(b) The household has combined gross monthly income and liquid resources which are less than the household's current monthly rent and applicable utility allowance; or

(c) All household members are homeless; or

(d) The household includes a destitute migrant or seasonal farmworker, as defined in WAC 388-406-0020, whose liquid resources do not exceed one hundred dollars.

(6) A household must provide verification of:

(a) The identity of the applicant; or

(b) The identity of the authorized representative who is applying for the household; and

(c) Other eligibility factors that can be verified within the five day time period specified in subsection (1) of this section.

(7) A household is not limited to the number of times it can receive expedited service if, following the last expedited certification, the household:

(a) Completes the postponed verification requirements;

or
(b) Was certified by the regular nonexpedited processing methods.

(8) Households eligible for expedited service that are not required to have an office interview will:

(a) Have a telephone interview or home visit; and

(b) Still receive their benefits within the five-day expedited time period.

(9) A household is entitled to an agency conference within two working days from the date of denial for expedited service.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0035 Time limits for processing applications. (1) The application process as defined in WAC 388-406-0050(1) must be completed as quickly as possible. The time limits specified in this section cannot be used as a waiting period for determining eligibility.

(2) When applying the time limits specified in this section, day one is the date following the date:

(a) A request for benefits form is received by the department as specified under WAC 388-406-0010;

(b) A household consisting solely of persons eligible for SSI files a food assistance application at the SSADO; or

(c) An SSI recipient applying for food assistance is released from a public institution when the person filed an application with the SSADO before release.

(3) Time limits are in calendar days unless otherwise specified. Time limits for application process completion are no more than:

(a) Thirty days for TANF, SFA, RCA, consolidated emergency assistance program (CEAP), ~~((and))~~ diversion cash assistance (DCA), and food assistance;

(b) Forty-five days for general assistance and alcohol and drug abuse treatment and shelter assistance (ADATSA); and

(c) Medical program benefits must be processed no more than:

(i) Sixty days when a disability decision is required;

(ii) Fifteen working days for pregnant women; and

(iii) Forty-five days for all other categories.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0040 Delays in application processing.

(1) When the department discovers that a food assistance application has not been processed within the initial thirty day time limit, and:

(a) The department has sufficient information to determine eligibility, the application will be processed without further delay; or

(b) If additional information is needed to determine eligibility, the household will be:

(i) Mailed or given a written request for the additional information needed to determine eligibility; and

(ii) Allowed an additional thirty day period to provide the information.

(2) When a household files a joint application requesting food assistance and medical or cash assistance:

(a) Approval of the food assistance application cannot be delayed pending the processing of the application for medical or cash assistance; ~~((and))~~

(b) A new application for food assistance cannot be required if the application for medical or cash assistance is denied;

(c) Approval for a medical program is not delayed pending the processing of the application for cash or food assistance.

(3) For medical and cash assistance, application processing may be delayed only when good cause exists as specified in WAC 388-406-0045.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0050 Completing the application process. (1) Application processing is completed when the department makes an eligibility decision and:

(a) Authorizes benefits and, for food assistance, mails or gives a written approval notice to the applicant; or

(b) Mails or gives a written withdrawal or denial notice to the applicant.

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(2) The applicant will be notified of the department's eligibility decision in writing. A notice of denial or withdrawal must meet the adequate notice requirements in WAC 388-458-0005.

(3) For cash, medical, and food assistance, an applicant may voluntarily withdraw an application orally or in writing.

(4) For ((medical and)) cash assistance, an application is considered withdrawn when the applicant:

(a) Fails to appear for a scheduled interview required for eligibility determination; and

(b) Does not contact the department to reschedule the interview within thirty days from the date of application.

(5) For approved applications, the date the applicant becomes eligible for assistance is established according to WAC 388-406-0055.

(6) A decision to deny an application must be made according to the requirements of WAC 388-406-0060.

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WSR 99-12-130
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed June 2, 1999, 11:44 a.m.]

Original Notice.

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

Title of Rule: Requirements for transportation, areas of exclusive federal jurisdiction, dose constraints, and disposition of records.

Purpose: To bring radiation protection regulations into conformance with the United States Nuclear Regulatory Commission rules on transportation of radioactive material, disposition of records, reciprocal recognition of licenses in areas of exclusive federal jurisdiction, and dose constraint for air emissions. For clarity, the revisions for transportation are being consolidated into a new chapter.

Statutory Authority for Adoption: RCW 70.98.050.

Statute Being Implemented: RCW 70.98.050.

Summary: The proposed rule establishes a new chapter on transportation (chapter 246-231 WAC), clarifies the requirements for disposition of certain records upon license transfer or termination (WAC 246-221-170, 246-232-060, and 246-235-075), establishes a dose constraint for air emission of radionuclides (WAC 246-221-005 and 246-221-260), and clarifies that licensees must obtain reciprocal recognition when working in areas of exclusive federal jurisdiction (WAC 246-232-040).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry C. Frazee, Mailstop 47827, 7171 Cleanwater Lane, Tumwater, (360) 236-3221.

Name of Proponent: Department of Health, governmental.

Rule is necessary because of federal law, 60 FR 50247, 61 FR 24669, 61 FR 28723, 61 FR 65119, and 62 FR 1662.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule updates and consolidates requirements for transportation of radioactive materials into a single chapter; requires a licensee to transfer records pertaining to site

decommissioning, offsite releases and waste disposal to the new licensee or to the department; establishes a dose constraint for air emissions to assure that emissions do not exceed dose levels that EPA has determined will provide an ample margin of safety; and clarifies that department licensees must seek NRC permission before working in areas of exclusive federal jurisdiction within the state of Washington and elsewhere. These changes are required for compatibility with the United States Nuclear Regulatory Commission (US NRC). The anticipated effect of these changes is to bring our radioactive materials licensees into conformance with national standards.

Proposal Changes the Following Existing Rules: WAC 246-220-010 is amended to define "constraint," to amend the definition of "background," and move several definitions relating to transportation to a new chapter on transportation; WAC 246-220-110 and 246-220-120 are repealed and applicable requirements retained in the new chapter on transportation; WAC 246-221-005 is amended to require a dose constraint of 10 millirem per year be implemented as part of the licensee's ALARA program; WAC 246-221-160 is amended to correct cross references; WAC 246-221-170 is amended to specify where requirements for disposition of records are found; WAC 246-221-260 is amended to require reporting to the department when the licensee exceeds the dose constraint established in WAC 246-221-005; WAC 246-232-001 is amended to correct cross reference; WAC 246-232-040 is amended to clarify that department rules do not apply to areas under exclusive federal jurisdiction; WAC 246-232-060 is amended to specify transfer of decommissioning records to new licensees or to the department upon transfer.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change is exempt from the small business impact statement requirement under RCW 19.85.025(3) because it adopts federal regulations without material change. This rule includes several federal rule changes for which "regulatory flexibility certifications" were prepared stating that the "rule will not have a significant economic impact upon a substantial number of small entities."

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(iii) and (iv), RCW 34.05.328 does not apply to this rule adoption because this rule adopts federal regulations without material change or clarifies the language of a rule or otherwise makes housekeeping changes. This rule is for conformance with the US NRC regulations and is mandatory under our agreement state status with the federal government.

Hearing Location: New Market Center, 7171 Cleanwater Lane, Building 5 Conference Room, Tumwater, WA, on July 6, 1999, at 10:00.

Assistance for Persons with Disabilities: Contact Terry Frazee, (360) 236-3221, by July 2, 1999, TDD (800) 833-6388.

Submit Written Comments to: Terry Frazee, fax (360) 236-2255, by July 6, 1999.

Date of Intended Adoption: July 8, 1999.

June 2, 1999
Mary Selecky
Secretary

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-220-010 Definitions. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) (~~"A₁"~~) means the maximum activity of special form radioactive material permitted to be transported in a Type A package. "~~A₂"~~ means the maximum activity of normal form radioactive material permitted to be transported in a Type A package. ~~A₁ and A₂ values are assigned to individual radionuclides and are tabulated in WAC 246-220-110, Appendix A. Methods of calculating values are also given.~~

(~~2~~) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(~~3~~) (2) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(~~4~~) (3) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

(~~5~~) (4) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(~~6~~) (5) "Adult" means an individual eighteen or more years of age.

(~~7~~) (6) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(~~8~~) (7) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

(~~9~~) (8) "Airborne radioactivity area" means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290, Appendix A, or (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(~~10~~) (9) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(~~11~~) (10) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a

committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(~~12~~) (11) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(~~13~~) (12) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (s⁻¹).

(~~14~~) (13) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these regulations, "radiobioassay" is an equivalent term.

(~~15~~) (14) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

(~~16~~) (15) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(~~17~~) (16) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

(~~18~~) (17) "CFR" means Code of Federal Regulations.

(~~19~~) (18) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

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((20)) (19) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

((21)) (20) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

((22)) (21) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

(22) "Constraint" or dose constraint means a value above which specified licensee actions are required.

(23) "Controlled area." See "Restricted area."

(24) "Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps).

(25) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy, and her estimated date of conception.

(26) "Deep dose equivalent" (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

(27) "Department" means the department of health, division of radiation protection, which has been designated as the state radiation control agency.

(28) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711 percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

(29) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(30) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(31) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these regulations, "radiation dose" is an equivalent term.

(32) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the

period of exposure to retained material will not exceed fifty years.

(33) "Dose equivalent (H_T)" means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(34) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, "limits" is an equivalent term.

(35) "Dosimetry processor" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(36) "dpm" means disintegrations per minute. See also "curie."

(37) "Effective dose equivalent (H_E)" means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).

(38) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(39) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(40) "Exposure" means (a), when used as a verb, being exposed to ionizing radiation or to radioactive material, or (b), when used as a noun, the quotient of ΔQ by Δm where " ΔQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " Δm " are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram. One roentgen is equal to 2.58×10^{-4} coulomb per kilogram of air.

(41) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(42) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(43) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(44) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm^2).

(45) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(46) "Generally applicable environmental radiation standards" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment out-

side the boundaries of locations under the control of persons possessing or using radioactive material.

(47) "Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(48) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(49) "High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

(50) ~~("Highway route controlled quantity" means a quantity of radioactive material in a single package which exceeds:~~

- ~~(a) 3,000 times the A₁ or A₂ quantity as appropriate; or~~
- ~~(b) 30,000 curies, whichever is less.~~

(51)) "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

((52)) (51) "Immediate" or "immediately" means as soon as possible but no later than four hours after the initiating condition.

((53)) (52) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 21 CFR).

((54)) (53) "Individual" means any human being.

((55)) (54) "Individual monitoring" means the assessment of:

(a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or

(b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

((56)) (55) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of these regulations, individual monitoring equipment, personnel monitoring device, personnel dosimeter, and dosimeter are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

((57)) (56) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

((58)) (57) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

((59)) (58) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

((60)) (59) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

((61)) (60) "License" means a license issued by the department in accordance with the regulations adopted by the department.

((62)) (61) "Licensed material" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

((63)) (62) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

((64)) (63) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and which has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

((65)) (64) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

((66) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in Section 71.4 of 10 CFR Part 71.

(67)) (65) "Member of the public" means an individual except when the individual is receiving an occupational dose.

((68)) (66) "Minor" means an individual less than eighteen years of age.

((69)) (67) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these regulations, radiation monitoring and radiation protection monitoring are equivalent terms.

((70)) (68) "NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include by-product, source, or special nuclear material. For the purpose of meeting the definition of a Licensing State by the Conference of Radiation Control Program Directors, Inc. (CRCPD), NARM refers only to discrete sources of NARM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

((71)) (69) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

((72)) (70) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

((73)) (71) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For

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purposes of these regulations, a "deterministic effect" is an equivalent term.

~~((74)) (74) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."~~

((75)) (72) "Nuclear Regulatory Commission" (NRC) means the United States Nuclear Regulatory Commission or its duly authorized representatives.

~~((76)) (76) "Nuclear waste" as used in WAC 246-232-090(5) means any quantity of source or byproduct material, (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.~~

((77)) (73) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, from voluntary participation in medical research programs, or as a member of the public.

((78)) (74) "Ore refineries" means all processors of a radioactive material ore.

~~((79)) (79) "Package" means the packaging together with its radioactive contents as presented for transport.~~

((80)) (75) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

((81)) (76) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

((82)) (77) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing, but shall not include federal government agencies.

((83)) (78) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

((84)) (79) "Personnel monitoring equipment." See individual monitoring devices.

((85)) (80) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

((86)) (81) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

~~((87)) (82) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.~~

~~((88)) (83) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).~~

~~((89)) (84) "Public dose" means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control or to radiation or radioactive material released by the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, or from voluntary participation in medical research programs.~~

~~((90)) (85) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department he/she has the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.~~

~~((91)) (86) "Quality factor" (Q) means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.~~

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent ^a
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^a Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE
EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal)2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸
1 x 10 ⁻¹	7.5	170 x 10 ⁶	170 x 10 ⁸
5 x 10 ⁻¹	11	39 x 10 ⁶	39 x 10 ⁸
1	11	27 x 10 ⁶	27 x 10 ⁸
2.5	9	29 x 10 ⁶	29 x 10 ⁸
5	8	23 x 10 ⁶	23 x 10 ⁸
7	7	24 x 10 ⁶	24 x 10 ⁸
10	6.5	24 x 10 ⁶	24 x 10 ⁸
14	7.5	17 x 10 ⁶	17 x 10 ⁸
20	8	16 x 10 ⁶	16 x 10 ⁸
40	7	14 x 10 ⁶	14 x 10 ⁸
60	5.5	16 x 10 ⁶	16 x 10 ⁸
1 x 10 ²	4	20 x 10 ⁶	20 x 10 ⁸
2 x 10 ²	3.5	19 x 10 ⁶	19 x 10 ⁸
3 x 10 ²	3.5	16 x 10 ⁶	16 x 10 ⁸
4 x 10 ²	3.5	14 x 10 ⁶	14 x 10 ⁸

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

((92)) (87) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

((93)) (88) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

((94)) (89) "Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing

ions. For purposes of these regulations, ionizing radiation is an equivalent term. Radiation, as used in these regulations, does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

((95)) (90) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

((96)) (91) "Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

((97)) (92) "Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

((98)) (93) "Radiation source." See "Source of radiation."

~~((99))~~ (94) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

~~((100))~~ (95) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

~~((101))~~ (96) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

~~((102))~~ (97) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

~~((103))~~ (98) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

~~((104))~~ (99) "Registrant" means any person who is registered by the department or is legally obligated to register with the department in accordance with these regulations and the act.

~~((105))~~ (100) "Registration" means registration with the department in accordance with the regulations adopted by the department.

~~((106))~~ (101) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

~~((107))~~ (102) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

~~((108))~~ (103) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

~~((109))~~ (104) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

~~((110))~~ (105) "Restricted area" means any area to which access is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

~~((111))~~ (106) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air.

~~((112))~~ (107) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

~~((113))~~ (108) "Sealed source" means any device containing radioactive material to be used as a source of radiation

which has been constructed in such a manner as to prevent the escape of any radioactive material.

~~((114))~~ (109) "Shallow dose equivalent" (H_p), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of 1 square centimeter.

~~((115))~~ (110) "SI" means an abbreviation of the International System of Units.

~~((116))~~ (111) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

~~((117))~~ (112) "Site area emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

~~((118))~~ (113) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

~~((119))~~ (114) "Source container" means a device in which radioactive material is transported or stored.

~~((120))~~ (115) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

~~((121))~~ (116) "Source material milling" means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

~~((122))~~ (117) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

~~((123))~~ "Special form radioactive material" means radioactive material which satisfies the following conditions:

~~(a) It is either a single solid piece or is contained in a sealed capsule that can only be opened by destroying the capsule;~~

~~(b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and~~

~~(c) It satisfies the test requirements specified by the United States Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the United States Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.~~

~~(124))~~ (118) "Special nuclear material" means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched in any of the foregoing, but does not include source material.

~~((125))~~ (119) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

~~((126))~~ (120) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, probabilistic effect is an equivalent term.

~~((127))~~ (121) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.

~~((128))~~ (122) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.

~~((129))~~ (123) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.

~~((130))~~ (124) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

~~((131))~~ (125) "Total organ dose equivalent (TODE)" means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.

~~((132))~~ "Type A packaging" means packaging designed in accordance with 49 CFR 173.411 and 173.412 to retain its integral containment and shielding under normal conditions of transport as demonstrated by tests described in 49 CFR 173.465 or 173.466 as appropriate. The contents are limited to A₁ or A₂ quantities. The package does not require competent authority approval.

(133) "Type A quantity" means a quantity of radioactive material less than or equal to the A₁ or A₂ value for a single radionuclide, or for which the sum of the fractions does not exceed unity for a mixture of radionuclides.

~~(134)~~ "Type B packaging" means ~~packaging approved by the United States Nuclear Regulatory Commission for the transport of quantities of radioactivity in excess of A₁ or A₂. It is defined in detail in 10 CFR 71.4.~~

(135) "Type B quantity" means a quantity of radioactive material in excess of a Type A quantity. It requires Type B packaging for transportation.

~~(136))~~ (126) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

~~((137))~~ (127) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

~~((138))~~ (128) "Unrestricted area" (uncontrolled area) means any area which is not a restricted area. Areas where the external dose exceeds 2 mrem in any one hour or where the public dose, taking into account occupancy factors, will exceed 100 mrem total effective dose equivalent in any one year must be restricted.

~~((139))~~ (129) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.

~~((140))~~ (130) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

~~((141))~~ (131) "Week" means seven consecutive days starting on Sunday.

~~((142))~~ (132) "Weighting factor" w_T for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w _T
Gonads	0.25
Breast	0.15

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Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a

Whole Body	1.00 ^b
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^a 0.30 results form 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T=1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

~~((143))~~ (133) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

~~((144))~~ (134) "Worker" means an individual engaged in activities under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

~~((145))~~ (135) "Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are — for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

~~((146))~~ (136) "Working level month" (WLM) means an exposure to one working level for one hundred seventy hours — two thousand working hours per year divided by twelve months per year is approximately equal to one hundred seventy hours per month.

~~((147))~~ (137) "Year" means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-220-110	Appendix A—Determination of A ₁ and A ₂ values.
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WAC 246-220-120	Appendix B—Information on transportation special form licensed material.
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AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-005 Radiation protection programs.

(1) Each specific licensee shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter.

(2) The licensee shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(3) The licensee shall review the radiation protection program content and implementation at the frequency specified in the license.

(4) To implement the ALARA requirements of subsection (2) of this section, and notwithstanding the requirements of WAC 246-221-060, a constraint on air emission of radioactive material to the environment, excluding radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 0.1 mSv (10 mrem) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in WAC 246-221-260 and promptly take appropriate corrective action to ensure against recurrence.

(5) Each licensee shall maintain records of the radiation protection program, including:

- (a) The provisions of the program; and
- (b) Audits, where required, and other reviews of program content and implementation.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-160 Procedures for picking up, receiving, and opening packages.

(1)(a) Each licensee who expects to receive a package containing quantities of radioactive material in excess of the Type A₁ or A₂ quantities specified in WAC ~~((246-220-110))~~ 246-231-200 shall make arrangements to receive:

- (i) The package when it is offered for delivery by the carrier; or
- (ii) Immediate notification from the carrier of the arrival of the package at the carrier's terminal.

(b) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(2) Each licensee shall:

- (a) Monitor for radioactive contamination the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains only radioactive material in the form of gas or in special form

PROPOSED

as defined in WAC (~~(246-220-010 and 246-220-120)~~) 246-231-010; and

(b) Monitor the radiation levels of the external surfaces of any package labeled with a Radioactive White I, Yellow II or Yellow III label unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in WAC (~~(246-220-110)~~) 246-231-200; and

(c) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

(3) The monitoring shall be performed:

(a) Immediately upon receipt if there is evidence of package degradation or any other evidence of potential contamination or excessive radiation levels; or

(b) As soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or no later than three hours from the beginning of the next working day if received after normal working hours.

(4) The licensee shall immediately notify the final delivery carrier and, by telephone and telegram, mailgram, or facsimile, the department when:

(a) For normal shipments, removable radioactive surface contamination exceeds either 22 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 2.2 dpm/cm² for all other alpha emitting radionuclides; or

(b) For exclusive use shipments, removable radioactive surface contamination exceeds either 220 dpm/cm² for beta-gamma emitting radionuclides, all radionuclides with half-lives less than ten days, natural uranium, natural thorium, uranium-235, uranium-238, thorium-232, and thorium-228 and thorium 230 when contained in ores or concentrates; or 22 dpm/cm² for all other alpha emitting radionuclides; or

(c) For normal or exclusive use shipments, external radiation levels exceed two mSv/hour (200 millirem per hour) at any point on the external surface of the package; or

(d) For exclusive use shipments where the shipment is made in a closed transport vehicle, packages are secured in a fixed position, and no loading or unloading occurs between the beginning and end of transportation, external radiation levels exceed ten mSv/hour (1000 millirem per hour) at any point on the external surface of the package.

(5) Each licensee shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to instructions for the type of package being opened and the monitoring of potentially contaminated packaging material (including packages containing radioactive material in gaseous form) to assure that only background levels of radiation are present prior to disposal of such material as nonradioactive waste.

(6) Licensees transferring special form sources to and from a work site in vehicles owned or operated by the licensee are exempt from the contamination monitoring requirements of subsection (2)(a) of this section but are not exempt

from the monitoring requirement in subsection (2)(b) of this section for measuring radiation levels to ensure that the source is still properly lodged in its shield.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-170 Waste disposal, general requirement. (1) No licensee shall dispose of any radioactive material except:

(a) By transfer to an authorized recipient as provided in WAC 246-232-080, or chapter 246-249 WAC; or

(b) As authorized pursuant to WAC 246-221-070, 246-221-180, 246-221-190, 246-221-200, 246-221-210, or 246-221-220.

(c) By decay in storage as authorized in a specific license.

(2) A person shall be specifically licensed to receive waste containing licensed material from other persons for:

(a) Treatment prior to disposal; or

(b) Treatment or disposal by incineration; or

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed pursuant to chapter 246-250 WAC; or

(e) Storage until transferred to a disposal facility authorized to receive the waste.

(3) Nothing in chapter 246-221 WAC relieves the licensee from complying with other applicable federal, state, and local regulations governing any other toxic or hazardous properties of materials that may be disposed pursuant to this chapter.

(4) Each licensee shall maintain records of all transfers and disposals of radioactive material. Requirements for the disposition of certain disposal records, prior to license termination, are located in WAC 246-232-060.

AMENDATORY SECTION (Amending WSR 95-01-108, filed 12/21/94, effective 1/21/95)

WAC 246-221-260 Reports of overexposures and excessive levels and concentrations. (1) In addition to any notification required by WAC 246-221-250, each licensee or registrant shall submit a written report to the department within thirty days after learning of any of the following occurrences:

(a) Incidents for which notification is required by WAC 246-221-250; or

(b) Doses in excess of any of the following:

(i) The occupational dose limits for adults in WAC 246-221-010; or

(ii) The occupational dose limits for a minor in WAC 246-221-050; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in WAC 246-221-055; or

(iv) The limits for an individual member of the public in WAC 246-221-060; or

(v) Any applicable limit in the license; or

(vi) The ALARA constraints for air emissions established under WAC 246-221-005; or

(c) Levels of radiation or concentrations of radioactive material in:

(i) A restricted area in excess of applicable limits in the license; or

(ii) An unrestricted area in excess of ten times the applicable limit set forth in this chapter or in the license or registration, whether or not involving exposure of any individual in excess of the limits in WAC 246-221-060; or

(d) For source materials milling licensees and nuclear power plants subject to the provisions of United States Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(2) Each report required by subsection (1) of this section shall describe:

(a) The incident and its exact location, time and date;

(b) The extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by subsection (3) of this section;

(c) Levels of radiation and concentrations of radioactive material involved, including the radionuclides, quantities, and chemical and physical form;

(d) The cause or probable cause of the exposure, levels of radiation or concentrations;

(e) The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(f) The results of any evaluations or assessments; and

(g) Corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions.

(3) Each report filed with the department pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. With respect to the limit for the embryo/fetus in WAC 246-221-055, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

(4) Individuals shall be notified of reports in accordance with the requirements of WAC 246-222-040.

Chapter 246-231 WAC

PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

APPENDIX A—DETERMINATION OF A1 AND A2

NEW SECTION

WAC 246-231-001 Purpose and scope. (1) This chapter establishes requirements for packaging, preparation for shipment, and transportation of radioactive material.

(2) These rules are in addition to applicable requirements of the United States Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), the

U.S. Postal Service¹, and other requirements of Title 246 WAC.

(3) The regulations in this chapter apply to any licensee authorized by specific or general license issued by the department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this chapter authorizes possession of licensed material.

¹ *Postal Service Manual (Domestic Mail Manual)*, section 124.3, which is incorporated by reference at 39 CFR 111.1.

NEW SECTION

WAC 246-231-005 Requirement for license. No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department, or as exempted in this chapter.

NEW SECTION

WAC 246-231-010 Definitions. The following terms are as defined here for the purpose of this chapter. To ensure compatibility with international transportation standards, all limits in this chapter are given in terms of dual units: The International System of Units (SI) followed or preceded by U.S. standard or customary units. The U.S. customary units are not exact equivalents, but are rounded to a convenient value, providing a functionally equivalent unit. For the purpose of this chapter, either unit may be used.

(1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package.

(2) "A2" means the maximum activity of radioactive material, other than special form, LSA and SCO material, permitted in a Type A package. These values are either listed in WAC 246-231-200, Table A-1, or may be derived in accordance with the procedure prescribed in WAC 246-231-200.

(3) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(4) "Certificate holder" means a person who has been issued a certificate of compliance or other package approval by the U.S. Nuclear Regulatory Commission (USNRC).

(5) "Close reflection by water" means immediate contact by water of sufficient thickness for maximum reflection of neutrons.

(6) "Containment system" means the assembly of components of the packaging intended to retain the radioactive material during transport.

(7) "Conveyance" means:

(a) For transport by public highway or rail any transport vehicle or large freight container;

(b) For transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; and

(c) For transport by aircraft any aircraft.

(8) "Exclusive use" means the sole use by a single consignor of a conveyance for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

(9) "Fissile material" means plutonium-238, plutonium-239, plutonium-241, uranium-233, uranium-235, or any combination of these radionuclides. Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only are not included in this definition. Certain exclusions from fissile material controls are provided in USNRC regulations 10 CFR 71.53.

(10) "Highway route controlled quantity" means a quantity within a single package which exceeds:

(a) 3,000 times the A1 or A2 quantity specified in WAC 246-231-200; or

(b) 1,000 TBq (27,000 Ci) whichever is least.

(11) "Licensed material" means radioactive material received, possessed, used, or transferred under a general or specific license issued by the department pursuant to the regulations in this chapter.

(12) "Low specific activity (LSA) material" means radioactive material with limited specific activity that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(a) LSA-I.

(i) Ores containing only naturally occurring radionuclides (e.g., uranium, thorium) and uranium or thorium concentrates of such ores; or

(ii) Solid unirradiated natural uranium or depleted uranium or natural thorium or their solid or liquid compounds or mixtures; or

(iii) Radioactive material, other than fissile material, for which the A2 value is unlimited; or

(iv) Mill tailings, contaminated earth, concrete, rubble, other debris, and activated material in which the radioactive material is essentially uniformly distributed, and the average specific activity does not exceed $1E-6$ A2/g.

(b) LSA-II.

(i) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(ii) Material in which the radioactive material is distributed throughout, and the average specific activity does not exceed $1E-4$ A2/g for solids and gases, and $1E-5$ A2/g for liquids.

(c) LSA-III. Solids (e.g., consolidated wastes, activated materials) in which:

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uni-

formly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed 0.1 A2; and

(iii) The average specific activity of the solid does not exceed $2E-3$ A2/g.

(13) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than ten days.

(14) "Maximum normal operating pressure" means the maximum gauge pressure that would develop in the containment system in a period of one year under the heat condition specified in USNRC regulations Title 10 CFR 71.71 (c)(1), in the absence of venting, external cooling by an ancillary system, or operational controls during transport.

(15) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(16) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material."

(17) "Nuclear waste" as used in WAC 246-231-140 means any quantity of radioactive material (not including radiography sources being returned to the manufacturer) required to be in Type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site. Nuclear waste, as used in these regulations, is a special classification of radioactive waste.

(18) "Optimum interspersed hydrogenous moderation" means the presence of hydrogenous material between packages to such an extent that the maximum nuclear reactivity results.

(19) "Package" means the packaging together with its radioactive contents as presented for transport.

(a) "Fissile material package" means a fissile material packaging together with its fissile material contents.

(b) "Type B package" means a Type B packaging together with its radioactive contents. On approval by the NRC, a Type B package design is designated as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lb/in²) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in USNRC regulations Title 10 CFR 71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in WAC 246-231-070.

(20) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of this chapter. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

(21) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and

(c) It satisfies the requirements of USNRC regulations. A special form encapsulation designed in accordance with the USNRC requirements in effect on June 30, 1983, (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before July 1, 1985, and a special form encapsulation designed in accordance with the requirements of the USNRC in effect on March 31, 1996, (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before April 1, 1998, may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

(22) "Specific activity" of a radionuclide means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(23) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(24) "Surface contaminated object (SCO)" means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(a) SCO-I: A solid object on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (1E-4 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (1E-5 microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4E+4 Bq/cm² (1.0 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4E+3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4E+4 Bq/cm² (1 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4E+3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(b) SCO-II: A solid object on which the limits for SCO-I are exceeded and on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (1E-2 microcurie/cm²)

for beta and gamma and low toxicity alpha emitters or 40 Bq/cm² (1E-3 microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8E+5 Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8E+4 Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8E+5 Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8E+4 Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

(25) "Transport index" means the dimensionless number (rounded up to the next tenth) placed on the label of a package, to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined as follows:

(a) For nonfissile material packages, the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)); or

(b) For fissile material packages, the number determined by multiplying the maximum radiation level in millisievert per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)), or, for criticality control purposes, the number obtained as described in USNRC regulations 10 CFR 71.59, whichever is larger.

(26) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material, or A2, for normal form radioactive material, where A1 and A2 are given in Table A-1 of WAC 246-231-200, or may be determined by procedures described in WAC 246-231-200.

(27) "Type B quantity" means a quantity of radioactive material greater than a Type A quantity.

(28) Uranium—natural, depleted, enriched.

(a) "Natural uranium" means uranium with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(b) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(c) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

NEW SECTION

WAC 246-231-030 Transportation of licensed material. (1) Each licensee who transports licensed material outside the site of usage, as specified in the license issued by the department, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations

in 49 CFR Parts 170 through 189 appropriate to the mode of transport.

(a) The licensee shall particularly note DOT regulations in the following areas:

(i) Packaging—49 CFR Part 173: Subparts A and B and I.

(ii) Marking and labeling—49 CFR Part 172: Subpart D, Secs. 172.400 through 172.407, Secs. 172.436 through 172.440, and subpart E.

(iii) Placarding—49 CFR Part 172: Subpart F, especially Secs. 172.500 through 172.519, 172.556, and appendices B and C.

(iv) Accident reporting—49 CFR Part 171: Secs. 171.15 and 171.16.

(v) Shipping papers and emergency information—49 CFR Part 172: Subparts C and G.

(vi) Hazardous material employee training—49 CFR Part 172: Subpart H.

(vii) Hazardous material shipper/carrier registration—49 CFR Part 107: Subpart G.

(b) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

(i) Rail—49 CFR Part 174: Subparts A through D and K.

(ii) Air—49 CFR Part 175.

(iii) Vessel—49 CFR Part 176: Subparts A through F and M.

(iv) Public Highway—49 CFR Part 177 and Parts 390 through 397.

(2) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (1) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NEW SECTION

WAC 246-231-040 Exemptions. (1) Common and contract carriers, freight forwarders, and warehouse workers who are subject to the rules and regulations of the United States Department of Transportation (49 CFR Parts 170 through 189) or the United States Postal Service (Domestic Mail Manual, Section 124.3 incorporated by reference, 39 CFR 111.11 (1974)) are exempt from this chapter to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the United States Department of Transportation or United States Postal Service are subject to WAC 246-231-005 and other applicable sections of these regulations.

(2) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of WAC 246-231-005.

(3) Physicians as defined in WAC 246-220-010, are exempt from the requirements of this chapter only to the extent that they transport radioactive material for emergency use in the practice of medicine.

(4) A licensee is exempt from all requirements of this chapter with respect to shipment or carriage of a package containing radioactive material having a specific activity not greater than 70 Bq/g (0.002 uCi/g).

(5) A licensee is exempt from all requirements of this chapter, other than WAC 246-231-030 and 246-231-120, with respect to shipment or carriage of the following packages, provided the packages contain no fissile material:

(a) A package containing no more than a Type A quantity of radioactive material;

(b) A package in which the only radioactive material is low specific activity (LSA) material or surface contaminated objects (SCO), provided the external radiation level at 3 m from the unshielded material or objects does not exceed 10 mSv/h (1 rem/h); or

(c) A package transported within locations within the United States which contains only americium or plutonium in special form with an aggregate radioactivity not to exceed 20 curies.

(6) A licensee is exempt from all requirements of this chapter, other than WAC 246-231-030 and 246-231-120, with respect to shipment or carriage of low-specific-activity (LSA) material in group LSA-I, or surface contaminated objects (SCOs) in group SCO-I.

NEW SECTION

WAC 246-231-050 General licenses for carriers. (1)

A general license is hereby issued to any common or contract carrier not exempted under WAC 246-231-040 to receive, possess, transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation.

(2) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, shipping papers, and incident reporting. Any notification of incidents referred to in those requirements shall be filed with, or made to, the department.

(3) Persons who transport radioactive material pursuant to the general licenses of subsection (1) or (2) of this section are exempt from the requirements of chapters 246-221 and 246-222 WAC to the extent that they transport radioactive material.

(4) A general license is hereby issued to deliver radioactive material to a carrier¹ for transport provided that:

(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of trans-

PROPOSED

port, of the United States Department of Transportation insofar as such regulations relate to the packaging of radioactive material, to shipping papers, and to the monitoring, marking and labeling of those packages.

(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport.

(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to or have been made available to the consignee.

(d) In addition to the requirements of the United States Department of Transportation, each package of Type A or B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of bequerels or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that contamination which would cause undue hazard to public health and safety or property is not present prior to transportation. This requirement does not apply to properly packaged shipments of radioactive waste consigned to a commercial low level radioactive waste disposal facility.

Note 1- For the purpose of this regulation, licensees who transport their own licensed material as a private carrier are considered to have delivered such material to a carrier for transport.

NEW SECTION

WAC 246-231-060 General license: NRC-approved package. (1) A general license is hereby issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the department or NRC.

(2) This general license applies only to a licensee who has a quality assurance program approved by the USNRC.

(3) This general license applies only to a licensee who:

(a) Has a copy of the certificate of compliance, or other approval of the package, and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

(b) Complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of the USNRC; and

(c) Submits in writing to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, before the licensee's first use of the package, the licensee's name and license number and the package identification number specified in the package approval.

(4) This general license applies only when the package approval authorizes use of the package under this general license.

(5) For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the

general license is subject to the additional restrictions of NRC regulations 10 CFR 71.13.

NEW SECTION

WAC 246-231-070 Previously approved package. (1) A Type B package previously approved by NRC but not designated as B(U) or B(M) in the identification number of the NRC Certificate of Compliance, may be used under the general license of WAC 246-231-060 with the following additional conditions:

(a) Fabrication of the packaging was satisfactorily completed by August 31, 1986, as demonstrated by application of its model number in accordance with WAC 246-231-100 (2)(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval, as defined in DOT regulations at 49 CFR 173.403; and

(c) A serial number that uniquely identifies each packaging which conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

(2) A Type B(U) package, a Type B(M) package, a low specific activity (LSA) material package or a fissile material package, previously approved by the NRC but without the designation "-85" in the identification number of the NRC Certificate of Compliance, may be used under the general license of WAC 246-231-060 with the following additional conditions:

(a) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with WAC 246-231-100 (2)(c);

(b) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in DOT regulations at 49 CFR 173.403; and

(c) A serial number which uniquely identifies each packaging which conforms to the approved design is assigned to and legibly and durably marked on the outside of each packaging.

NEW SECTION

WAC 246-231-080 General license: DOT specification container. (1) A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in DOT regulations at 49 CFR Parts 173 and 178.

(2) This general license applies only to a licensee who has a quality assurance program approved by the NRC as satisfying the provisions of subpart H of the NRC regulations, 10 CFR 71.

(3) This general license applies only to a licensee who:

(a) Has a copy of the specification; and

(b) Complies with the terms and conditions of the specification and the applicable requirements of subparts A, G, and H of NRC regulations 10 CFR 71.

(4) This general license is subject to the limitation that the specification container may not be used for a shipment to

a location outside the United States, except by multilateral approval, as defined in DOT regulations at 49 CFR 173.403.

NEW SECTION

WAC 246-231-090 General license: Use of foreign approved package. (1) A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate that has been revalidated by DOT as meeting the applicable requirements of 49 CFR 171.12.

(2) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the USNRC.

(3) This general license applies only to shipments made to or from locations outside the United States.

(4) This general license applies only to a licensee who:

(a) Has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

(b) Complies with the terms and conditions of the certificate and revalidation, and with the applicable requirements of the USNRC.

NEW SECTION

WAC 246-231-100 Applicability of operating controls and procedures. (1) A licensee subject to this chapter, who, under a general or specific license, transports licensed material or delivers licensed material to a carrier for transport, shall also comply with the requirements of NRC regulations 10 CFR 71 subpart G, with the quality assurance requirements of subpart H, and with the general provisions of subpart A.

(2) Before the first use of any packaging for the shipment of licensed material:

(a) The licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;

(b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the licensee shall test the containment system at an internal pressure at least fifty percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; and

(c) The licensee shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by NRC. Before applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved by the U.S. Nuclear Regulatory Commission.

NEW SECTION

WAC 246-231-110 Routine determinations. Before each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable

requirements of this section and of the license. The licensee shall determine that:

(1) The package is proper for the contents to be shipped;

(2) The package is in unimpaired physical condition except for superficial defects such as marks or dents;

(3) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

(4) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

(5) Any pressure relief device is operable and set in accordance with written procedures;

(6) The package has been loaded and closed in accordance with written procedures;

(7) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

(8) Any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose, unless it satisfies the design requirements of NRC regulations 10 CFR 71.45;

(9) The level of nonfixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable, and within the limits specified in DOT regulations in 49 CFR 173.443;

(10) External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in NRC regulations 10 CFR 71.47 at any time during transportation; and

(11) Accessible package surface temperatures will not exceed the limits specified in NRC regulations 10 CFR 71.43(g) at any time during transportation.

NEW SECTION

WAC 246-231-120 Air transport of plutonium. (1) Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this part or included indirectly by citation of 49 CFR chapter I, as may be applicable, the licensee shall assure that plutonium in any form, whether for import, export, or domestic shipment, is not transported by air or delivered to a carrier for air transport unless:

(a) The plutonium is contained in a medical device designed for individual human application; or

(b) The plutonium is contained in a material in which the specific activity is not greater than 0.002 $\mu\text{Ci/g}$ (70 Bq/g) of material and in which the radioactivity is essentially uniformly distributed; or

(c) The plutonium is shipped in a single package containing no more than an A2 quantity of plutonium in any isotope or form, and is shipped in accordance with WAC 246-231-030; or

(d) The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the U.S. Nuclear Regulatory Commission.

(2) Nothing in subsection (1) of this section is to be interpreted as removing or diminishing the requirements of NRC regulations 10 CFR 73.24.

(3) For a shipment of plutonium by air which is subject to subsection (1)(d) of this section, the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, U.S. Department of Transportation regulations applicable to the air transport of plutonium.

NEW SECTION

WAC 246-231-130 Opening instructions. Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with WAC 246-221-160.

NEW SECTION

WAC 246-231-140 Advance notification of shipment of irradiated reactor fuel and nuclear waste. (1) As specified in subsections (2), (3), and (4) of this section, each licensee shall provide advance notification to the governor of a state, or the governor's designee, of the shipment of licensed material, through, or across the boundary of the state, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(2) Advance notification is required under this section for shipments of irradiated reactor fuel in quantities less than that subject to advance notification requirements of NRC regulations 10 CFR 73.37(f). Advance notification is also required under this section for shipment of licensed material, other than irradiated fuel, meeting the following three conditions:

(a) The licensed material is required by this section to be in Type B packaging for transportation;

(b) The licensed material is being transported to or across a state boundary en route to a disposal facility or to a collection point for transport to a disposal facility; and

(c) The quantity of licensed material in a single package exceeds the least of the following:

(i) 3000 times the A1 value of the radionuclides as specified in WAC 246-231-200, Table A-1 for special form radioactive material;

(ii) 3000 times the A2 value of the radionuclides as specified in WAC 246-231-200, Table A-1 for normal form radioactive material; or

(iii) 1000 TBq (27,000 Ci).

(3) Procedures for submitting advance notification.

(a) The notification must be made in writing to the office of each appropriate governor or governor's designee and to the Administrator of the appropriate NRC Regional Office listed in Appendix A of NRC regulations 10 CFR Part 73.

(b) A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

(c) A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

(i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the *Federal Register* on June 30, 1995, (60 FR 34306).

(ii) The list will be published annually in the *Federal Register* on or about June 30 to reflect any changes in information.

(iii) A list of the names and mailing addresses of the governors' designees is available on request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

(d) The licensee shall retain a copy of the notification as a record for three years.

(4) Information to be furnished in advance notification of shipment. Each advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:

(a) The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;

(b) A description of the irradiated reactor fuel or nuclear waste contained in the shipment, as specified in the regulations of DOT in 49 CFR 172.202 and 172.203(d);

(c) The point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;

(d) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(e) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and

(f) A point of contact, with a telephone number, for current shipment information.

(5) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for three years.

(6) Cancellation notice.

(a) Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each state or to the governor's designee previously notified, and to the Administrator of the appropriate NRC Regional Office listed in Appendix A of USNRC regulations 10 CFR 73.

(b) The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for three years.

NEW SECTION

WAC 246-231-200 Appendix A—Determination of A1 and A2.

I. Values of A1 and A2 for individual radionuclides, which are the bases for many activity limits elsewhere in these regulations are given in Table A-1. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) figure. The curie values are expressed to three significant figures to assure that the difference in the TBq and Ci quantities is one tenth of one percent or less. Where values of A1 or A2 are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.

II. For individual radionuclides whose identities are known, but which are not listed in Table A-1, the determination of the values of A1 and A2 requires NRC approval, except that the values of A1 and A2 in Table A-2 may be used without obtaining approval from the NRC.

III. In the calculations of A1 and A2 for a radionuclide not in Table A-1, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter nuclide has a half-life either longer than ten days, or longer than that of the parent nuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A1 or A2 value to be applied shall be those corresponding to the parent nuclide of that chain. In the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than ten days, or greater than that of the parent nuclide, the parent and those daughter nuclides shall be considered as mixtures of different nuclides.

IV. For mixtures of radionuclides whose identities and respective activities are known, the following conditions apply:

(a) For special form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A1(i)} \text{ less than or equal to } 1$$

(b) For normal form radioactive material, the maximum quantity transported in a Type A package:

$$\sum_I \frac{B(i)}{A2(i)} \text{ less than or equal to } 1$$

Where B(i) is the activity of radionuclide I and A1(i) and A2(i) are the A1 and A2 values for radionuclide I, respectively.

Alternatively, an A1 value for mixtures of special form material may be determined as follows:

$$A1 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A1(i)}}$$

Where f(i) is the fraction of activity of nuclide I in the mixture and A1(i) is the appropriate A1 value for nuclide I.

An A2 value for mixtures of normal form material may be determined as follows:

$$A2 \text{ for mixture} = \frac{1}{\sum_I \frac{f(i)}{A2(i)}}$$

Where f(i) is the fraction of activity of nuclide I in the mixture and A2(i) is the appropriate A2 value for nuclide I.

V. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest A1 or A2 value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A1 or A2 values for the alpha emitters and beta/gamma emitters.

Table A-1.—A1 and A2 Values for Radionuclides

Symbol of Radionuclide	Element and atomic number	Specific activity					
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Ac-225	Actinium (89)	0.6	16.2	1E-2	0.270	2.1E+3	5.8E+4
Ac-227		40	1080	2E-5	5.41E-4	2.7	7.2E+1
Ac-228		0.6	16.2	0.4	10.8	8.4E+4	2.2E+6
Ag-105	Silver (47)	2	54.1	2	54.1	1.1E+3	3.0E+4
Ag-108m		0.6	16.2	0.6	16.2	9.7E-1	2.6E+1
Ag-110m		0.4	10.8	0.4	10.8	1.8E+2	4.7E+3

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Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Ag-111		0.6	16.2	0.5	13.5	5.8E+3	1.6E+5
Al-26	Aluminium (13)	0.4	10.8	0.4	10.8	7.0E-4	1.9E-2
Am-241	Americium (95)	2	54.1	2E-4	5.41E-3	1.3E-1	3.4
Am-242m		2	54.1	2E-4	5.41E-3	3.6E-1	1.0E+1
Am-243		2	54.1	2E-4	5.41E-3	7.4E-3	2.0E-1
Ar-37	Argon (18)	40	1080	40	1080	3.7E+3	9.9E+4
Ar-39		20	541	20	541	1.3	3.4E+1
Ar-41		0.6	16.2	0.6	16.2	1.5E+6	4.2E+7
Ar-42		0.2	5.41	0.2	5.41	9.6	2.6E+2
As-72	Arsenic (33)	0.2	5.41	0.2	5.41	6.2E+4	1.7E+6
As-73		40	1080	40	1080	8.2E+2	2.2E+4
As-74		1	27.0	0.5	13.5	3.7E+3	9.9E+4
As-76		0.2	5.41	0.2	5.41	5.8E+4	1.6E+6
As-77		20	541	0.5	13.5	3.9E+4	1.0E+6
At-211	Astatine (85)	30	811	2	54.1	7.6E+4	2.1E+6
Au-193	Gold (79)	6	162	6	162	3.4E+4	9.2E+5
Au-194		1	27.0	1	27.0	1.5E+4	4.1E+5
Au-195		10	270	10	270	1.4E+2	3.7E+3
Au-196		2	54.1	2	54.1	4.0E+3	1.1E+5
Au-198		3	81.1	0.5	13.5	9.0E+3	2.4E+5
Au-199		10	270	0.9	24.3	7.7E+3	2.1E+5
Ba-131	Barium (56)	2	54.1	2	54.1	3.1E+3	8.4E+4
Ba-133m		10	270	0.9	24.3	2.2E+4	6.1E+5
Ba-133		3	81.1	3	81.1	9.4	2.6E+2
Ba-140		0.4	10.8	0.4	10.8	2.7E+3	7.3E+4
Be-7	Beryllium (4)	20	541	20	541	1.3E+4	3.5E+5
Be-10		20	541	0.5	13.5	8.3E-4	2.2E-2
Bi-205	Bismuth (83)	0.6	16.2	0.6	16.2	1.5E-3	4.2E+4
Bi-206		0.3	8.11	0.3	8.11	3.8E+3	1.0E+5
Bi-207		0.7	18.9	0.7	18.9	1.9	5.2E+1
Bi-210m		0.3	8.11	3E-2	0.811	2.1E-5	5.7E-4
Bi-210		0.6	16.2	0.5	13.5	4.6E+3	1.2E+5
Bi-212		0.3	8.11	0.3	8.11	5.4E+5	1.5E+7
Bk-247	Berkelium (97)	2	54.1	2E-4	5.41E-3	3.8E-2	1.0
Bk-249		40	1080	8E-2	2.16	6.1E+1	1.6E+3
Br-76	Bromine (35)	0.3	8.11	0.3	8.11	9.4E+4	2.5E+6
Br-77		3	81.1	3	81.1	2.6E+4	7.1E+5
Br-82		0.4	10.8	0.4	10.8	4.0E+4	1.1E+6
C-11	Carbon (6)	1	27	0.5	13.5	3.1E+7	8.4E+8
C-14		40	1080	2	54.1	1.6E-1	4.5
Ca-41	Calcium (20)	40	1080	40	1080	3.1E-3	8.5E-2
Ca-45		40	1080	0.9	24.3	6.6E+2	1.8E+4
Ca-47		0.9	24.3	0.5	13.5	2.3E+4	6.1E+5
Cd-109	Cadmium (48)	40	1080	1	27.0	9.6E+1	2.6E+3
Cd-113m		20	541	9E-2	2.43	8.3	2.2E+2
Cd-115m		0.3	8.11	0.3	8.11	9.4E+2	2.5E+4
Cd-115		4	108	0.5	13.5	1.9E+4	5.1E+5
Ce-139	Cerium (58)	6	162	6	162	2.5E+2	6.8E+3
Ce-141		10	270	0.5	13.5	1.1E+3	2.8E+4
Ce-143		0.6	16.2	0.5	13.5	2.5E+4	6.6E+5
Ce-144		0.2	5.41	0.2	5.41	1.2E+2	3.2E+3
Cf-248	Californium (98)	30	811	3E-3	8.11E-2	5.8E+1	1.6E+3
Cf-249		2	54.1	2E-4	5.41E-3	1.5E-1	4.1

Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Cf-250		5	135	5E-4	1.35E-2	4.0	1.1E+2
Cf-251		2	54.1	2E-4	5.41E-3	5.9E-2	1.6
Cf-252		0.1	2.70	1E-3	2.70E-2	2.0E+1	5.4E+2
Cf-253		40	1080	6E-2	1.62	1.1E+3	2.9E+4
Cf-254		3E-3	8.11E-2	6E-4	1.62E-2	3.1E+2	8.5E+3
Cl-36	Chlorine (17)	20	541	0.5	13.5	1.2E-3	3.3E-2
Cl-38		0.2	5.41	0.2	5.41	4.9E+6	1.3E+8
Cm-240	Curium (96)	40	1080	2E-2	0.541	7.5E+2	2.0E+4
Cm-241		2	54.1	0.9	24.3	6.1E+2	1.7E+4
Cm-242		40	1080	1E-2	0.270	1.2E+2	3.3E+3
Cm-243		3	81.1	3E-4	8.11E-3	1.9	5.2E+1
Cm-244		4	108	4E-4	1.08E-2	3.0	8.1E+1
Cm-245		2	54.1	2E-4	5.41E-3	6.4E-3	1.7E-1
Cm-246		2	54.1	2E-4	5.41E-3	1.1E-2	3.1E-1
Cm-247		2	54.1	2E-4	5.41E-3	3.4E-6	9.3E-5
Cm-248		4E-2	1.08	5E-5	1.35E-3	1.6E-4	4.2E-3
Co-55	Cobalt (27)	0.5	13.5	0.5	13.5	1.1E+5	3.1E+6
Co-56		0.3	8.11	0.3	8.11	1.1E+3	3.0E+4
Co-57		8	216	8	216	3.1E+2	8.4E+3
Co-58m		40	1080	40	1080	2.2E+5	5.9E+6
Co-58		1	27.0	1	27.0	1.2E+3	3.2E+4
Co-60		0.4	10.8	0.4	10.8	4.2E+1	1.1E+3
Cr-51	Chromium (24)	30	811	30	811	3.4E+3	9.2E+4
Cs-129	Cesium (55)	4	108	4	108	2.8E+4	7.6E+5
Cs-131		40	1080	40	1080	3.8E+3	1.0E+5
Cs-132		1	27.0	1	27.0	5.7E+3	1.5E+5
Cs-134m		40	1080	9	243	3.0E+5	8.0E+6
Cs-134		0.6	16.2	0.5	13.5	4.8E+1	1.3E+3
Cs-135		40	1080	0.9	24.3	4.3E-5	1.2E-3
Cs-136		0.5	13.5	0.5	13.5	2.7E+3	7.3E+4
Cs-137		2	54.1	0.5	13.5	3.2	8.7E+1
Cu-64	Copper (29)	5	135	0.9	24.3	1.4E+5	3.9E+6
Cu-67		9	243	0.9	24.3	2.8E+4	7.6E+5
Dy-159	Dysprosium (66)	20	541	20	541	2.1E+2	5.7E+3
Dy-165		0.6	16.2	0.5	13.5	3.0E+5	8.2E+6
Dy-166		0.3	8.11	0.3	8.11	8.6E+3	2.3E+5
Er-169	Erbium (68)	40	1080	0.9	24.3	3.1E+3	8.3E+4
Er-171		0.6	16.2	0.5	13.5	9.0E+4	2.4E+6
Es-253	Einsteinium (99)a	200	5400	2E-2	5.41E-1	.....	.....
Es-254		30	811	3E-3	8.11E-2	.....	.....
Es-254m		0.6	16.2	0.4	10.8	.....	.....
Es-255							
Eu-147	Europium (63)	2	54.1	2	54.1	1.4E+3	3.7E+4
Eu-148		0.5	13.5	0.5	13.5	6.0E+2	1.6E+4
Eu-149		20	541	20	541	3.5E+2	9.4E+3
Eu-150		0.7	18.9	0.7	18.9	6.1E+4	1.6E+6
Eu-152m		0.6	16.2	0.5	13.5	8.2E+4	2.2E+6
Eu-152		0.9	24.3	0.9	24.3	6.5	1.8E+2
Eu-154		0.8	21.6	0.5	13.5	9.8	2.6E+2
Eu-155		20	541	2	54.1	1.8E+1	4.9E+2
Eu-156		0.6	16.2	0.5	13.5	2.0E+3	5.5E+4
F-18	Fluorine (9)	1	27.0	0.5	13.5	3.5E+6	9.5E+7
Fe-52	Iron (26)	0.2	5.41	0.2	5.41	2.7E+5	7.3E+6

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Fe-55		40	1080	40	1080	8.8E+1	2.4E+3
Fe-59		0.8	21.6	0.8	21.6	1.8E+3	5.0E+4
Fe-60		40	1080	0.2	5.41	7.4E-4	2.0E-2
Fm-255	Fermium (100) b	40	1080	0.8	21.6		
Fm-257		10	270	8E-3	2.16E-1		
Ga-67	Gallium (31)	6	162	6	162	2.2E+4	6.0E+5
Ga-68		0.3	8.11	0.3	8.11	1.5E+6	4.1E+7
Ga-72		0.4	10.8	0.4	10.8	1.1E+5	3.1E+6
Gd-146	Gadolinium (64)	0.4	10.8	0.4	10.8	6.9E+2	1.9E+4
Gd-148		3	81.1	3E-4	8.11E-3	1.2	3.2E+1
Gd-153		10	270	5	135	1.3E+2	3.5E+3
Gd-159		4	108	0.5	13.5	3.9E+4	1.1E+6
Ge-68	Germanium (32)	0.3	8.11	0.3	8.11	2.6E+2	7.1E+3
Ge-71		40	1080	40	1080	5.8E+3	1.6E+5
Ge-77		0.3	8.11	0.3	8.11	1.3E+5	3.6E+6
H-3	Hydrogen (1)	See T- Tritium					
Hf-172	Hafnium (72)	0.5	13.5	0.3	8.11	4.1E+1	1.1E+3
Hf-175		3	81.1	3	81.1	3.9E+2	1.1E+4
Hf-181		2	54.1	0.9	24.3	6.3E+2	1.7E+4
Hf-182		4	108	3E-2	0.811	8.1E-6	2.2E-4
Hg-194	Mercury (80)	1	27.0	1	27.0	1.3E-1	3.5
Hg-195m		5	135	5	135	1.5E+4	4.0E+5
Hg-197m		10	270	0.9	24.3	2.5E+4	6.7E+5
Hg-197		10	270	10	270	9.2E+3	2.5E+5
Hg-203		4	108	0.9	24.3	5.1E+2	1.4E+4
Ho-163	Holmium (67)	40	1080	40	1080	2.7	7.6E+1
Ho-166m		0.6	16.2	0.3	8.11	6.6E-2	1.8
Ho-166		0.3	8.11	0.3	8.11	2.6E+4	7.0E+5
I-123	Iodine (53)	6	162	6	162	7.1E+4	1.9E+6
I-124		0.9	24.3	0.9	24.3	9.3E+3	2.5E+5
I-125		20	541	2	54.1	6.4E+2	1.7E+4
I-126		2	54.1	0.9	24.3	2.9E+3	8.0E+4
I-129		Unlimited	Unlimited	Unlimited	Unlimited	6.5E-6	1.8E-4
I-131		3	81.1	0.5	13.5	4.6E+3	1.2E+5
I-132		0.4	10.8	0.4	10.8	3.8E+5	1.0E+7
I-133		0.6	16.2	0.5	13.5	4.2E+4	1.1E+6
I-134		0.3	8.11	0.3	8.11	9.9E+5	2.7E+7
I-135		0.6	16.2	0.5	13.5	1.3E+5	3.5E+6
In-111	Indium (49)	2	54.1	2	54.1	1.5E+4	4.2E+5
In-113m		4	108	4	108	6.2E+5	1.7E+7
In-114m		0.3	8.11	0.3	8.11	8.6E+2	2.3E+4
In-115m		6	162	0.9	24.3	2.2E+5	6.1E+6
Ir-189	Iridium (77)	10	270	10	270	1.9E+3	5.2E+4
Ir-190		0.7	18.9	0.7	18.9	2.3E+3	6.2E+4
Ir-192		1	27.0	0.5	13.5	3.4E+2	9.2E+3
Ir-193m		10	270	10	270	2.4E+3	6.4E+4
Ir-194		0.2	5.41	0.2	5.41	3.1E+4	8.4E+5
K-40	Potassium (19)	0.6	16.2	0.6	16.2	2.4E-7	6.4E-6
K-42		0.2	5.41	0.2	5.41	2.2E+5	6.0E+6
K-43		1.0	27.0	0.5	13.5	1.2E+5	3.3E+6
Kr-81	Krypton (36)	40	1080	40	1080	7.8E-4	2.1E-2
Kr-85m		6	162	6	162	3.0E+5	8.2E+6
Kr-85		20	541	10	270	1.5E+1	3.9E+2

Symbol of Radionuclide	Element and atomic number	A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	Specific activity (TBq/g)	(Ci/g)
Kr-87		0.2	5.41	0.2	5.41	1.0E+6	2.8E+7
La-137	Lanthanum (57)	40	1080	2	54.1	1.6E-3	4.4E-2
La-140		0.4	10.8	0.4	10.8	2.1E+4	5.6E+5
Lu-172	Lutetium (71)	0.5	13.5	0.5	13.5	4.2E+3	1.1E+5
Lu-173		8	216	8	216	5.6E+1	1.5E+3
Lu-174m		20	541	8	216	2.0E+2	5.3E+3
Lu-174		8	216	4	108	2.3E+1	6.2E+2
Lu-177		30	811	0.9	24.3	4.1E+3	1.1E+5
MFP		(6) For mixed fission products, use formula for mixtures or Table A-2					
Mg-28	Magnesium (12)	0.2	5.41	0.2	5.41	2.0E+5	5.4E+6
Mn-52	Manganese (25)	0.3	8.11	0.3	8.11	1.6E+4	4.4E+5
Mn-53		Unlimited	Unlimited	Unlimited	Unlimited	6.8E-5	1.8E-3
Mn-54		1	27.0	1	27.0	2.9E+2	7.7E+3
Mn-56		0.2	5.41	0.2	5.41	8.0E+5	2.2E+7
Mo-93	Molybdenum (42)	40	1080	7	189	4.1E-2	1.1
Mo-99		0.6	16.2	0.5	13.5c	1.8E+4	4.8E+5
N-13	Nitrogen (7)	0.6	16.2	0.5	13.5	5.4E+7	1.5E+9
Na-22	Sodium (11)	0.5	13.5	0.5	13.5	2.3E+2	6.3E+3
Na-24		0.2	5.41	0.2	5.41	3.2E+5	8.7E+6
Nb-92m	Niobium (41)	0.7	18.9	0.7	18.9	5.2E+3	1.4E+5
Nb-93m		40	1080	6	162	8.8	2.4E+2
Nb-94		0.6	16.2	0.6	16.2	6.9E-3	1.9E-1
Nb-95		1	27.0	1	27.0	1.5E+3	3.9E+4
Nb-97		0.6	16.2	0.5	13.5	9.9E+5	2.7E+7
Nd-147	Neodymium (60)	4	108	0.5	13.5	3.0E+3	8.1E+4
Nd-149		0.6	16.2	0.5	13.5	4.5E+5	1.2E+7
Ni-59	Nickel (28)	40	1080	40	1080	3.0E-3	8.0E-2
Ni-63		40	1080	30	811	2.1	5.7E+1
Ni-65		0.3	8.11	0.3	8.11	7.1E+5	1.9E+7
Np-235	Neptunium (93)	40	1080	40	1080	5.2E+1	1.4E+3
Np-236		7	189	1E-3	2.70E-2	4.7E-4	1.3E-2
Np-237		2	54.1	2.0E-4	5.41E-3	2.6E-5	7.1E-4
Np-239		6	162	0.5	13.5	8.6E+3	2.3E+5
Os-185	Osmium (76)	1	27.0	1	27.0	2.8E+2	7.5E+3
Os-191m		40	1080	40	1080	4.6E+4	1.3E+6
Os-191		10	270	0.9	24.3	1.6E+3	4.4E+4
Os-193		0.6	16.2	0.5	13.5	2.0E+4	5.3E+5
Os-194		0.2	5.41	0.2	5.41	1.1E+1	3.1E+2
P-32	Phosphorus (15)	0.3	8.11	0.3	8.11	1.1E+4	2.9E+5
P-33		40	1080	0.9	24.3	5.8E+3	1.6E+5
Pa-230	Protactinium (91)	2	54.1	0.1	2.70	1.2E+3	3.3E+4
Pa-231		0.6	16.2	6E-5	1.62E-3	1.7E-3	4.7E-2
Pa-233		5	135	0.9	24.3	7.7E+2	2.1E+4
Pb-201	Lead (82)	1	27.0	1	27.0	6.2E+4	1.7E+6
Pb-202		40	1080	2	54.1	1.2E-4	3.4E-3
Pb-203		3	81.1	3	81.1	1.1E+4	3.0E+5
Pb-205		Unlimited	Unlimited	Unlimited	Unlimited	4.5E-6	1.2E-4
Pb-210		0.6	16.2	9E-3	0.243	2.8	7.6E+1
Pb-212		0.3	8.11	0.3	8.11	5.1E+4	1.4E+6
Pd-103	Palladium (46)	40	1080	40	1080	2.8E+3	7.5E+4
Pd-107		Unlimited	Unlimited	Unlimited	Unlimited	1.9E-5	5.1E-4
Pd-109		0.6	16.2	0.5	13.5	7.9E+4	2.1E+6
Pm-143	Promethium (61)	3	81.1	3	81.1	1.3E+2	3.4E+3

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Pm-144		0.6	16.2	0.6	16.2	9.2E+1	2.5E+3
Pm-145		30	811	7	189	5.2	1.4E+2
Pm-147		40	1080	0.9	24.3	3.4E+1	9.3E+2
Pm-148m		0.5	13.5	0.5	13.5	7.9E+2	2.1E+4
Pm-149		0.6	16.2	0.5	13.5	1.5E+4	4.0E+5
Pm-151		3	81.1	0.5	13.5	2.7E+4	7.3E+5
Po-208	Polonium (84)	40	1080	2E-2	0.541	2.2E+1	5.9E+2
Po-209		40	1080	2E-2	0.541	6.2E-1	1.7E+1
Po-210		40	1080	2E-2	0.541	1.7E+2	4.5E+3
Pr-142	Praseodymium (59)	0.2	5.41	0.2	5.41	4.3E+4	1.2E+6
Pr-143		4	108	0.5	13.5	2.5E+3	6.7E+4
Pt-188	Platinum (78)	0.6	16.2	0.6	16.2	2.5E+3	6.8E+4
Pt-191		3	81.1	3	81.1	8.7E+3	2.4E+5
Pt-193m		40	1080	9	243	5.8E+3	1.6E+5
Pt-193		40	1080	40	1080	1.4	3.7E+1
Pt-195m		10	270	2	54.1	6.2E+3	1.7E+5
Pt-197m		10	270	0.9	24.3	3.7E+5	1.0E+7
Pt-197		20	541	0.5	13.5	3.2E+4	8.7E+5
Pu-236	Plutonium (94)	7	189	7E-4	1.89E-2	2.0E+1	5.3E+2
Pu-237		20	541	20	541	4.5E+2	1.2E+4
Pu-238		2	54.1	2E-4	5.41E-3	6.3E-1	1.7E+1
Pu-239		2	54.1	2E-4	5.41E-3	2.3E-3	6.2E-2
Pu-240		2	54.1	2E-4	5.41E-3	8.4E-3	2.3E-1
Pu-241		40	1080	1E-2	0.270	3.8	1.0E+2
Pu-242		2	54.1	2E-4	5.41E-3	1.5E-4	3.9E-3
Pu-244		0.3	8.11	2E-4	5.41E-3	6.7E-7	1.8E-5
Ra-223	Radium (88)	0.6	16.2	3E-2	0.811	1.9E+3	5.1E+4
Ra-224		0.3	8.11	6E-2	1.62	5.9E+3	1.6E+5
Ra-225		0.6	16.2	2E-2	0.541	1.5E+3	3.9E+4
Ra-226		0.3	8.11	2E-2	0.541	3.7E-2	1.0
Ra-228		0.6	16.2	4E-2	1.08	1.0E+1	2.7E+2
Rb-81	Rubidium (37)	2	54.1	0.9	24.3	3.1E+5	8.4E+6
Rb-83		2	54.1	2	54.1	6.8E+2	1.8E+4
Rb-84		1	27.0	0.9	24.3	1.8E+3	4.7E+4
Rb-86		0.3	8.11	0.3	8.11	3.0E+3	8.1E+4
Rb-87		Unlimited	Unlimited	Unlimited	Unlimited	3.2E-9	8.6E-8
Rb (natural)		Unlimited	Unlimited	Unlimited	Unlimited	6.7E+6	1.8E+8
Re-183	Rhenium (75)	5	135	5	135	3.8E+2	1.0E+4
Re-184m		3	81.1	3	81.1	1.6E+2	4.3E+3
Re-184		1	27.0	1	27.0	6.9E+2	1.9E+4
Re-186		4	108	0.5	13.5	6.9E+3	1.9E+5
Re-187		Unlimited	Unlimited	Unlimited	Unlimited	1.4E-9	3.8E-8
Re-188		0.2	5.41	0.2	5.41	3.6E+4	9.8E+5
Re-189		4	108	0.5	13.5	2.5E+4	6.8E+5
Re (natural)		Unlimited	Unlimited	Unlimited	Unlimited		2.4E-8
Rh-99	Rhodium (45)	2	54.1	2	54.1	3.0E+3	8.2E+4
Rh-101		4	108	4	108	4.1E+1	1.1E+3
Rh-102m		2	54.1	0.9	24.3	2.3E+2	6.2E+3
Rh-102		0.5	13.5	0.5	13.5	4.5E+1	1.2E+3
Rh-103m		40	1080	40	1080	1.2E+6	3.3E+7
Rh-105		10	270	0.9	24.3	3.1E+4	8.4E+5
Rn-222	Radon (86)	0.2	5.41	4E-3	0.108	5.7E+3	1.5E+5
Ru-97	Ruthenium (44)	4	108	4	108	1.7E+4	4.6E+5

Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Ru-103		2	54.1	0.9	24.3	1.2E+3	3.2E+4
Ru-105		0.6	16.2	0.5	13.5	2.5E+5	6.7E+6
Ru-106		0.2	5.41	0.2	5.41	1.2E+2	3.3E+3
S-35	Sulfur (16)	40	1080	2	54.1	1.6E+3	4.3E+4
Sb-122	Antimony (51)	0.3	8.11	0.3	8.11	1.5E+4	4.0E+5
Sb-124		0.6	16.2	0.5	13.5	6.5E+2	1.7E+4
Sb-125		2	54.1	0.9	24.3	3.9E+1	1.0E+3
Sb-126		0.4	10.8	0.4	10.8	3.1E+3	8.4E+4
Sc-44	Scandium (21)	0.5	13.5	0.5	13.5	6.7E+5	1.8E+7
Sc-46		0.5	13.5	0.5	13.5	1.3E+3	3.4E+4
Sc-47		9	243	0.9	24.3	3.1E+4	8.3E+5
Sc-48		0.3	8.11	0.3	8.11	5.5E+4	1.5E+6
Se-75	Selenium (34)	3	81.1	3	81.1	5.4E+2	1.5E+4
Se-79		40	1080	2	54.1	2.6E-3	7.0E-2
Si-31	Silicon (14)	0.6	16.2	0.5	13.5	1.4E+6	3.9E+7
Si-32		40	1080	0.2	5.41	3.9	1.1E+2
Sm-145	Samarium (62)	20	541	20	541	9.8E+1	2.6E+3
Sm-147		Unlimited	Unlimited	Unlimited	Unlimited	8.5E-1	2.3E-8
Sm-151		40	1080	4	108	9.7E-1	2.6E+1
Sm-153		4	108	0.5	13.5	1.6E+4	4.4E+5
Sn-113	Tin (50)	4	108	4	108	3.7E+2	1.0E+4
Sn-117m		6	162	2	54.1	3.0E+3	8.2E+4
Sn-119m		40	1080	40	1080	1.4E+2	3.7E+3
Sn-121m		40	1080	0.9	24.3	2.0	5.4E+1
Sn-123		0.6	16.2	0.5	13.5	3.0E+2	8.2E+3
Sn-125		0.2	5.41	0.2	5.41	4.0E+3	1.1E+5
Sn-126		0.3	8.11	0.3	8.11	1.0E-3	2.8E-2
Sr-82	Strontium (38)	0.2	5.41	0.2	5.41	2.3E+3	6.2E+4
Sr-85m		5	135	5	135	1.2E+6	3.3E+7
Sr-85		2	54.1	2	54.1	8.8E+2	2.4E+4
Sr-87m		3	81.1	3	81.1	4.8E+5	1.3E+7
Sr-89		0.6	16.2	0.5	13.5	1.1E+3	2.9E+4
Sr-90		0.2	5.41	0.1	2.70	5.1	1.4E+2
Sr-91		0.3	8.11	0.3	8.11	1.3E+5	3.6E+6
Sr-92		0.8	21.6	0.5	13.5	4.7E+5	1.3E+7
T	Tritium (1)	40	1080	40	1080	3.6E+2	9.7E+3
Ta-178	Tantalum (73)	1	27.0	1	27.0	4.2E+6	1.1E+8
Ta-179		30	811	30	811	4.1E+1	1.1E+3
Ta-182		0.8	21.6	0.5	13.5	2.3E+2	6.2E+3
Tb-157	Terbium (65)	40	1080	10	270	5.6E-1	1.5E+1
Tb-158		1	27.0	0.7	18.9	5.6E-1	1.5E+1
Tb-160		0.9	24.3	0.5	13.5	4.2E+2	1.1E+4
Tc-95m	Technetium (43)	2	54.1	2	54.1	8.3E+2	2.2E+4
Tc-96m		0.4	10.8	0.4	10.8	1.4E+6	3.8E+7
Tc-96		0.4	10.8	0.4	10.8	1.2E+4	3.2E+5
Tc-97m		40	1080	40	1080	5.6E+2	1.5E+4
Tc-97		Unlimited	Unlimited	Unlimited	Unlimited	5.2E-5	1.4E-3
Tc-98		0.7	18.9	0.7	18.9	3.2E-5	8.7E-4
Tc-99m		8	216	8	216	1.9E+5	5.3E+6
Tc-99		40	1080	0.9	24.3	6.3E-4	1.7E-2
Te-118	Tellurium (52)	0.2	5.41	0.2	5.41	6.8E+3	1.8E+5
Te-121m		5	135	5	135	2.6E+2	7.0E+3
Te-121		2	54.1	2	54.1	2.4E+3	6.4E+4

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Symbol of Radionuclide	Element and atomic number					Specific activity	
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Te-123m		7	189	7	189	3.3E+2	8.9E+3
Te-125m		30	811	9	243	6.7E+2	1.8E+4
Te-127m		20	541	0.5	13.5	3.5E+2	9.4E+3
Te-127		20	541	0.5	13.5	9.8E+4	2.6E+6
Te-129m		0.6	16.2	0.5	13.5	1.1E+3	3.0E+4
Te-129		0.6	16.2	0.5	13.5	7.7E+5	2.1E+7
Te-131m		0.7	18.9	0.5	13.5	3.0E+4	8.0E+5
Te-132		0.4	10.8	0.4	10.8	1.1E+4	3.0E+5
Th-227	Thorium (90)	9	243	1E-2	0.270	1.1E+3	3.1E+4
Th-228		0.3	8.11	4E-4	1.08E-2	3.0E+1	8.2E+2
Th-229		0.3	8.11	3E-5	8.11E-4	7.9E-3	2.1E-1
Th-230		2	54.1	2E-4	5.41E-3	7.6E-4	2.1E-2
Th-231		40	1080	0.9	24.3	2.0E+4	5.3E+5
Th-232		Unlimited	Unlimited	Unlimited	Unlimited	4.0E-9	1.1E-7
Th-234		0.2	5.41	0.2	5.41	8.6E+2	2.3E+4
Th (natural)		Unlimited	Unlimited	Unlimited	Unlimited	8.1E-9	2.2E-7
Ti-44	Titanium (22)	0.5	13.5	0.2	5.41	6.4	1.7E+2
Tl-200	Thallium (81.1)	0.8	21.6	0.8	21.6	2.2E+4	6.0E+5
Tl-201		10	270	10	270	7.9E+3	2.1E+5
Tl-202		2	54.1	2	54.1	2.0E+3	5.3E+4
Tl-204		4	108	0.5	13.5	1.7E+1	4.6E+2
Tm-167	Thulium (69)	7	189	7	189	3.1E+3	8.5E+4
Tm-168		0.8	21.6	0.8	21.6	3.1E+2	8.3E+3
Tm-170		4	108	0.5	13.5	2.2E+2	6.0E+3
Tm-171		40	1080	10	270	4.0E+1	1.1E+3
U-230	Uranium (92)	40	1080	1E-2	0.270	1.0E+3	2.7E+4
U-232		3	81.1	3E-4	8.11E-3	8.3E-1	2.2E+1
U-233		10	270	1E-3	2.70E-2	3.6E-4	9.7E-3
U-234		10	270	1E-3	2.70E-2	2.3E-4	6.2E-3
U-235		Unlimited	Unlimited	Unlimited	Unlimited	8.0E-8	2.2E-6
U-236		10	270	1E-3	2.70E-2	2.4E-6	6.5E-5
U-238		Unlimited	Unlimited	Unlimited	Unlimited	1.2E-8	3.4E-7
U (natural)		Unlimited	Unlimited	Unlimited	Unlimited	2.6E-8	7.1E-7
U (enriched 5% or less)		Unlimited	Unlimited	Unlimited	Unlimited	(See Table A-3)	
U (enriched more than 5%)		10	270	1E-3	2.70E-2	(See Table A-3)	
U (depleted)		Unlimited	Unlimited	Unlimited	Unlimited	(See Table A-3)	
V-48	Vanadium (23)	0.3	8.11	0.3	8.11	6.3E+3	1.7E+5
V-49		40	1080	40	1080	3.0E+2	8.1E+3
W-178	Tungsten (74)	1	27.0	1	27.0	1.3E+3	3.4E+4
W-181		30	811	30	811	2.2E+2	6.0E+3
W-185		40	1080	0.9	24.3	3.5E+2	9.4E+3
W-187		2	54.1	0.5	13.5	2.6E+4	7.0E+5
W-188		0.2	5.41	0.2	5.41	3.7E+2	1.0E+4
Xe-122	Xenon (54)	0.2	5.41	0.2	5.41	4.8E+4	1.3E+6
Xe-123		0.2	5.41	0.2	5.41	4.4E+5	1.2E+7
Xe-127		4	108	4	108	1.0E+3	2.8E+4
Xe-131m		40	1080	40	1080	3.1E+3	8.4E+4
Xe-133		20	541	20	541	6.9E+3	1.9E+5
Xe-135		4	108	4	108	9.5E+4	2.6E+6
Y-87	Yttrium (39)	2	54.1	2	54.1	1.7E+4	4.5E+5
Y-88		0.4	10.8	0.4	10.8	5.2E+2	1.4E+4
Y-90		0.2	5.41	0.2	5.41	2.0E+4	5.4E+5
Y-91m		2	54.1	2	54.1	1.5E+6	4.2E+7

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Symbol of Radionuclide	Element and atomic number	Specific activity					
		A1 (TBq)	A1 (Ci)	A2 (TBq)	A2 (Ci)	(TBq/g)	(Ci/g)
Y-91		0.3	8.11	0.3	8.11	9.1E+2	2.5E+4
Y-92		0.2	5.41	0.2	5.41	3.6E+5	9.6E+6
Y-93		0.2	5.41	0.2	5.41	1.2E+5	3.3E+6
Yb-169	Ytterbium (70)	3	81.1	3	81.1	8.9E+2	2.4E+4
Yb-175		30	811	0.9	24.3	6.6E+3	1.8E+5
Zn-65	Zinc (30)	2	54.1	2	54.1	3.0E+2	8.2E+3
Zn-69m		2	54.1	0.5	13.5	1.2E+5	3.3E+6
Zn-69		4	108	0.5	13.5	1.8E+6	4.9E+7
Zr-88	Zirconium (40)	3	81.1	3	81.1	6.6E+2	1.8E+4
Zr-93		40	1080	0.2	5.41	9.3E-5	2.5E-3
Zr-95		1	27.0	0.9	24.3	7.9E+2	2.1E+4
Zr-97		0.3	8.11	0.3	8.11	7.1E+4	1.9E+6

- a International shipments of Einsteinium require multilateral approval of A1 and A2 values.
- b International shipments of Fermium require multilateral approval of A1 and A2 values.
- c 20 Ci for Mo99 for domestic use.

¹ The figures for uranium include representative values for the activity of the uranium-234 that is concentrated during the enrichment process.

Table A-2.—General Values for A1 and A2

Contents	A1		A2	
	(TBq)	(Ci)	(TBq)	(Ci)
Only beta- or gamma-emitting nuclides are known to be present . .	0.2	5	0.02	0.5
Alpha-emitting nuclides are known to be present, on relevant data are available	0.10	2.70	2E-5	5.41E-4

Table A-3.—Activity-mass Relationships for Uranium

Uranium Enrichment 1 wt % U-235 present	Specific Activity	
	TBq/g	Ci/g
0.45	1.8E-8	5.0E-7
0.72	2.6E-8	7.1E-7
1.0	2.8E-8	7.6E-7
1.5	3.7E-8	1.0E-6
5.0	1.0E-7	2.7E-6
10.0	1.8E-7	4.8E-6
20.0	3.7E-7	1.0E-5
35.0	7.4E-7	2.0E-5
50.0	9.3E-7	2.5E-5
90.0	2.2E-6	5.8E-5
93.0	2.6E-6	7.0E-5
95.0	3.4E-6	9.1E-5

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-001 Purpose and scope. (1) This chapter prescribes rules governing licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to chapters 246-233 or 246-235 WAC or as otherwise provided in this chapter.

(2) In addition to the requirements of this chapter, or chapters 246-233 or 246-235 WAC, all licensees are subject to the requirements of chapters 246-220, 246-221, 246-222, 246-231, 246-247, and 246-254 WAC. Licensees engaged in the practice of nuclear medicine are subject to the requirements of chapter 246-239 WAC, licensees engaged in industrial radiographic operations are subject to the requirements of chapter 246-243 WAC, licensees using sealed sources in the healing arts are subject to the requirements of chapter 246-240 WAC, licensees using radioactive material in well logging and subsurface tracer studies are subject to the requirements of chapter 246-244 WAC, licensees engaged in land disposal of radioactive waste are subject to the requirements of chapter 246-250 WAC, and licensees owning or operating uranium or thorium mills and associated mill tailings are subject to the requirements of chapter 246-252 WAC.

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-232-040 Reciprocal recognition of licenses. (1) Subject to these regulations, any person who holds a specific license from the United States Nuclear Regulatory Commission or any agreement state or licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the

activities authorized in such licensing document within this state for a period not in excess of one hundred eighty days in that twelve month period which commences the date approval is granted, and the appropriate fee received, by the department provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The licensed activity is not conducted in an area under exclusive federal jurisdiction:

(c) The out-of-state licensee notifies the department in writing and pays or has paid the appropriate fee (refer to chapter 246-254 WAC), at least three days prior to each entry to the state to engage in such activity. The written notification must be sent to the Radioactive Materials Section, Department of Health, Mailstop 47827, Olympia, Washington 98504-7827 and the fee should be sent to Washington State Department of Health, Revenue Accounting, P.O. Box 1099, Olympia, Washington 98504. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by copies of the pertinent licensing documents. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon telephone application to the department (360 236-3220), obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the twelve months following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection;

~~((e))~~ (d) The out-of-state licensee complies with all applicable regulations of the department and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department;

~~((d))~~ (e) The out-of-state licensee supplies such other information as the department may request; and

~~((e))~~ (f) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person:

(i) Specifically licensed by the department or by the United States Nuclear Regulatory Commission, an agreement state or a licensing state to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC 246-232-010 (2)(a).

(2) Notwithstanding the provisions of subsection (1) of this section, any person who holds a specific license issued by the United States Nuclear Regulatory Commission, an agreement state or a licensing state authorizing the holder to manufacture, transfer, install, or service a device described in WAC 246-233-020(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service a device in this state in areas not under exclusive federal jurisdiction provided that:

(a) Such person shall file a report with the department within thirty days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom

such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the United States Nuclear Regulatory Commission, an agreement state or a licensing state;

(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) The holder of the specific license shall furnish to each general licensee to whom such device is transferred or on whose premises such device is installed a copy of the general license contained in WAC 246-233-020(4).

(3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

AMENDATORY SECTION (Amending WSR 97-08-095, filed 4/2/97, effective 5/3/97)

WAC 246-232-060 Termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

(1) Each specific licensee shall immediately notify the department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in subsection (3)(c) and (d) of this section. The licensee is subject to the provisions of subsections (3) and (4) of this section, as applicable.

(2) No less than thirty days before the expiration date specified in a specific license, the licensee shall either:

(a) Submit an application for license renewal under WAC 246-235-050; or

(b) Notify the department in writing if the licensee decides not to renew the license.

(3) If a licensee does not submit an application for license renewal under WAC 246-235-050, the licensee shall on or before the expiration date specified in the license:

(a) Terminate use of radioactive material;

(b) Properly dispose of radioactive material;

(c) Submit a completed departmental form "Certificate of disposition of radioactive material" or equivalent; and

(d) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of radioactive contamination, unless the department determines a radiation survey report is not necessary.

(i) If no radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and subsection (3)(c) and (d) of this section is ade-

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quate, the department will notify the licensee in writing that the license is terminated.

(ii) If detectable levels of radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection (4) of this section. In addition to the information submitted under subsection (3)(c) and (d) of this section, the licensee shall submit a plan for decontamination, if necessary.

(4) Each licensee who possesses residual radioactive material under subsection (3)(d)(ii) of this section, following the expiration of the facility and/or equipment date specified in the license, shall:

(a) Be limited to actions, involving radioactive material related to decontamination and preparation for release for unrestricted use; and

(b) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the department notifies the licensee in writing that the license is terminated. The guidance contained in WAC 246-232-140, Schedule D, shall be used in making this determination.

(5) Each general licensee licensed under the provisions of WAC 246-233-020(8), shall immediately notify the department in writing when the licensee decides to discontinue all activities involving radioactive materials authorized under the general license. Such notification shall include a description of how the generally licensed material was disposed and the results of facility surveys, if applicable, to confirm the absence of radioactive materials.

(6) Within sixty days of the occurrence of any of the following, each licensee shall provide notification to the department in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with department requirements, or submit within twelve months of notification a decommissioning plan, if required by subsection (10)(a) of this section, and begin decommissioning upon approval of that plan if:

(a) The license has expired or has been revoked by the department; or

(b) The licensee has decided to permanently cease principal activities, as defined in this section, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements; or

(c) No principal activities under the license have been conducted for a period of twenty-four months; or

(d) No principal activities have been conducted for a period of twenty-four months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with department requirements.

(7) As used in this section, principal activities means activities authorized by the license which are essential to

achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(8) Coincident with the notification required by subsection (6) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to WAC 246-235-075 or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to subsection (10)(d)(v) of this section. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the department.

(9) The department may grant a request to extend the time periods established in subsection (6) of this section if the department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than thirty days before notification pursuant to subsection (6) of this section. The schedule for decommissioning set forth in subsection (6) of this section may not commence until the department has made a determination on the request.

(10)(a) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the department and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(i) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(ii) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(iii) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(iv) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(b) The department may approve an alternate schedule for submittal of a decommissioning plan required pursuant to subsection (6) of this section if the department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(c) Procedures such as those listed in (a) of this subsection with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(i) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

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(ii) A description of planned decommissioning activities;

(iii) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(iv) A description of the planned final radiation survey;

(v) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning;

(vi) A description of the physical security plan and material control and accounting plan provisions in place during decommissioning;

(vii) For decommissioning plans calling for completion of decommissioning later than twenty-four months after plan approval, the plan shall include a justification for the delay based on the criteria in subsection (12) of this section.

(e) The proposed decommissioning plan will be approved by the department if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(11)(a) Except as provided in subsection (12) of this section, licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(b) Except as provided in subsection (12) of this section, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(12) The department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the department determines that the alternative is warranted by consideration of the following:

(a) Whether it is technically feasible to complete decommissioning within the allotted twenty-four-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted twenty-four-month period;

(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground water treatment activities, monitored natural ground water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(13) As the final step in decommissioning, the licensee shall:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed certificate of disposition of radioactive material or equivalent information; and

(b) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in some other manner. The licensee shall, as appropriate:

(i) Report levels of gamma radiation in units of milisieverts (microroentgen) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per one hundred square centimeters—removable and fixed—for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and

(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(14) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the department determines that:

(a) Radioactive material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with department requirements; or

(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with department requirements; and

(d) Records required by subsections (16) and (18) of this section have been received.

(15) Specific licenses for uranium and thorium milling are exempt from subsections (6)(d), (9) and (10) of this section with respect to reclamation of tailings impoundments and/or waste disposal areas.

(16) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than one hundred twenty days, in an unsealed form, shall forward the following records to the department:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(17) If licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), each licensee authorized to possess radioactive material, with a half-life greater than one hundred twenty days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(18) Prior to license termination, each licensee shall forward the records required by WAC 246-235-075(6) to the department.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-232-090 Transportation. (~~((1) *Transportation of radioactive material.*)~~) No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department or as exempted (~~(in subsection (2) of this section.~~

~~(2) *Exemptions.*~~

~~(a) Common and contract carriers, freight forwarders, and warehousemen who are subject to the rules and regulations of the United States Department of Transportation (49 CFR Parts 170 through 189) or the United States Postal Service (Domestic Mail Manual, Section 124.3 incorporated by reference, 39 CFR 111.11 (1974)) are exempt from this section to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto. Common and contract carriers who are not subject to the rules and regulations of the United States Department of Transportation or United States Postal Service are subject to subsection (1) of this section and other applicable sections of these regulations.~~

~~(b) Physicians, as defined in WAC 246-220-010, are exempt from the requirements of this section only to the extent that they transport radioactive material for emergency use in the practice of medicine.~~

~~(c) Specific licensees are exempt from this section to the extent that they deliver to a carrier for transport packages each of which contains no radioactive material having a specific activity in excess of 0.002 microcurie per gram.~~

~~(d) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of subsection (1) of this section.~~

~~(3) *General licenses for carriers.*~~

~~(a) A general license is hereby issued to any common or contract carrier not exempted under subsection (2) of this section to receive, possess, transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation.~~

~~(b) A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, shipping papers, and incident reporting.¹~~

~~(c) Persons who transport radioactive material pursuant to the general licenses in (a) or (b) of this subsection are exempt from the requirements of chapters 246-221 and 246-222 WAC of these regulations to the extent that they transport radioactive material.~~

~~(4) *Preparation of radioactive material for transport.* A general license is hereby issued to deliver radioactive material to a carrier² for transport provided that:~~

~~(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the packaging of radioactive material, to shipping papers, and to the monitoring, marking and labeling of those packages.~~

~~(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport.~~

~~(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to or have been made [made] available to the consignee.~~

~~(d) In addition to the requirements of the United States Department of Transportation, each package of Type A or Type B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of curies or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that contamination which would cause undue hazard to public health and safety or property is not present prior to transportation. This requirement does not apply to properly packaged shipments of radioactive waste consigned to a commercial low level waste burial facility.~~

~~(5) *Transport of nuclear waste—Advance notification requirement.* Prior to the transport of any nuclear waste outside of the confines of the licensee's plant or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall comply with the procedures in this subsection for advance notification to the governor of a state or the governor's designee for the transport of nuclear waste to, through, or across the boundary of the state.~~

~~(a) Where, when, and how advance notification must be sent. The notification required by subsection (5) of this section must be made in writing to the office of each appropriate governor or governor's designee and to the director of the appropriate Nuclear Regulatory Commission Regional Office. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor or of the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the notification shall be retained by the licensee as a record for one year.~~

~~(b) Information to be furnished in advance notification of shipment. Each advance notification of shipments of nuclear waste must contain the following information:~~

~~(i) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment;~~

~~(ii) A description of the nuclear waste contained in the shipment as required by the regulations of the U.S. Depart-~~

~~ment of Transportation in 49 CFR §§ 172.202 and 172.203(d);~~

~~(iii) The point of origin of the shipment, and the seven-day period during which departure of the shipment is estimated to occur;~~

~~(iv) The seven-day period during which arrival of the shipment at state boundaries is estimated to occur;~~

~~(v) The destination of the shipment, and the seven-day period during which arrival of the shipment is estimated to occur; and~~

~~(vi) A point of contact with a telephone number for current shipment information.~~

~~(e) Revision notice. A licensee who finds that schedule information previously furnished to a governor or governor's designee in accordance with (a) and (b) of this subsection will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee and inform that individual of the extent of the delay relative to the schedule originally reported in writing under the provisions of (a) and (b) of this subsection. The licensee shall maintain a record of the name of the individual contacted for one year.~~

~~(d) Cancellation notice. Each licensee who cancels a nuclear waste shipment for which advance notification has been sent as required by this subsection shall send a cancellation notice to the governor of each state or the governor's designee previously notified and to the director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office. The notice shall state that it is a cancellation and shall identify the advance notification which is being cancelled. A copy of the notice shall be retained by the licensee as a record for one year)) in chapter 246-231 WAC. General licenses for transportation of radioactive material and other transportation requirements are found in chapter 246-231 WAC.~~

~~((¹Any notification of incidents referred to in those requirements shall be filed with, or made to, the department.~~

~~²For the purpose of this regulation, licensees who transport their own licensed material as private carriers are considered to have delivered such material to a carrier for transport.))~~

AMENDATORY SECTION (Amending WSR 97-08-095, filed 4/2/97, effective 5/3/97)

WAC 246-235-075 Financial assurance and record-keeping for decommissioning. (1) Each applicant for one of the following licenses shall submit a decommissioning funding plan as described in this section:

(a) A specific license authorizing receipt of radioactive waste for the purpose of volume reduction, repackaging or interim storage.

(b) Receipt of contaminated articles, scrap material, equipment, or clothing to be decontaminated at the licensee's facility.

(c) A specific license authorizing the possession and use of radioactive material of half-life greater than one hundred twenty days and in quantities for unsealed material exceeding 10^3 times and for sealed forms exceeding 10^{10} times the applicable quantities set forth in WAC 246-221-300 Appendix B

(for a combination of isotopes the unity rule applies. A decommissioning funding plan will be required if R is greater than 1, where R is defined as the sum of the ratios of the quantity for sealed and unsealed forms of each isotope compared to the applicable value derived from WAC 246-221-300).

(d) A specific license authorizing possession and use of source material in readily dispersible form and in quantities greater than 10 millicuries.

(2) Each decommissioning funding plan shall contain:

(a) A cost estimate for decommissioning facilities impacted by the activities authorized in the specific license.

(b) A description of the method of assuring funds for decommissioning.

(c) A schedule for adjusting cost estimates and associated funding levels periodically over the life of the facility or facilities.

(d) A description of methods and general procedures for performing facility decontamination, maintaining security, and performing a final radiation survey.

(e) A commitment to clean up accidental spills promptly and to begin decommissioning of the facility or facilities within twelve months of ceasing operation involving radioactive material.

(3) Each cost estimate for decommissioning shall include:

(a) A description of the facility and areas within the facility likely to require decommissioning as a result of routine operation.

(b) Anticipated labor, equipment and material costs.

(c) Anticipated waste volume.

(d) Anticipated packaging, transportation and waste disposal costs.

(e) An assessment of costs associated with an accident involving licensed material.

(4) Financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) Prepayment. Prepayment is the deposit of sufficient funds to pay decommissioning costs. Funds shall be deposited prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(b) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid should the licensee default. A surety method may be in the form of a surety bond, letter of credit, or line of credit. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(i) The surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless ninety days or more prior to the renewal date, the issuer notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails

to provide a replacement acceptable to the department within thirty days after receipt of notification of cancellation.

(ii) The surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the department. Acceptable trustees include an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(iii) The surety method or insurance must remain in effect until the department has terminated the license.

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control. The total amount of funds in the external sinking fund shall be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in subsection (4)(b) of this section.

(d) In the case of state or local government licensees, a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary.

(e) Other methods of financial assurance as approved by the department. The department may approve other financial mechanisms submitted by the applicant or licensee provided the alternate method meets, at a minimum, the requirements of 10 C.F.R. 30.35 and associated U.S. Nuclear Regulatory Commission guidance.

(5)(a) The department shall review each decommissioning funding plan prior to license issuance and prior to license renewal.

(b) The applicant or licensee shall incorporate department comments into its cost estimate and shall revise its financial surety accordingly.

(c) Applicants shall obtain the appropriate financial assurance as approved by the department prior to receipt of licensed material. The department may issue a new license if the applicant agrees to comply with the decommissioning funding plan as approved. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of this section shall be submitted to the department before receipt of licensed material.

(d) Holders of licenses issued on or before the effective date of this rule shall submit a decommissioning funding plan to the department by April 1, 1993. Licensees shall implement the financial assurance requirements within thirty days of receiving department approval of the decommissioning funding plan. Licensees shall submit copies of the financial surety within thirty days of securing the surety and annually thereafter.

(6) Each person licensed under this chapter shall keep records of information important to the safe and effective

decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), licensees shall transfer all records described in this subsection to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(b) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or depleted uranium used only for shielding or as penetrators in unused munitions, or radioactive materials having only half-lives of less than sixty-five days, a list contained in a single document and updated every two years, of the following:

(i) All areas designated and formerly designated as restricted areas as defined under WAC 246-220-010;

(ii) All areas outside of restricted areas that require documentation under (a) of this subsection;

(iii) All areas outside of restricted areas where current and previous wastes have been buried as documented under WAC 246-221-230 (8)(a); and

(iv) All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under WAC 246-221-180. Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-040 Limits on levels of radiation. Sources of radiation shall be used, stored, and transported in such a manner that the transportation requirements of chapter

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246-231 WAC (~~246-232-090~~) and the dose limitation requirements of chapter 246-221 WAC are met.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

WAC 246-244-060 Transport precautions. (1) Transport containers shall be physically secured to the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal.

(2) Transport of radioactive material shall be in accordance with applicable provisions of the United States Department of Transportation, as required by chapter 246-231 WAC (~~246-232-090~~).

PROPOSED

WSR 99-12-009
EXPEDITED ADOPTION
SECRETARY OF STATE

[Filed May 20, 1999, 2:38 p.m.]

Title of Rule: International student exchange agency registration.

Purpose: Housekeeping of WAC 434-166-210, 434-166-290, and 434-166-310.

Other Identifying Information: Correcting the references to the RCW.

Statutory Authority for Adoption: RCW 19.166.030, 19.166.040, 19.166.050, and 19.166.060.

Summary: Correcting the references to the RCW.

Reasons Supporting Proposal: Housekeeping.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; and Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The only changes are the corrections of the references in the rule to the corresponding sections in the RCW.

Proposal does not change existing rules.

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 Hans Dettling, Corporations Division, Office of the Secretary of State, 505 East Union, 2nd Floor, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY July 31, 1999.

May 20, 1999

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-210 Appointment of a responsible officer and responsible officer address. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW ((19-166-050)) 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW ((19-166-050)) 19.166.040(2)

shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

AMENDATORY SECTION (Amending WSR 96-10-052, filed 4/29/96, effective 5/30/96)

WAC 434-166-290 Application for reregistration. (1) Prior to the expiration of the registration period, organizations may seek reregistration within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW ((19-166-050)) 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW ((19-166-050)) 19.166.040; no extensions will be granted by the secretary.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-310 Termination. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their

registration documents within thirty days, as required by RCW ((19.166.050)) 19.166.040(3).

WSR 99-12-084
EXPEDITED ADOPTION
LIQUOR CONTROL BOARD

[Filed June 1, 1999, 8:08 a.m.]

Title of Rule: WAC 314-60-040 Operations and procedure.

Purpose: The agency is proposing that the rule language be changed to reflect a change in the physical location of the board's regular meetings, and to change the board's Internet address.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.08.012.

Summary: The agency needs to make a technical change to this rule, in order to change the address of the board's regular meetings due to a move of the agency's headquarters office. Also, the board's Internet address has changed.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504, (360) 664-1648; and Implementation: Bill Daley, P.O. Box 43080, Olympia, WA 98504, (360) 664-1649.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently WAC 314-60-040 outlines the agency's practices and procedures, including a description of the subject, dates, and locations of the agency's public meetings. The agency needs to make a technical change to this rule, in order to change the address of the board's regular meetings due to the move of the agency's headquarters office. Also, the board's Internet address has changed.

Proposal Changes the Following Existing Rules: The proposed changes to WAC 314-60-040 will change the physical address of the location of the board's regular meetings, and change the board's Internet address.

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 Teresa Berntsen, Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 704-4920, e-mail rules@liq.wa.gov, AND RECEIVED BY July 31, 1999.

April 22, 1999
 Eugene Prince
 Chairman

AMENDATORY SECTION (Amending WSR 98-14-003, filed 6/18/98, effective 7/19/98)

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. Regular meetings of the board will be on Wednesday at 9:00 a.m. Meetings of the board may be held on Monday, Tuesday, Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled. Unless notice is otherwise given, meetings of the board will be held at its offices (~~on the Fifth Floor, Capital Plaza Building, 4025 East Union Avenue~~) in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington. For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its regular Wednesday meetings, however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to RCW 42.30, meeting notices will be published on the Internet at (~~www.wa.gov/liq~~) www.liq.wa.gov and information about meeting times and agendas will be available in the board office during regular office hours.

WSR 99-12-086
WITHDRAWAL OF
EXPEDITED ADOPTION
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 1, 1999, 11:46 a.m.]

The Washington State Department of Fish and Wildlife withdraws WSR 99-11-097, filed May 19, 1999.

Evan Jacoby
 Rules Coordinator

WSR 99-12-089
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 1, 1999, 1:52 p.m.]

Title of Rule: Miscellaneous changes to chapters 296-24, 296-32, 296-52, 296-62, 296-155, and 296-301 WAC.

Purpose: On June 18, 1998, OSHA adopted miscellaneous changes to a number of federal rules within 29 C.F.R. 1910 and 1926 (General Industry and Construction Standards). WISHA is proposing amendments to standards related to these chapters to be at least as effective as OSHA, assure appropriate worker protection throughout the state, and improve the clarity of these rules. Washington Administrative Codes that are affected include: Chapter 296-24 WAC, General safety and health standards; chapter 296-32 WAC, Safety standards for telecommunications; chapter 296-62 WAC, General occupational health standards; chapter 296-52 WAC, Safety standards for possession and handling of explosives; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-301 WAC, Safety standards for the textile industry.

Amendments proposed incorporate those changes from the Federal Register Notice, Volume 63, Number 117, published on June 18, 1998 (Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic, Final Rule). These proposed amendments clarify rules, eliminate duplications, and delete current WISHA requirements under the jurisdiction of the federal Department of Transportation.

In addition, WISHA proposes changes to chapter 296-52 WAC, which will reduce fees to 1995 levels due to requirements of chapter 43.135 RCW and includes the requirement of a Social Security number from RCW 26.23.150 when requesting licenses. Proposed WISHA changes to chapter 296-62 WAC, Parts G and I remove references to Appendices, which were repealed in the respiratory protection project, also within Part R, a reference was corrected. Also being proposed are clarifications to requirements for crane operators in chapter 296-24 WAC, Part D, and illustrations in chapter 296-155 WAC, Part N due to stakeholder request.

Changes to chapter 296-24 WAC, General safety and health standards:

Federal Initiated Changes

Amended section WAC 296-24-12002 Definitions. Proposal eliminates subsection (1), "Lavatory," as the definition was considered self-explanatory within the context of the section. These changes are proposed to be like the federal rule in 29 C.F.R. 1910.141 (a)(1)(i).

Amended section WAC 296-24-47505 Basic rules. Proposal eliminates the requirements in subsection (15)(f), (g), and (h), this subsection relates to tank car or transport truck loading or unloading points. These changes are proposed to be like federal rule 29 C.F.R. 1910.110 (b)(15). The requirements pertain to the design of transportation vehicles and the safe location of such vehicles during loading and unloading

operations, which fall under the jurisdiction of the Department of Transportation.

Amended section WAC 296-24-47507 (2)(b), (c) and (d) cylinder systems. Proposal eliminates specifications for marking LPG cylinders, to be like federal rule 29 C.F.R. 1910.110 (c)(2), which were a duplication of the Department of Transportation requirements.

Amended section WAC 296-24-47511(10) Liquefied petroleum gas as a motor fuel. Proposal eliminates requirements in WAC 296-24-47511(10), pertaining to passenger carrying vehicles, to be like federal rule 29 C.F.R. 1910.110(e), which fall under the jurisdiction of the Department of Transportation.

Amended section WAC 296-24-47515 LP gas system installations on commercial vehicles. Proposal eliminates requirements pertaining to installing LP-gas systems on commercial vehicles, to be like federal rule 29 C.F.R. 1910.110(g), which fall under the jurisdiction of the Department of Transportation.

Amended section WAC 296-24-51017 Storage and handling of anhydrous ammonia, systems mounted on trucks, semi-trailers, and trailers for transportation of ammonia. Proposal eliminates requirements in subsections (8) and (10) regarding safety requirements to protect full trailers and semi-trailers that transport ammonia, from collision, to be like federal rule 29 C.F.R. 1910.111(f), which fall under the jurisdiction of the Department of Transportation.

WISHA Proposed Changes

Amended section WAC 296-24-23529 Operators (Part D). Proposal makes a WISHA change to subsection (2), which clarifies requirements for authorized crane operators in that they must be able to communicate with others at the worksite and be at least eighteen years of age. .

Changes to chapter 296-32 WAC, Safety standards for telecommunications:

Federal Initiated Changes

Amended section WAC 296-32-260 Rubber insulating equipment. Proposal eliminates duplication of requirements within subsections (1), (4), (6), (7), (8), and (10)(b), to be like federal rule 29 C.F.R. 1910.268. These requirements are currently identified in WAC 296-24-092.

Changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives:

Federal Initiated Changes

Amended section WAC 296-52-477 Quantity and distance table for separations between magazines, Table H-21, note 4. Proposal clarifies that the table only applies to the storage of explosives in magazines and is being proposed to be like federal rule 29 C.F.R. 1910.109 (c)(1)(vi).

Amended section WAC 296-52-489 Transportation. Proposal changes subsection (7)(a), to be like federal rule 29 C.F.R. 1910.109 (d)(1)(iv). This will allow for transportation of blasting caps on a vehicle that is carrying other explosives when doing so in accordance with methods specified in the Department of Transportation regulations of 49 C.F.R. 177.835 (g)(3)(I).

Amended section WAC 296-52-493 Use of explosives and blasting agents. Proposal changes subsection (2)(a), to be like federal rule 29 C.F.R. 1910.109 (e)(2)(i), which allows for the reuse of uncontaminated containers and packaging materials if such reuse is accomplished in accordance with the Department of Transportation criteria contained in 49 C.F.R. 173.28.

WISHA Proposed Changes

Amended section WAC 296-52-421 Licenses—Information and verification. Proposal makes a WISHA change to subsection (1), which requires a Social Security number when applying for a license, as required by RCW 26.23.150.

Proposal makes a WISHA change to the following WACs, which will decrease license fees to 1995 levels, to comply with chapter 43.135 RCW, requirements. Amended section WAC 296-52-425 Dealer's license, subsection (2), 296-52-429 License for manufacturing, subsection (2), 296-52-433 Purchaser's license, subsection (3), 296-52-437 User's (blaster's) license, subsection (2)(h), and 296-52-449 Storage magazine license fees, changes to fee schedule for operating each magazine.

Changes to chapter 296-62 WAC, General occupational health standards:

Federal Initiated Changes

Amended section WAC 296-62-07347 Inorganic arsenic. Proposal decreases requirements in subsection (14)(c)(ii), Periodic examinations, pertaining to x-rays as part of these examinations from semi-annually to annually, to be like federal rule 29 C.F.R. 1910.1018 (n)(2), (n)(3). Changes in WAC 296-62-07347 (17)(b)(iii)(F), Medical surveillance, proposal eliminates the requirement for cytologic examinations, to be like federal rule 29 C.F.R. 1910.1018 (q)(2).

Amended section WAC 296-62-07354 Appendices—Inorganic arsenic. Proposal decreases the requirements in Appendix C—Medical surveillance guidelines (3)(a)(iii) to update medical history and make sputum cytology testing optional. In subsection (3)(a)(iv) requirements have been minimized to tests required in the initial exam, and updated medical history, to be like federal rule 29 C.F.R. 1910.1018, Appendix A and C.

Amended section WAC 296-62-20017 Medical surveillance. Proposal decreases the requirements for x-rays from semi-annually to annually in subsection (3), Periodic examinations to be like federal rule 29 C.F.R. 1910.1029 (j)(3).

Amended section WAC 296-62-20027 Appendix A—Coke oven emissions substance information sheet. Proposal decreases requirements for x-rays from semi-annually to annually in subsection VI, Medical examinations and clarifies the need for the examination to be like federal rule 29 C.F.R. 1910.1029, Appendix A.

Amended section WAC 296-62-20029 Appendix B—Industrial hygiene and medical surveillance guidelines. Proposal decreases the minimum requirements in subsection II, Medical surveillance guidelines by requiring the examinations only for workers who work at least thirty days in the regulated area, deleting the requirement for sputum cytology exams and changing x-ray requirements from semi-annual to

annual. These changes are being proposed to be like federal rule 29 C.F.R. 1910.1029, Appendix B.

WISHA Proposed Changes

Amended section WAC 296-62-07433 Appendices. Proposal makes a WISHA change by deleting subsection (1) which removes wording that incorporates the mandatory fit testing Appendix C, of WAC 296-62-07445 which was repealed as part of the respiratory protection project.

Amended section WAC 296-62-07542 Appendix A—Substances technical guideline for formalin. Proposal makes a WISHA change to subsection (1)(i) by deleting (B), the fit testing requirements, contained in Appendix E of WAC 296-62-07550, which was repealed as part of the respiratory protection project.

Amended section WAC 296-62-41025 Refresher training. Proposal makes a WISHA change to subsection (1) to include a corrected reference.

Changes to chapter 296-155 WAC, Safety standards for construction work:

Federal Initiated Changes

Amended section WAC 296-155-270 Flammable and combustible liquids. Proposal makes a change to subsection (1)(a), which decreases requirements regarding the storing or handling of flammable liquids of five gallons or less. These changes are being proposed to be like federal rule 29 C.F.R. 1910.152 (a)(1), which allows for use of the Department of Transportation approved safety cans.

WISHA Proposed Changes

Amended section WAC 296-155-66403 Appendix B—Sloping and benching. Proposal clarifies these requirements by correcting illustrations in Figures N-8, N-9 and N-14. There are no changes in requirements.

Changes to chapter 296-301 WAC, Safety standards for the textile industry:

Federal Initiated Changes

Amended section WAC 296-301-020 General safety requirements. Proposal makes a change to subsection (3), Machine guarding, which now references requirements found in WAC 296-24-205, to eliminate duplication. In subsection (4), Housekeeping, outdated references to requirements in WAC 296-24-120 through 296-24-12015 have been corrected to WAC 296-24-735 through 296-24-73505. These changes are being proposed to be like federal rule 29 C.F.R. 1910.262.

Amended section WAC 296-301-170 Clothing folding machine. Proposal makes a change by referencing requirements found in WAC 296-24-195 through 296-24-19513 to eliminate duplication.

Amended section WAC 296-301-195 Open tanks and vats for mixing and storage of hot or corrosive liquids. Proposal eliminates duplication of requirements to WAC 296-24-750 through 296-24-75011 in subsection (1).

Amended section WAC 296-301-220 Personal protective equipment. Within subsection (1), proposal removes outdated references to WAC 296-24-081 through 296-24-

08113, and eliminates duplication of requirements found in WAC 296-24-07501 and 296-24-07801. Also, within subsection (2), referenced requirements to WAC 296-24-081 through 296-24-08113 are corrected to identify appropriate references to chapter 296-62 WAC, Part E, Respiratory protection.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register notice, Volume 63, Number 117, published on June 18, 1998.

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

Proposal Changes the Following Existing Rules: See Purpose above.

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 Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY August 2, 1999.

June 1, 1999

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 98-10-073 and 98-24-120, filed 5/4/98 and 12/2/98, effective 10/1/99)

WAC 296-301-020 General safety requirements. (1)

Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of WAC 296-24-205 through 296-24-20527 (~~(of the general safety and health standards)~~).

((Exception: Only the side and face sections of a nip point belt and pulley guard are required so that the guard extends at least:
(a) Six inches beyond the rim of the pulley on the in-running and off-running sides of the belt; and
(b) Two inches away from the rim and face of the pulley in all other directions.))

(4) Housekeeping. Aisles and working spaces shall be kept in good order (~~(clean and free of obstructions)~~) in accordance with requirements of WAC (~~(296-24-120 through 296-24-12015, of the general safety and health standards)~~) 296-24-735 through 296-24-73505.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the general occupational health standards, chapter 296-62 WAC.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-170 Clothing folding machine. (~~The crank arm and blade guide rods on both sides of the cloth-folding machines shall be protected from contact by barrier guards constructed to conform to the requirements of WAC 296-24-195 through 296-24-19513, of the general safety and health standards.~~) Cloth-folding machines shall meet the requirements of WAC 296-24-195 through 296-24-19513.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-195 Open tanks and vats for mixing and storage of hot or corrosive liquids. (1) (~~Protection against falls. Open tanks and vats containing hot or corrosive liquids shall be provided with guardrails to~~) Guardrails shall be provided for open tanks and vats which conform to the requirements of WAC 296-24-750 through 296-24-75011 (~~(of the general safety and health standards)~~).

(2) Shutoff valves. Boiling tanks, caustic tanks, and hot liquid containers, so located that the operator cannot see the contents from the floor or working area, shall have emergency shutoff valves controlled from a point not subject to

danger of splash. Valves shall conform to the ASME Pressure Vessel Code, section VIII, Unfired Pressure Vessels, 1968.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-220 Personal protective equipment.

(1) Personal protective equipment. Workers engaged in handling acids or caustics in bulk, repairing pipe lines containing acids or caustics, etc., shall be provided with personal protective (~~occupational safety~~) equipment to conform to the requirements of WAC 296-24-07501(~~(7)~~) and 296-24-07801(~~(, and 296-24-081 through 296-24-08113, of the general safety and health standards)~~).

(2) (~~Respirators, gas masks, and such appliances, for emergency use only, shall be of a type required by WAC 296-24-081 through 296-24-08113, of the general safety and health standards.~~) Respiratory protection. Employers must provide respiratory protection as required in chapter 296-62 WAC, Part E.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-66403 Appendix B—Sloping and benching.

(1) Scope and application. This appendix contains specifications for sloping and benching when used as methods of protecting employees working in excavations from cave-ins. The requirements of this appendix apply when the design of sloping and benching protective systems is to be performed in accordance with the requirements set forth in WAC 296-155-657 (2)(b).

(2) Definitions.

(a) Actual slope. The slope to which an excavation face is excavated.

(b) Distress. Soil that is in a condition where a cave-in is imminent or is likely to occur. Distress is evidenced by such phenomena as the development of fissures in the face of or adjacent to an open excavation; the subsidence of the edge of an excavation; the slumping of material from the face or the bulging or heaving of material from the bottom of an excavation; the spalling of material from the face of an excavation; and raveling, i.e., small amounts of material such as pebbles or little clumps of material suddenly separating from the face of an excavation and trickling or rolling down into the excavation.

(c) Maximum allowable slope. The steepest incline of an excavation face that is acceptable for the most favorable site conditions as protection against cave-ins, and is expressed as the ratio of horizontal distance to vertical rise (H:V).

(3) Requirements.

(a) Soil classification. Soil and rock deposits shall be classified in accordance with appendix A of this Part.

(b) Maximum allowable slope. The maximum allowable slope for a soil or rock deposit shall be determined from Table N-1 of this appendix.

(c) Actual slope.

(i) The actual slope shall not be steeper than the maximum allowable slope.

(ii) The actual slope shall be less steep than the maximum allowable slope, when there are signs of distress. If that situation occurs, the slope shall be cut back to an actual slope which is at least 1/2 horizontal to one vertical (1/2H:1V) less steep than the maximum allowable slope.

(iii) When surcharge loads from stored material or equipment, operating equipment, or traffic are present, a competent person shall determine the degree to which the actual slope must be reduced below the maximum allowable slope, and shall assure that such reduction is achieved. Surcharge loads from adjacent structures shall be evaluated in accordance with WAC 296-155-655(9).

(d) Configurations. Configurations of sloping and benching systems shall be in accordance with Figures N-1 through N-18.

TABLE N-1
MAXIMUM ALLOWABLE SLOPES

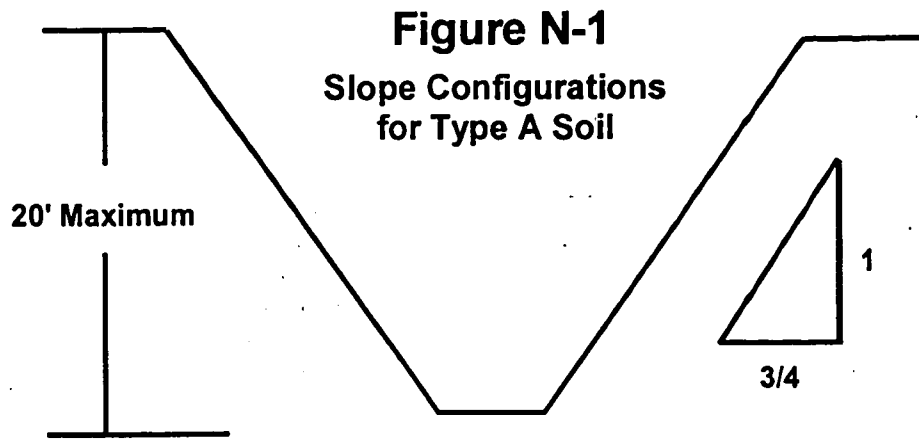
SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H ₁ :V) ⁽¹⁾ FOR EXCAVATION LESS THAN 20 FEET DEEP ⁽²⁾
STABLE ROCK	VERTICAL (90°)
TYPE A	3/4 : 1 (53°)
TYPE B	1 : 1 (45°)
TYPE C	1 1/2 : 1 (34°)

Notes:

(1) Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.

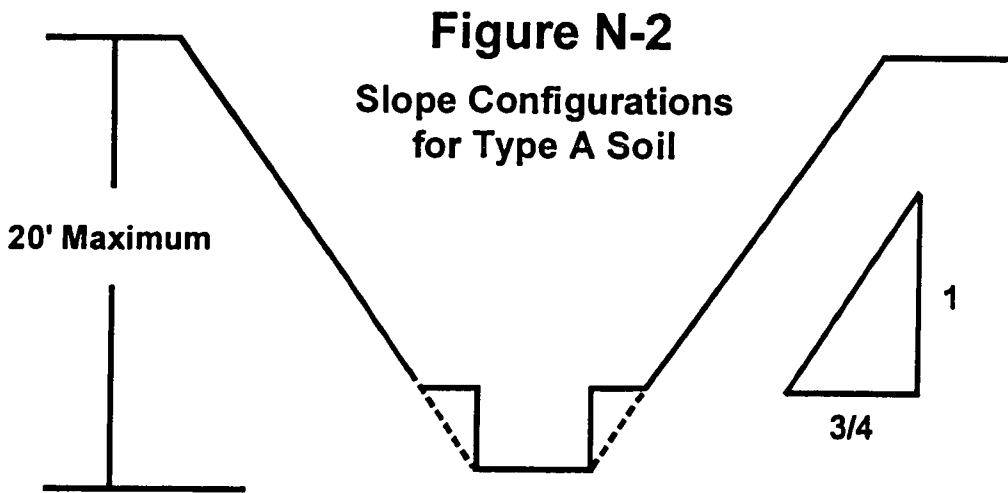
(2) Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

EXPEDITED ADOPTION



Simple Slope - General

All simple slope excavations 20 feet or less in depth shall have a maximum allowable slope of 3/4:1.

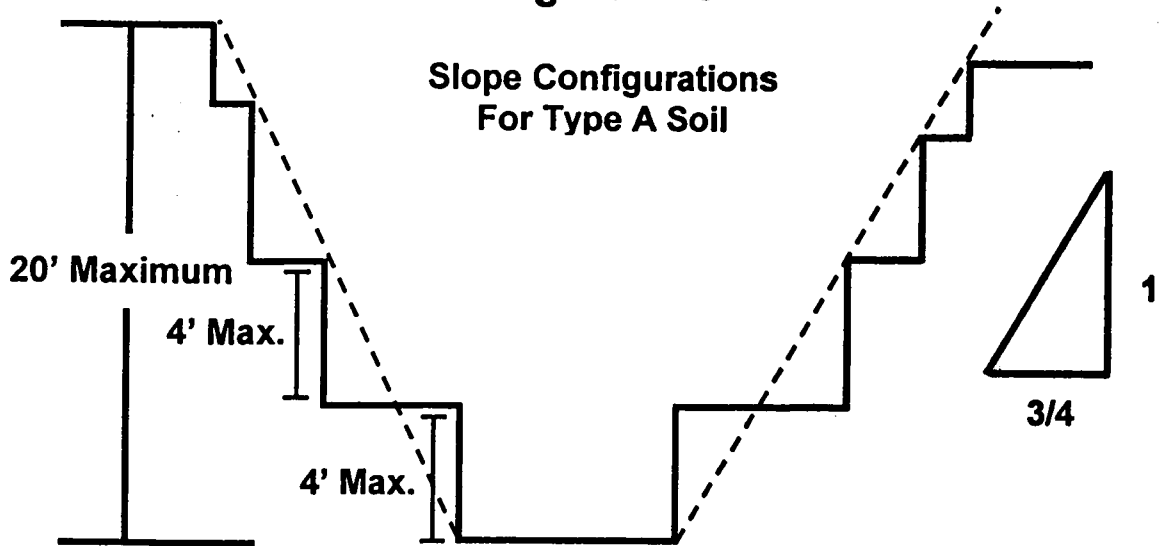


Simple Bench

All benched excavations 20 feet or less in depth shall have a maximum allowable slope of 3/4:1 and maximum bench dimensions of 4 feet.

EXPEDITED ADOPTION

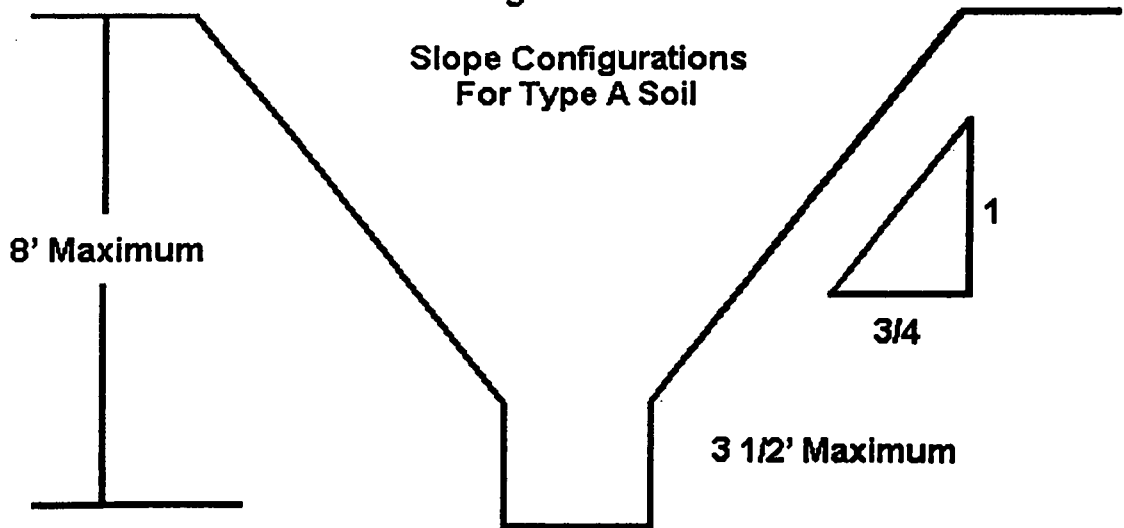
Figure N-3



Multiple Bench

All benched excavations 20 feet or less in depth shall have a maximum allowable slope of 3/4:1 and maximum bench dimensions of 4 feet.

Figure N-4



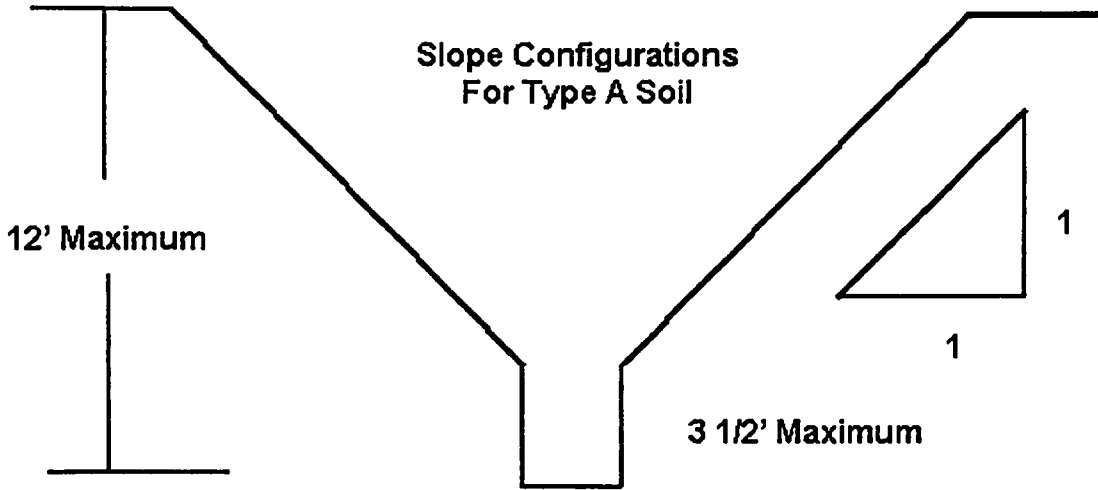
**Unsupported Vertically Sided Lower Portion
Maximum 8 Feet in Depth**

All excavations 8 feet or less in depth which have unsupported vertically sided lower portions shall have a maximum vertical side of 3 1/2 feet.

EXPEDITED ADOPTION

Figure N-5

**Slope Configurations
For Type A Soil**



**Unsupported Vertically Sided Lower Portion
Maximum 12 Feet in Depth**

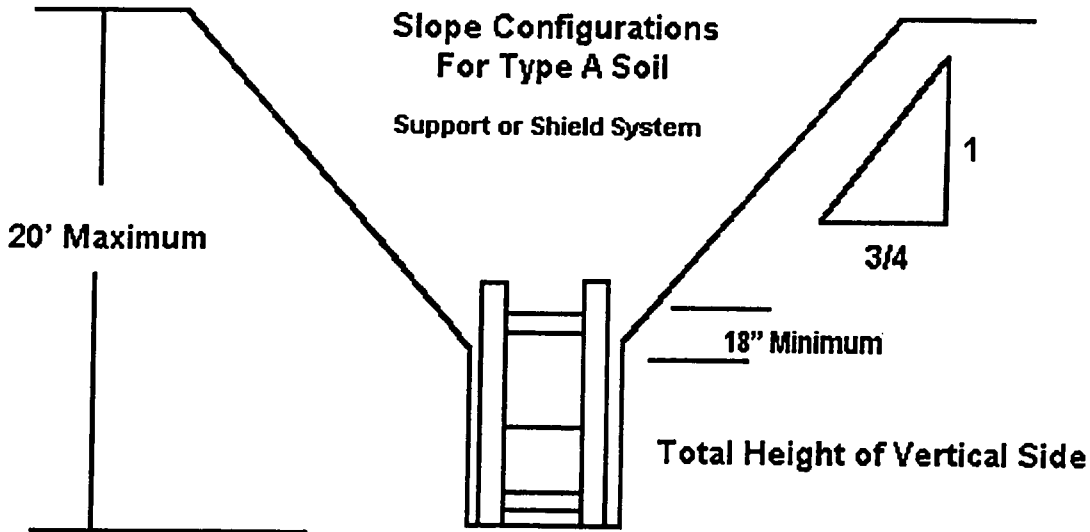
All excavations more than 8 feet but not more than 12 feet in depth which have unsupported vertically sided lower portions shall have a maximum allowable slope of 1:1 and vertical side of 3 1/2 feet.

EXPEDITED ADOPTION

Figure N-6

**Slope Configurations
For Type A Soil**

Support or Shield System

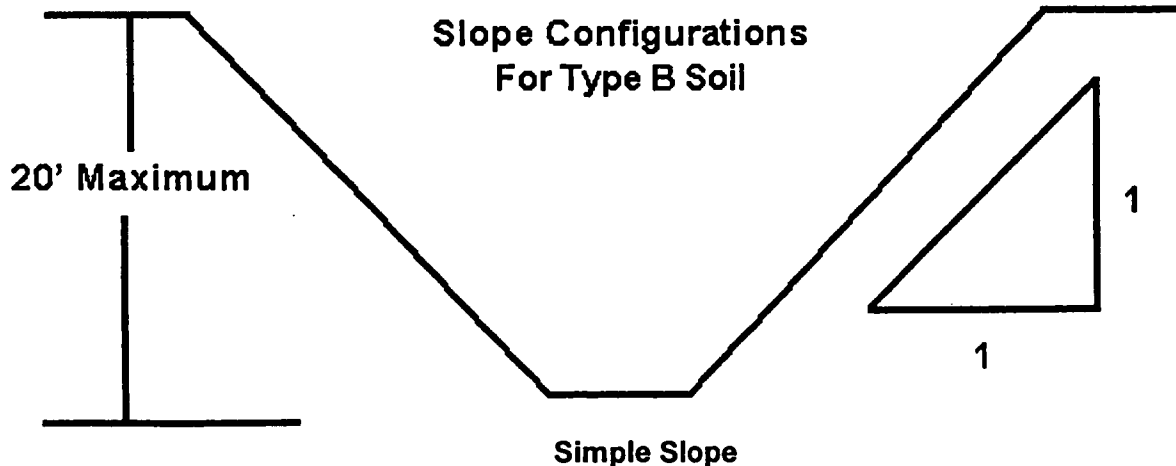


**Unsupported Vertically Sided Lower Portion
Maximum 20 Feet in Depth**

All excavations 20 feet or less in depth which have vertically sided lower portions that are supported or shielded shall have a maximum allowable slope of 3/4:1. The support or shield system must extend at least 18 inches above the top of the vertical side. All other simple slope, compound slope and vertically sided lower portion excavations shall be in accordance with options permitted under WAC 296-155-657(2).

Figure N-7

Slope Configurations For Type B Soil

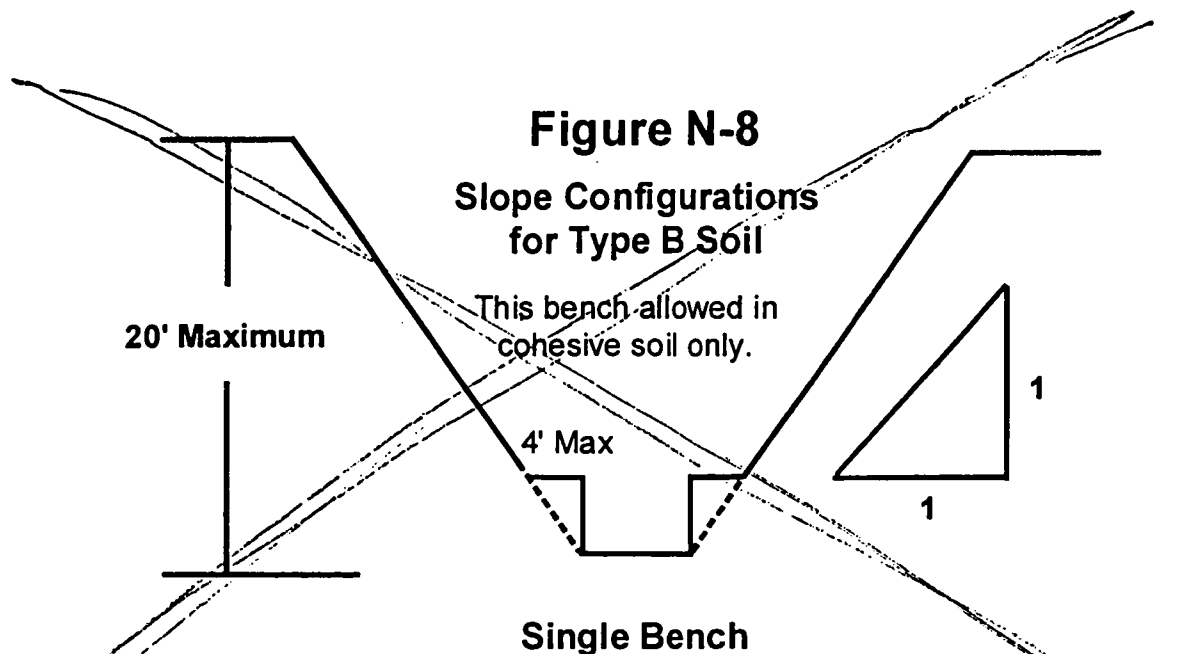


All simple excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1.

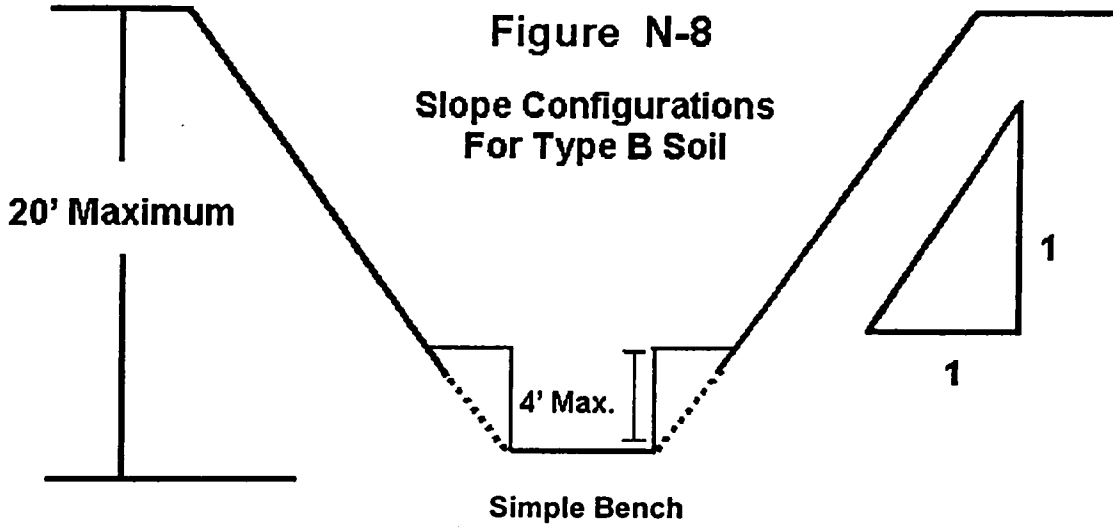
EXPEDITED ADOPTION

Figure N-8

Slope Configurations for Type B Soil

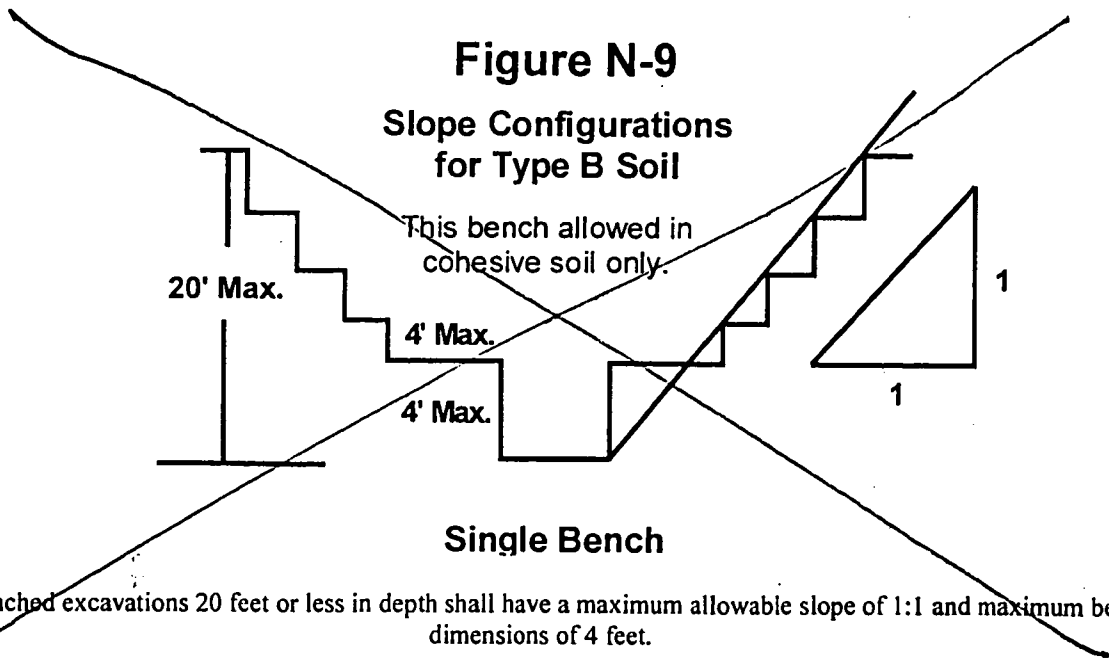


All benched excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1 and maximum bench dimensions of 4 feet.



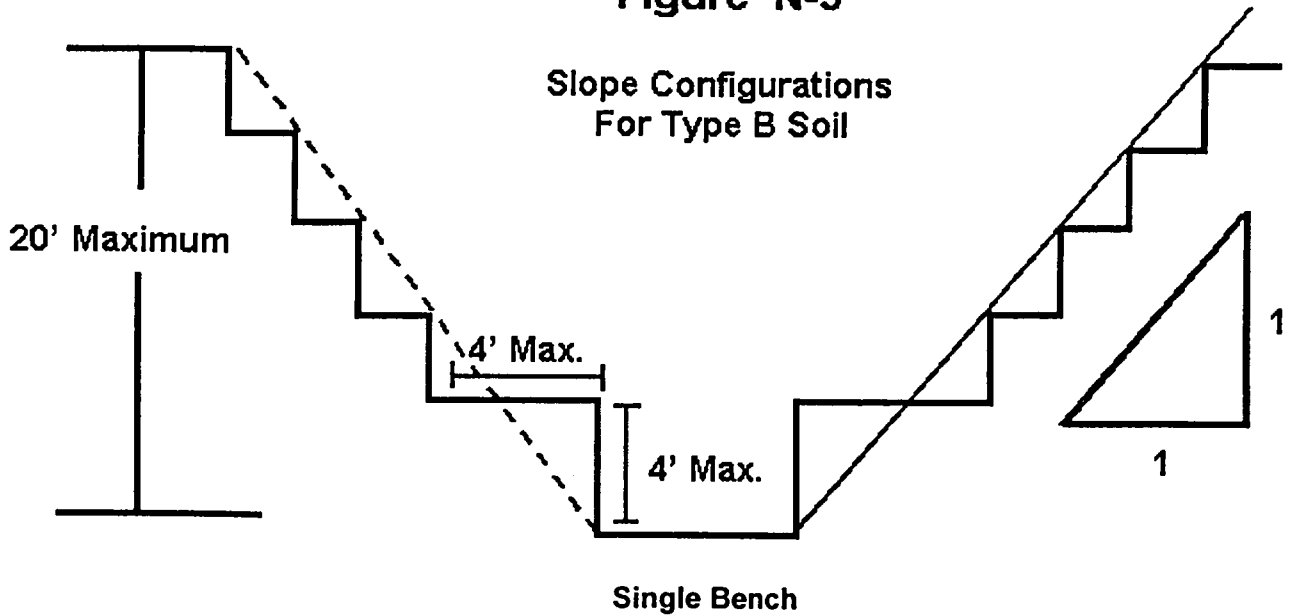
All excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1 and maximum bench dimensions of 4 feet.

EXPEDITED ADOPTION



All benched excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1 and maximum bench dimensions of 4 feet.

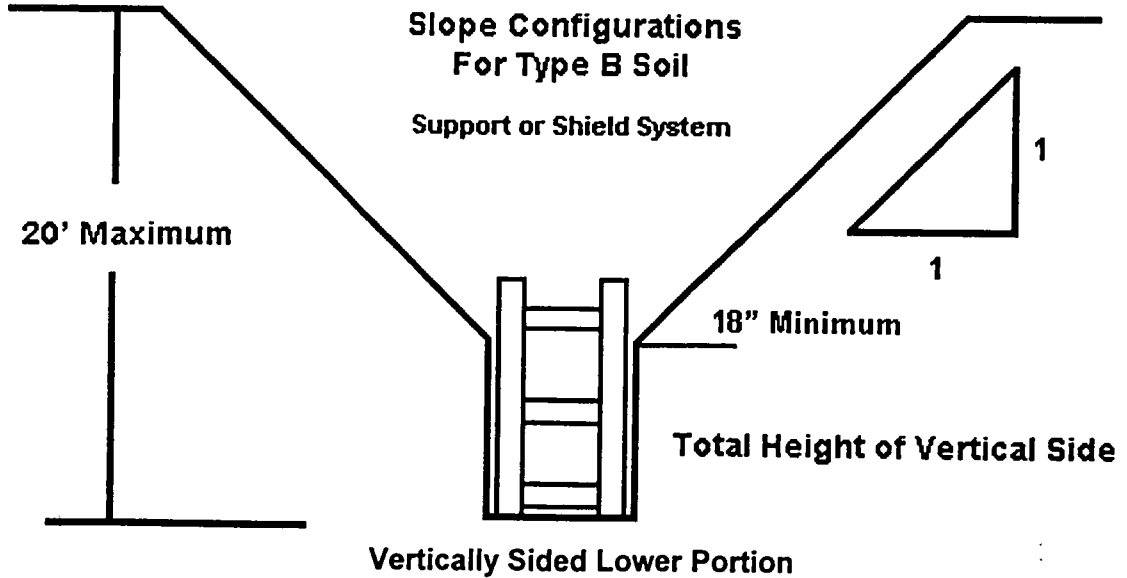
Figure N-9



All benched excavations 20 feet or less in depth shall have a maximum allowable slope of 1:1 and maximum bench dimensions of 4 feet.

EXPEDITED ADOPTION

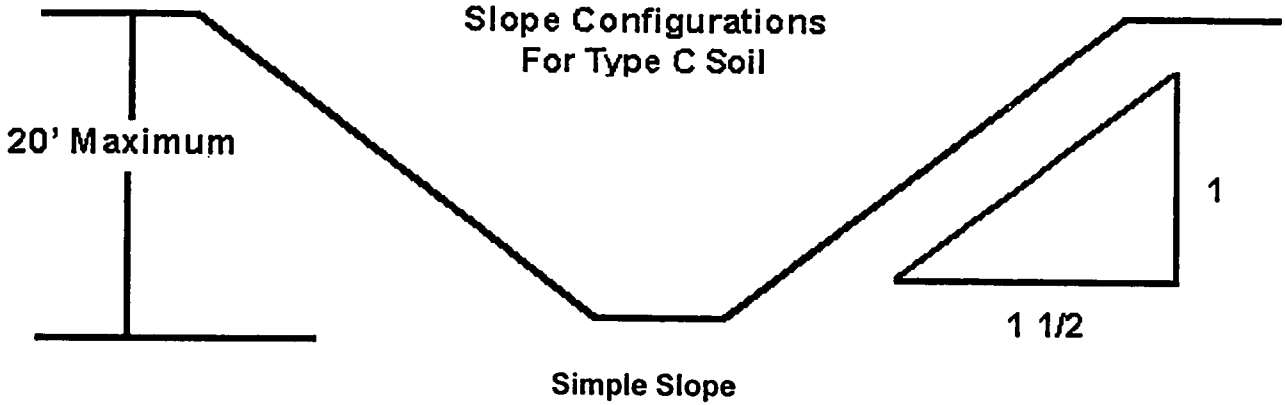
Figure N-10



All excavations 20 feet or less in depth which have vertically sided lower portions shall be shielded or supported at a height at least 18 inches above the top of the vertical side. All such excavations shall have a maximum allowable slope of 1:1.

Figure N-11

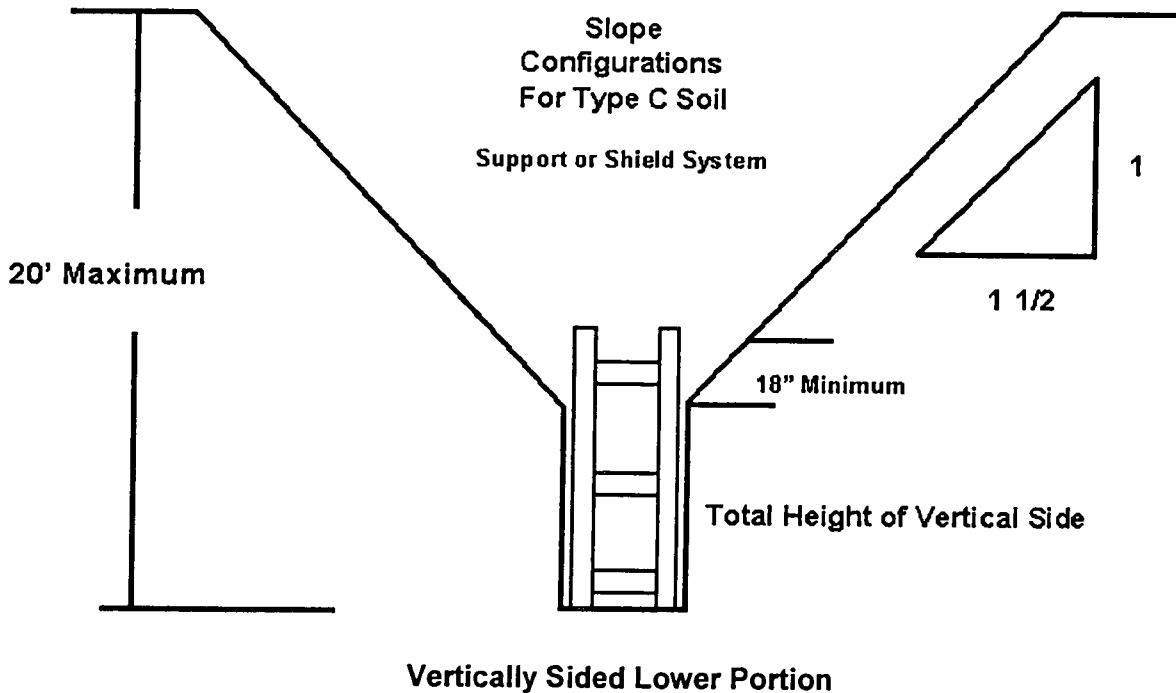
Slope Configurations For Type C Soil



All simple excavations 20 feet or less in depth shall have a maximum allowable slope of 1½:1.

Figure N-12

Slope Configurations For Type C Soil Support or Shield System



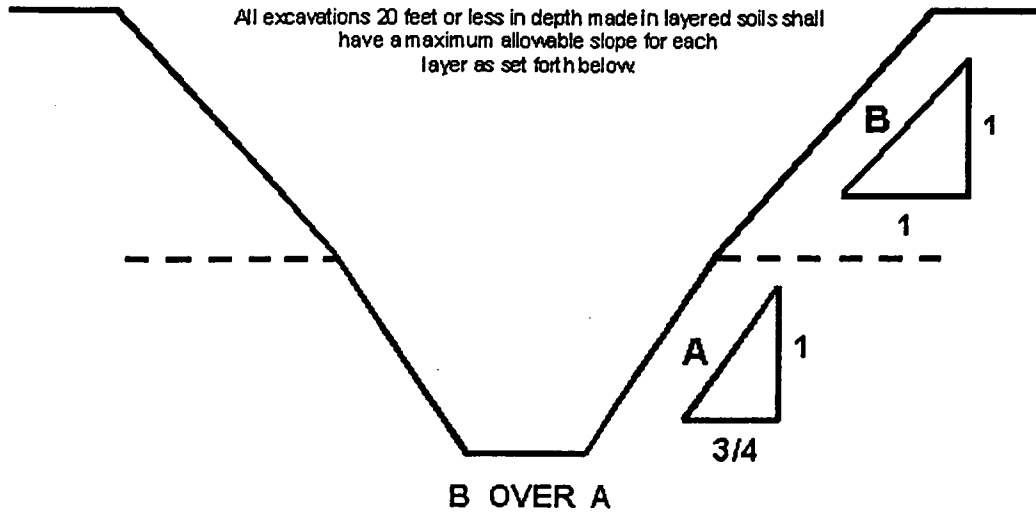
All excavations 20 feet or less in depth which have vertically sided lower portions shall be shielded or supported to a height at least 18 inches above the top of the vertical side. All such excavations shall have a maximum allowable slope of 1½:1.

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Figure N-13

EXCAVATIONS MADE IN LAYERED SOILS

All excavations 20 feet or less in depth made in layered soils shall have a maximum allowable slope for each layer as set forth below



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Figure N-14

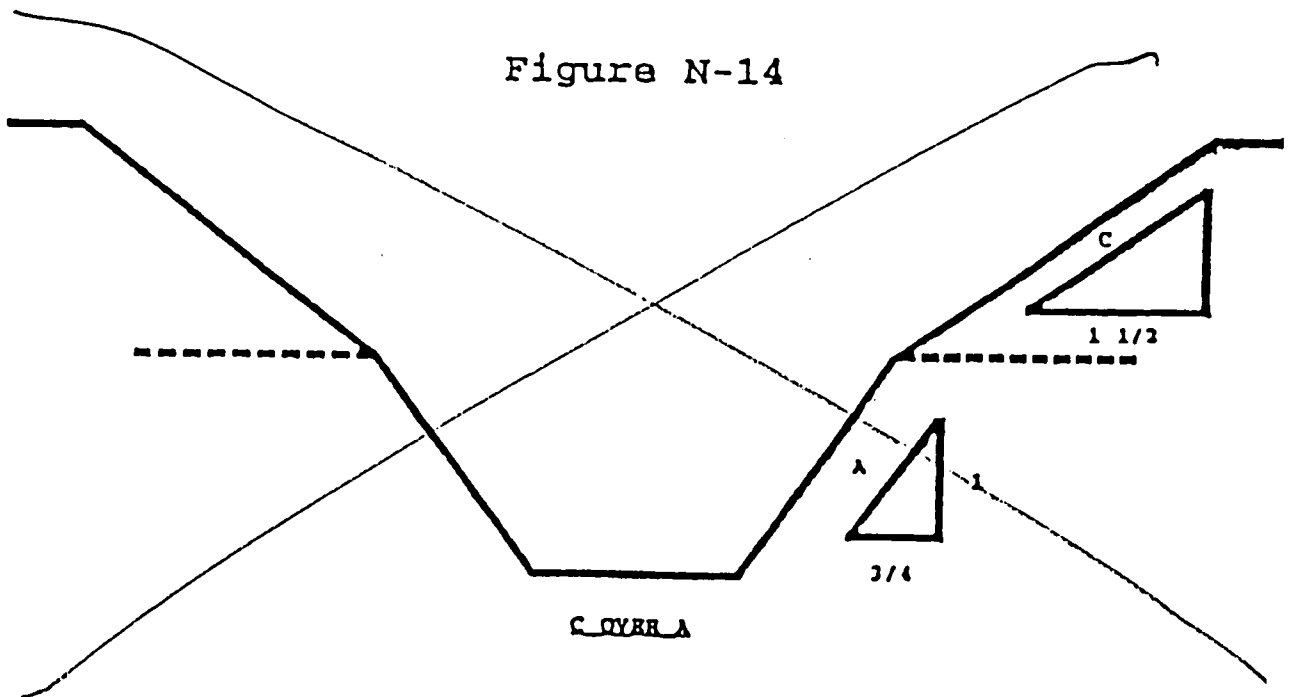
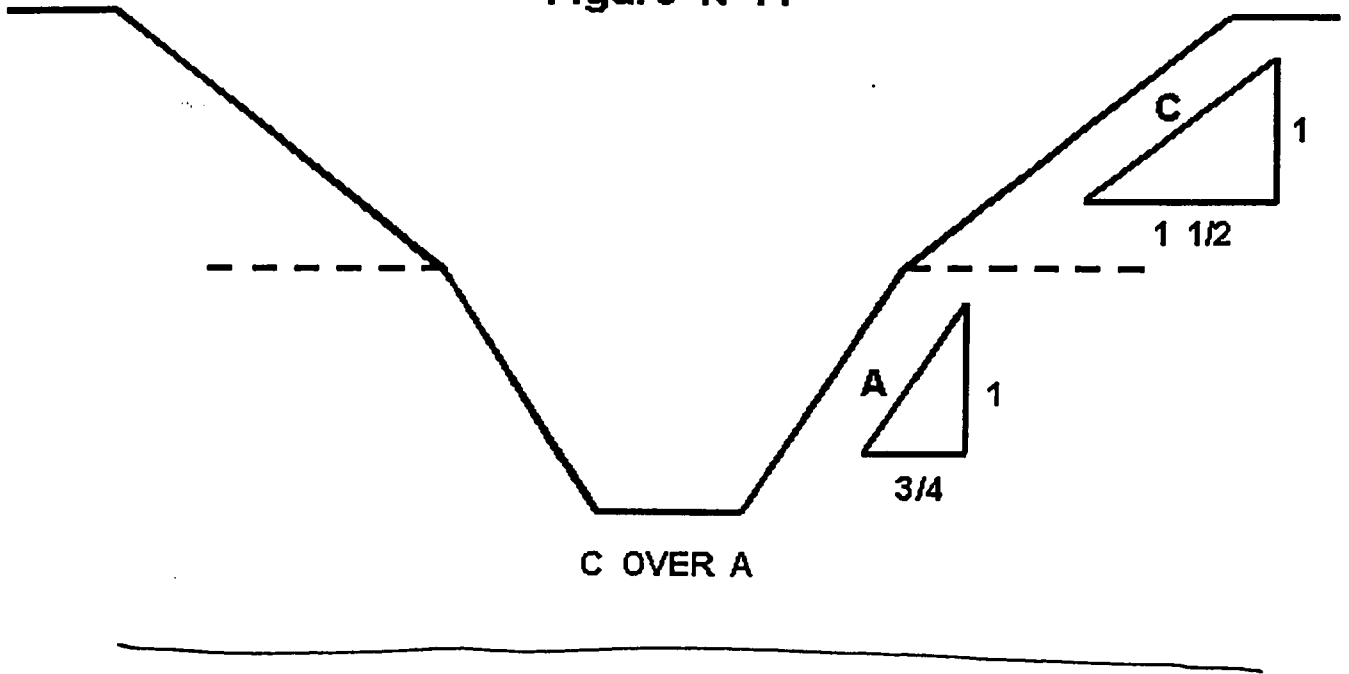


Figure N-14



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Figure N-15

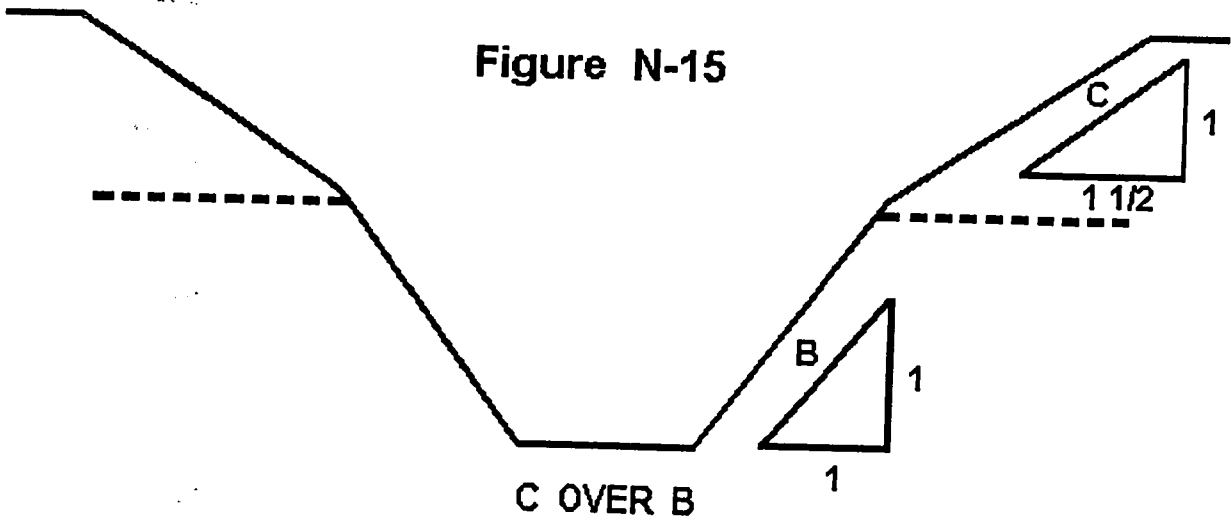


Figure N-16

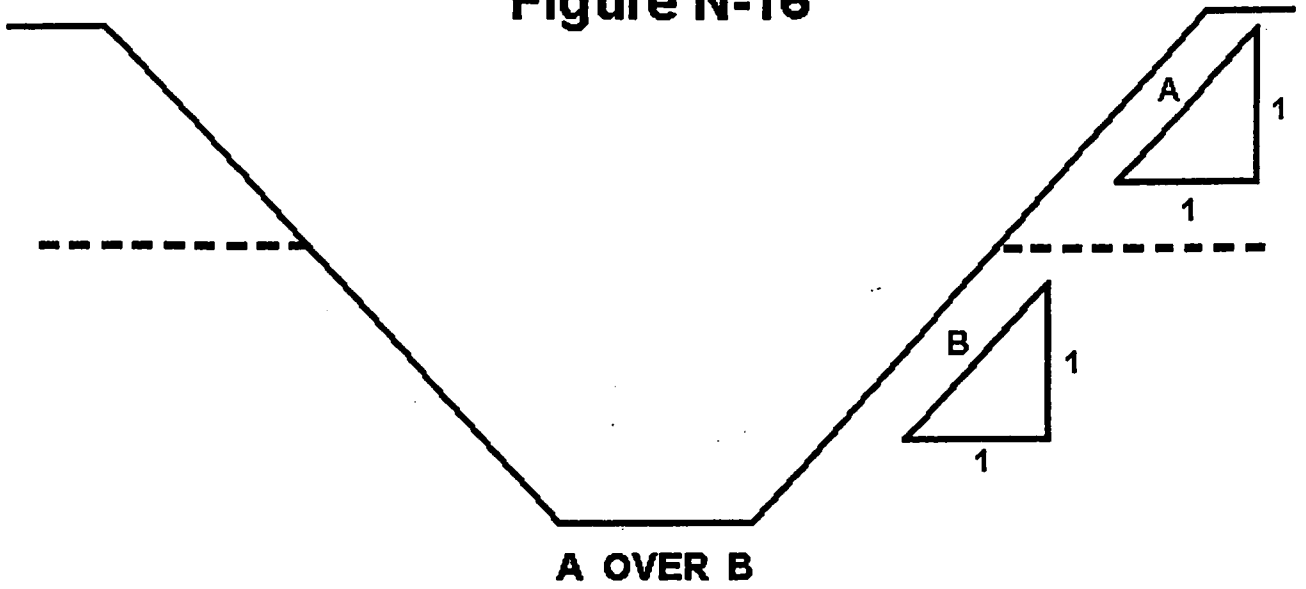
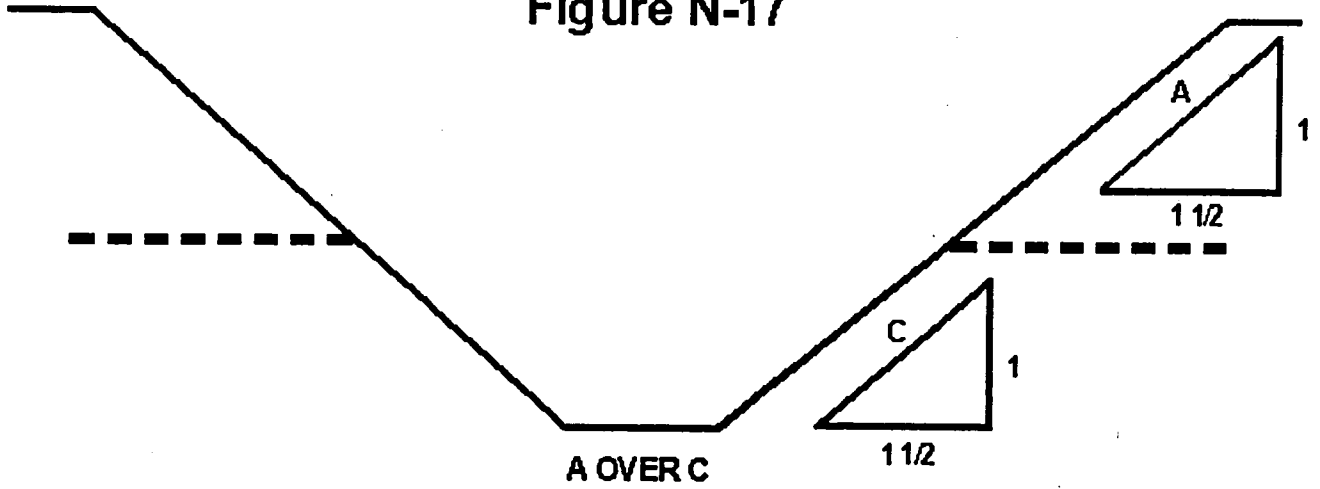
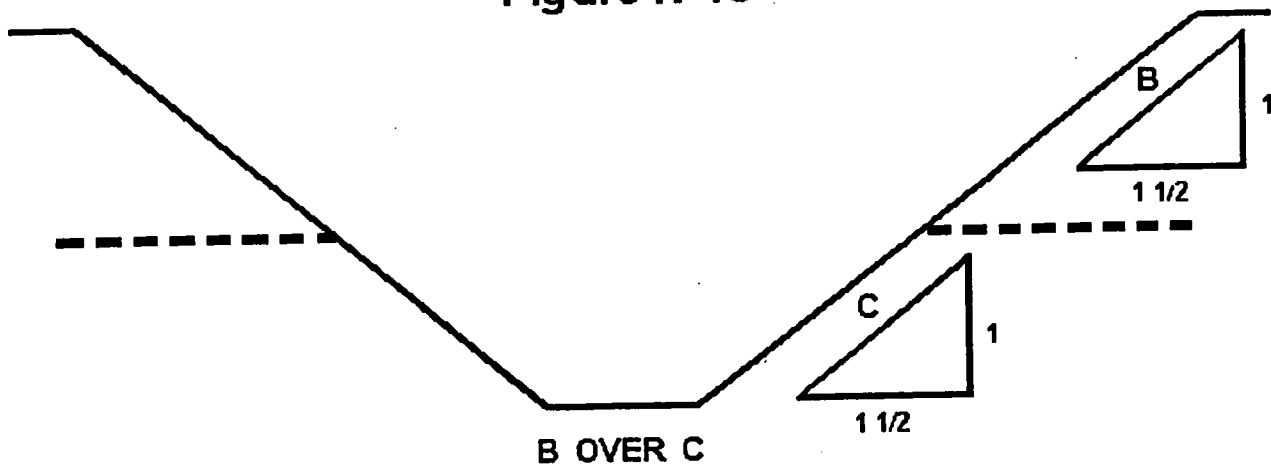


Figure N-17



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Figure N-18



AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-155-270 Flammable and combustible liquids. (1) General requirements.

(a) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans, or department of transportation approved containers shall be used for the handling and use of flammable liquids in quantities (~~greater than one gallon~~) **five gallons or less**, except that this shall not apply to those flammable liquid materials which are highly viscid (~~highly~~) (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container (~~or approved metal safety cans shall~~) **may** be used for storage, use, and handling of flammable liquids.

(b) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(c) Flammable and combustible liquid containers shall be legibly marked to indicate their contents. Each storage container for flammable or combustible liquids, with a capacity of 50 gallons or more, shall have the contents of the container identified by a sign of clearly visible contrasting colors with letters at least 3 inches high, painted on the container at the discharge valve and at the fill point.

(d) Gasoline shall not be used as a solvent or a cleaning agent.

(2) Indoor storage of flammable and combustible liquids.

(a) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see WAC 296-155-275.

(b) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom,

sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws, when more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep fire away."

(c) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(d)(i) Inside storage room shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1972.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-trenched trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1983, for Class E or F openings. Wood of at least 1-inch nominal

thickness may be used for shelving, racks, dunnage, scuff-boards, floor overlay and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table D-2 following:

TABLE D-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

Note: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, hazardous locations. For definition of Class 1, Division 1, hazardous locations, see WAC 296-155-456.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with subsection (3) of this section.

(3) Storage outside buildings.

(a) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(b) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(c) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches

high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Outdoor portable tank storage.

(i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(e) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(f) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1972, The Flammable and Combustible Liquids Code.

(g) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of the Flammable and Combustible Liquids Code, NFPA 30-1972.

(4) Fire control for flammable or combustible liquid storage.

(a) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(b) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(c) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1972.

(d) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(5) Dispensing liquids.

(a) Areas in which flammable or combustible liquids are transferred at the same time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-foot distance or by construction having a fire-resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(b) Transfer flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(c) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or

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from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tank is prohibited.

(d) The dispensing units shall be protected against collision damage.

(e) Dispensing devices and nozzles for flammable liquids shall be of an approved type, as required by WAC 296-24-33015.

(6) Handling liquids at point of final use.

(a) Flammable liquids shall be kept in closed containers when not actually in use.

(b) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(c) Flammable liquids shall be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(7) Service and refueling areas.

(a) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(b) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1977.

(c) The dispensing hose shall be an approved type.

(d) The dispensing nozzle shall be an approved automatic-closing type.

(e) Underground tanks shall not be abandoned.

(f) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(g)(i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(h) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(i) Conspicuous and legible signs prohibiting smoking shall be posted.

(j) The motor of any equipment being fueled shall be shut off during the fueling operation.

(k) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

WAC 296-155-655 General protection requirements.

(1) Surface encumbrances. All surface encumbrances that are

located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.

(2) Underground installations.

(a) The location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be located prior to opening an excavation.

(b) Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work, and asked to locate the underground utility installation prior to the start of actual excavation.

(c) When excavation operations approach the location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(d) While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees.

(3) Access and egress.

(a) Structural ramps.

(i) Structural ramps that are used solely by employees as a means of access or egress from excavations shall be designed by a competent person. Structural ramps used for access or egress of equipment shall be designed by a competent person qualified in structural design, and shall be constructed in accordance with the design.

(ii) Ramps and runways constructed of two or more structural members shall have the structural members connected together to prevent displacement.

(iii) Structural members used for ramps and runways shall be of uniform thickness.

(iv) Cleats or other appropriate means used to connect runway structural members shall be attached to the bottom of the runway or shall be attached in a manner to prevent tripping.

(v) Structural ramps used in lieu of steps shall be provided with cleats or other surface treatments on the top surface to prevent slipping.

(b) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

(4) Exposure to vehicular traffic. Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.

(5) Exposure to falling loads. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with WAC 296-155-610 (2)(g), to provide adequate protection for the operator during loading and unloading operations.

(6) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view

of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

(7) Hazardous atmospheres.

(a) Testing and controls. In addition to the requirements set forth in parts B-1, C, and C-1 of this chapter (296-155 WAC) to prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements shall apply:

(i) Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.

(ii) Adequate precautions shall be taken to prevent employee exposure to atmospheres containing less than 19.5 percent oxygen and other hazardous atmospheres. These precautions include providing proper respiratory protection or ventilation in accordance with parts B-1 and C of this chapter respectively.

(iii) Adequate precaution shall be taken such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of ((20)) 10 percent of the lower flammable limit of the gas.

(iv) When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.

(b) Emergency rescue equipment.

(i) Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.

(ii) Employees entering bell-bottom pier holes, or other similar deep and confined footing excavations, shall wear a harness with a lifeline securely attached to it. The lifeline shall be separate from any line used to handle materials, and shall be individually attended at all times while the employee wearing the lifeline is in the excavation.

Note: See chapter 296-62 WAC, Part M for additional requirements applicable to confined space operations.

(8) Protection from hazards associated with water accumulation.

(a) Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

(b) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.

(c) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains will require an inspection by a competent person and compliance with subdivisions (a) and (b) of this subsection.

(9) Stability of adjacent structures.

(a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

(b) Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:

(i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or

(ii) The excavation is in stable rock; or

(iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or

(iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

(c) Sidewalks, pavements, and appurtenant structure shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

(10) Protection of employees from loose rock or soil.

(a) Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material; installation of protective barricades at intervals as necessary on the face to stop and contain falling material; or other means that provide equivalent protection.

(b) Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

(11) Inspections.

(a) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start

of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

(b) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

(12) Fall protection.

(a) Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with chapter 296-155 WAC, Part K shall be provided where walkways are 4 feet or more above lower levels.

(b) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

AMENDATORY SECTION (Amending WSR 98-02-030, filed 12/31/97, effective 1/31/98)

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the director of the department of labor and industries, or his/her designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) By October 1, 1978, or within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a

description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10 $\mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5 $\mu\text{g}/\text{m}^3$ but less than 10 $\mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaptation and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by

this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) firefighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. ¹ (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any half-mask supplied air respirator.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge. (B) Any half-mask supplied air respirator.

¹High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

²Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

¹High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

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(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use.

(i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over 500 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic.

(ii) Employees with exposures below 50 $\mu\text{g}/\text{m}^3$ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) Reserved.

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801 (1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100 $\mu\text{g}/\text{m}^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful effects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) **Reserved.**(13) **Hygiene facilities and practices.**

(a) **Change rooms.** The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) **Showers.**

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) **Lunchrooms.**

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) **Lavatories.** The employer shall provide lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(e) **Vacuums clothes.** The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 µg/m³ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) **Avoidance of skin irritation.** The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) **Medical surveillance.**(a) **General.**

(i) **Employees covered.** The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) **Examination by physician.** The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) **Initial examinations.** By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest x-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination; and

(C) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) **Periodic examinations.**

(i) The employer shall provide the examinations specified in subsection ~~((s))~~ (14)(b)(i) and ~~((14)(b)))~~(ii)(A), (B) and (C) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsection ~~((s))~~ (14)(b)(i) and (ii)(B) and (C) of this section at least semi-annually, and the x-ray requirements specified in subsection (14)(b)(ii)(A) of this section at least annually, for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) **Additional examinations.** If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) **Information provided to the physician.** The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978 for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR SWALLOWED
USE ONLY WITH ADEQUATE VENTILATION OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

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(C) The type of respiratory protective devices worn, if any;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial x-ray;

(D) The x-rays for the most recent five years; and

(E) Any x-rays with a demonstrated abnormality and all subsequent x-rays(~~;~~ and

~~(F) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions)).~~

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup dates.

(a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 - Respirator use over 500 $\mu\text{g}/\text{m}^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 - Completion of initial monitoring.

October 1, 1978 - Complete establishment of regulated areas.

Respirator use for employees exposed above 50 $\mu\text{g}/\text{m}^3$.

Completion of initial training. Notification of use.

December 1, 1978 - Respirator use over 10 $\mu\text{g}/\text{m}^3$. Completion of initial medical. Completion of compliance plan.

Optional use of powered air-purifying respirators.

July 1, 1979 - Completion of lunch rooms and hygiene facilities.

December 31, 1979 - Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending WSR 98-02-030, filed 12/31/97, effective 1/31/98)

WAC 296-62-07354 Appendices—Inorganic arsenic.

The information in Appendices A, B, and C is not intended, by itself, to create any additional obligations not otherwise imposed by WAC 296-62-07347 nor detract from existing obligation.

(I) Appendix A—Inorganic arsenic substance information sheet.

(a) Substance identification.

(i) Substance. Inorganic arsenic.

(ii) Definition. Copper acetoarsenite, arsenic and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(iii) Permissible exposure limit. Ten micrograms per cubic meter of air as determined as an average over an 8 hour period. No employee may be exposed to any skin or eye contact with arsenic trichloride or to skin or eye contact likely to cause skin or eye irritation.

(iv) Regulated areas. Only employees authorized by your employer should enter a regulated area.

(b) Health hazard data.

(i) Comments. The health hazard of inorganic arsenic is high.

(ii) Ways in which the chemical affects your body. Exposure to airborne concentrations of inorganic arsenic may cause lung cancer, and can be a skin irritant. Inorganic arsenic may also affect your body if swallowed. One compound in particular, arsenic trichloride, is especially dangerous because it can be absorbed readily through the skin. Because inorganic arsenic is a poison, you should wash your hands thoroughly prior to eating or smoking.

(c) Personal protective equipment and clothing.

(i) Respirators. Respirators will be provided by the employer at no cost to employees for routine use if the employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient. Respirators must be worn for nonroutine activities or in emergency situations where there is likely to be exposure to levels of inorganic arsenic in excess of the permissible exposure limit. Since how well the respirator fits is very important, the employer is required to conduct fit tests to make sure the respirator seals properly when worn. These tests are simple and rapid and will be explained during training sessions.

(ii) Protective clothing. If work is in a regulated area, the employer is required to provide at no cost to employees, and it must be worn, appropriate, clean, protective clothing and equipment. The purpose of this equipment is to prevent the employee from taking home arsenic-contaminated dust and to protect the body from repeated skin contact with inorganic arsenic likely to cause skin irritation. This clothing shall include such items as coveralls or similar full-body clothing, gloves, shoes or coverlets, and aprons. Protective equipment should include face shields or vented goggles, where eye irritation may occur.

(d) Hygiene facilities and practices.

(i) The employer shall ensure that employees do not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. If work is in a regulated area, the employer is required to provide lunchrooms or other areas for these purposes.

(ii) If work is in a regulated area, the employer is required to provide showers, washing facilities, and change rooms. The employer shall ensure that employees wash faces and hands before eating and shower at the end of the work shift. Do not take used protective clothing out of change rooms without the employer's permission. The employer is required to provide for laundering or cleaning of the protective clothing.

(e) Signs and labels. The employer is required to post warning signs and labels for employee protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed, and that respirators must be worn.

(f) Medical examinations. If exposure to arsenic is over the action level (5 $\mu\text{g}/\text{m}^3$) (including all persons working in regulated areas) at least 30 days per year, or employees have been exposed to arsenic for more than 10 years over the action level, the employer is required to provide employees with a medical examination. The examination shall be every 6 months for employees over 45 years old or with more than

10 years exposure over the action level and annually for other covered employees. The medical examination must include a medical history; a chest x-ray (annual requirement only); skin examination; and nasal examination. The examining physician will provide a written opinion to the employer containing the results of the medical exams. Employees should also receive a copy of this opinion. The physician must not tell the employer any conditions he detects unrelated to occupational exposure to arsenic but must tell employees those conditions.

(g) Observation of monitoring. The employer is required to monitor employee exposure to arsenic and employees or their representatives are entitled to observe the monitoring procedure. Employees are entitled to receive an explanation of the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, employees must also be provided with and must wear the protective clothing and equipment.

(h) Access to records. Employees or their representatives are entitled to records of employee exposure to inorganic arsenic upon request to the employer. Employee medical examination records can be furnished to employees' physician if employees request the employer to provide them.

(i) Training and notification. Additional information on all of these items plus training as to hazards of exposure to inorganic arsenic and the engineering and work practice controls associated with employees' jobs will also be provided by the employer. If employees are exposed over the permissible exposure limit, the employer must inform employees of that fact and the actions to be taken to reduce employee exposure.

(2) Appendix B—Substance technical guidelines. Arsenic, arsenic trioxide, arsenic trichloride (3 examples)

(a) Physical and chemical properties

(i) Arsenic (metal)

(A) Formula: As

(B) Appearance: Gray metal

(C) Melting point: Sublimes without melting at 613C

(D) Specific gravity: (H₂O=1):5.73.

(E) Solubility in water: Insoluble

(ii) Arsenic trioxide

(A) Formula: As₂O₃, (As₄O₆).

(B) Appearance: White powder

(C) Melting point: 315C

(D) Specific gravity: (H₂O=1):3.74

(E) Solubility in water: 3.7 grams in 100cc of water at

20C

(iii) Arsenic trichloride (liquid)(Trichloride)

(A) Formula: AsCl₃

(B) Appearance: Colorless or pale yellow liquid

(C) Melting point: -8.5C

(D) Boiling point: 130.2C

(E) Specific gravity (1120=1)2:16 at 20C

(F) Vapor Pressure: 10mm Hg at 23.5C.

(G) Solubility in water: Decomposes in water.

(b) Fire, explosion, and reactivity data.

(i) Fire: Arsenic trioxide and arsenic trichloride are non-flammable.

(ii) Reactivity:

(A) Conditions contributing to instability: Heat.

(B) Incompatibility: Hydrogen gas can react with inorganic arsenic to form the highly toxic gas arsine.

(c) Monitoring and measurement procedures.

(i) Samples collected should be full shift (at least 7 hours) samples. Sampling should be done using a personal sampling pump at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrane filter (37mm diameter). Volatile arsenicals such as arsenic trichloride can be most easily collected in a midget bubbler filled with 15 ml. of 0.1 N NaOH.

(ii) The method of sampling and analysis should have an accuracy of not less than ± 25 percent (with a confidence limit of 95 percent) for 10 micrograms per cubic meter of air (10 $\mu\text{g}/\text{m}^3$) and ± 35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and 10 $\mu\text{g}/\text{m}^3$.

(3) Appendix C—Medical surveillance guidelines.

(a) General.

(i) Medical examinations are to be provided for all employees exposed to levels of inorganic arsenic above the action level (5 $\mu\text{g}/\text{m}^3$) for at least 30 days per year (which would include among others, all employees, who work in regulated areas). Examinations are also to be provided to all employees who have had 10 years or more exposure above the action level for more than 30 days per year while working for the present or predecessor employer though they may no longer be exposed above the level.

(ii) An initial medical examination is to be provided to all such employees by December 1, 1978. In addition, an initial medical examination is to be provided to all employees who are first assigned to areas in which worker exposure will probably exceed 5 $\mu\text{g}/\text{m}^3$ (after the effective date of this standard) at the time of initial assignment. In addition to its immediate diagnostic usefulness the initial examination will provide a baseline for comparing future test results. The initial examination must include as a minimum the following elements:

(A) A work and medical history, including a smoking history, and presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing;

(B) A 14-inch by 17-inch posterior-anterior chest x-ray and an International Labor Office UICC/Cincinnati (ILO U/C) rating;

(C) A nasal and skin examination; and

(D) Other examinations which the physician believes appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

(iii) Periodic examinations are also to be provided to the employees listed above. The periodic examinations shall be given annually for those covered employees 45 years of age or less with fewer than 10 years employment in areas where employee exposure exceeds the action level (5 $\mu\text{g}/\text{m}^3$). Periodic examinations need ~~((to include an updated work history and medical history; chest x ray; nasal and skin examinations; and other examinations which the physician believes appropriate))~~ not include sputum cytology and only an updated medical history is required.

EXPEDITED ADOPTION

(iv) Periodic examinations for other covered employees, shall be provided every 6 months. These examinations shall include ~~((an updated work history and medical history; nasal and skin examinations; and other examinations which the physician believes appropriate))~~ all tests required in the initial examination, except that the medical history need only be updated.

(v) The examination contents are minimum requirements. Additional tests such as lateral and oblique x-rays or pulmonary function tests may be useful. For workers exposed to 3 arsenicals, copper acetoarsenite, potassium arsenite, or sodium arsenite, which are associated with lymphatic cancer, the examination should also include palpation of superficial lymph nodes and complete blood count.

(b) Noncarcinogenic effects.

(i) The WISHA standard is based on minimizing risk of exposed workers dying of lung cancer from exposure to inorganic arsenic. It will also minimize skin cancer from such exposures.

(ii) The following three sections quoted from "Occupational Diseases: A Guide to Their Recognition," Revised Edition, June 1977, National Institute for Occupational Safety and Health is included to provide information on the nonneoplastic effects of exposure to inorganic arsenic. Such effects should not occur if the WISHA standards are followed.

(A) Local—Trivalent arsenic compounds are corrosive to the skin. Brief contact has no effect but prolonged contact results in a local hyperemia and later vesicular or pustular eruption. The moist mucous membranes are most sensitive to the irritant action. Conjunctiva, moist and macerated areas of skin, the eyelids, the angles of the ears, nose, mouth, and respiratory mucosa are also vulnerable to the irritant effects. The wrists are common sites of dermatitis, as are the genitalia if personal hygiene is poor. Perforations of the nasal septum may occur. Arsenic trioxide and pentoxide are capable of producing skin sensitization and contact dermatitis. Arsenic is also capable of producing keratoses, especially of the palms and soles.

(B) Systemic.

(I) The acute toxic effects of arsenic are generally seen following ingestion of inorganic ~~((arsenial))~~ arsenical compounds. This rarely occurs in an industrial setting. Symptoms develop within 1/2 to 4 hours following ingestion and are usually characterized by constriction of the throat followed by dysphagia, epigastric pain, vomiting, and watery diarrhea. Blood may appear in vomitus and stools. If the amount ingested is sufficiently high, shock may develop due to severe fluid loss, and death may ensue in 24 hours. If the acute effects are survived, exfoliative dermatitis and peripheral neuritis may develop.

(II) Cases of acute arsenical poisoning due to inhalation are exceedingly rare in industry. When it does occur, respiratory tract symptoms - cough, chest pain, dyspnea - giddiness, headache, and extreme general weakness precede gastrointestinal symptoms. The acute toxic symptoms of trivalent arsenical poisoning are due to severe inflammation of the mucous membranes and greatly increased permeability of the blood capillaries.

(III) Chronic arsenical poisoning due to ingestion is rare and generally confined to patients taking prescribed medications. However, it can be a concomitant of inhaled inorganic arsenic from swallowed sputum and improper eating habits. Symptoms are weight loss, nausea and diarrhea alternating with constipation, pigmentation and eruption of the skin, loss of hair, and peripheral neuritis. Chronic hepatitis and cirrhosis have been described. Polyneuritis may be the salient feature, but more frequently there are numbness and parasthenias of "glove and stocking" distribution. The skin lesions are usually melanotic and keratotic and may occasionally take the form of an intradermal cancer of the squamous cell type, but without infiltrative properties. Horizontal white lines (striations) on the fingernails and toenails are commonly seen in chronic arsenical poisoning and are considered to be a diagnostic accompaniment of arsenical polyneuritis.

(IV) Inhalation of inorganic arsenic compounds is the most common cause of chronic poisoning in the industrial situation. This condition is divided into three phases based on signs and symptoms.

(V) First phase: The worker complains of weakness, loss of appetite, some nausea, occasional vomiting, a sense of heaviness in the stomach, and some diarrhea.

(VI) Second phase: The worker complains of conjunctivitis, a catarrhal state of the mucous membranes of the nose, larynx, and respiratory passage. Coryza, hoarseness, and mild tracheobronchitis may occur. Perforation of the nasal septum is common, and is probably the most typical lesion of the upper respiratory tract in occupational exposure to arsenical dust. Skin lesions, eczematoid and allergic in type, are common.

(VII) Third phase: The worker complains of symptoms of peripheral neuritis, initially of hands and feet, which is essentially sensory. In more severe cases, motor paralysis occur; the first muscles affected are usually the toe extensors and the peronei. In only the most severe cases will paralysis of flexor muscles of the feet or of the extensor muscles of hands occur.

(VIII) Liver damage from chronic arsenical poisoning is still debated, and as yet the question is unanswered. In cases of chronic and acute arsenical poisoning, toxic effects to the myocardium have been reported based on EKG changes. These findings, however, are now largely discounted and the EKG changes are ascribed to electrolyte disturbances concomitant with arsenicalism. Inhalation of arsenic trioxide and other inorganic arsenical dusts does not give rise to radiological evidence or pneumoconiosis. Arsenic does have a depressant effect upon the bone marrow, with disturbances of both erythropoiesis and myelopoiesis.

(4) Bibliography:

Dinman, B. D. 1960. Arsenic; Chronic Human Intoxication. *Journal Occupational Medicine* 2:137.

Elkins, H.B. 1959. *The Chemistry of Industrial Toxicology*, Second Edition. John Wiley and sons, New York.

Holquist, L. 1951. Occupational Arsenical Dermatitis; A Study Among Employees at a Copper-Ore Smelting Works Including Investigations of Skin Reactions to Contact with Arsenic Compounds. *Acta. Derm. Venereol.* (Supplement 26) 31:1.

Pinto, S. S., and C. M. McGill. 1953. Arsenic Trioxide Exposure in Industry. *Ind. Med. Surg.* 22:281.

Pinto, S. S., and K. W. Nelson. 1976. Arsenic Toxicology and Industrial Exposure, *Annu. Rev. Paramacol. Toxicol.* 16:95.

Vallee, B. L., Ulmer, D. D., and W. E. C. Wacker. 1960. Arsenic Toxicology and Biochemistry. *AMA Arch. Indust. Health* 21:132.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07433 Appendices. ~~(((1) WAC 296-62-07445, Appendix C is incorporated as part of this section, and compliance with its contents is mandatory.~~

~~(2) Except where portions of) WAC 296-62-07441, appendix A; WAC 296-62-07443, appendix B; WAC 296-62-07447, appendix D; WAC 296-62-07449, appendix E; and WAC 296-62-07451, appendix F are ((expressly incorporated in requirements of WAC 296-62-07433, these appendices are purely informational)) nonmandatory appendices and are not intended to create any additional obligations (~~not otherwise imposed or to detract from any existing obligations~~)).~~

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-07542 Appendix A—Substance technical guideline for formalin. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note: Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-0.75 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonia. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special fire fighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In fire fighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) Monitoring requirements: If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) Evaluation of 8-hour exposure: Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the

full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) Short-term exposure evaluation: If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection(=

~~(A))~~. Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

~~((B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.)~~

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (action level) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

AMENDATORY SECTION (Amending WSR 98-02-030, filed 12/31/97, effective 1/31/98)

WAC 296-62-20017 Medical surveillance. (1) General requirements.

(a) Each employer shall institute a medical surveillance program for all employees who are employed in the regulated areas at least 30 days per year.

(b) This program shall provide each employee covered under subsection (1)(a) of this section with an opportunity for medical examinations in accordance with this section.

(c) The employer shall inform any employee who refuses any required medical examination of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(d) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(2) Initial examinations. At the time of initial assignment to a regulated area or upon the institution of the medical surveillance program, the employer shall provide a medical examination including at least the following elements:

(a) A work history and medical history which shall include smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing;

(b) A 14" x 17" posterior-anterior chest x-ray and International Labour Office UICC/Cincinnati (ILO U/C) rating;

(c) Pulmonary function tests including forced vital capacity (FVC) and forced expiratory volume at one second (FEV 1.0) with recording of type of equipment used;

(d) Weight;

(e) A skin examination;

(f) Urinalysis for sugar, albumin, and hematuria; and

(g) A urinary cytology examination.

(3) Periodic examinations.

(a) The employer shall provide the examinations specified in subsections (2)(a)-(f) of this section at least annually for employees covered under subsection (1)(a) of this section.

(b) The employer shall provide the examinations specified in subsection (2)(a) and (c)-(g) of this section at least semi-annually for employees 45 years of age or older or with five or more years employment in the regulated area.

(c) Whenever an employee who is 45 years of age or older or with five or more years employment in the regulated area transfers or is transferred from employment in a regulated area, the employer shall continue to provide the examinations specified in subsections (2)(a) and (c)-(g) of this section semi-annually, as long as that employee is employed by the same employer or a successor employer.

(d) The employer shall provide the x-ray specified in subsection (2)(b) of this section at least annually for employees covered under this subsection.

(e) Whenever an employee has not taken the examination specified in subsections (3)(a)-(c) of this section within the six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(4) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this regulation and its Appendixes;

(b) A description of the affected employee's duties as they relate to the employee's exposure;

(c) The employee's exposure level or anticipated exposure level;

(d) A description of any personal protective equipment used or to be used; and

(e) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) Physician's written opinion.

(a) The employer shall obtain a written opinion from the examining physician which shall include:

(i) The results of the medical examinations;

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to coke oven emissions;

(iii) Any recommended limitations upon the employee's exposure to coke oven emissions or upon the use of protective clothing or equipment such as respirators; and

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(b) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(c) The employer shall provide a copy of the written opinion to the affected employee.

AMENDATORY SECTION (Amending WSR 98-02-030, filed 12/31/97, effective 1/31/98)

WAC 296-62-20027 Appendix A—Coke oven emissions substance information sheet.

APPENDIX A

COKE OVEN EMISSIONS

SUBSTANCE INFORMATION SHEET

I. SUBSTANCE IDENTIFICATION

- (1) Substance: Coke oven emissions
- (2) Definition: The benzene-soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke.
- (3) Permissible exposure limit: 150 micrograms per cubic meter of air determined as an average over an 8-hour period.
- (4) Regulated areas: Only employees authorized by your employer should enter a regulated area. The employer is required to designate the following areas as regulated areas: the coke oven battery, including topside and its machinery, pushside and its machinery, and the screening station; and the wharf, the beehive ovens and machinery.

II. HEALTH HAZARD DATA

Exposure to coke oven emissions is a cause of lung cancer, and possibly kidney cancer, in humans. Although it does not have an excess number of skin cancer cases in humans, repeated skin contact with coke oven emissions should be avoided.

III. PROTECTIVE CLOTHING AND EQUIPMENT

- (1) Respirators: Respirators will be provided by your employer for routine use if your employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient. You must wear respirators for nonroutine activities or in emergency situations where you are likely to be exposed to levels of coke oven emissions in excess of the permissible exposure limit. Until January 20, 1978, the routine wearing of respirators is voluntary. Until that date, if you choose not to wear a respirator you do not have to do so. You must still have your respirator with you and you must still wear it if you are near visible emissions. Since how well your respirator fits your face is very important, your employer is required to conduct fit tests to make sure the respirator seals properly when you wear it. These tests are simple

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and rapid and will be explained to you during your training sessions.

- (2) Protective clothing: Your employer is required to provide, and you must wear, appropriate, clean, protective clothing and equipment to protect your body from repeated skin contact with coke oven emissions and from the heat generated during the coking process. This clothing should include such items as jacket and pants and flame resistant gloves. Protective equipment should include face shield or vented goggles, protective helmets and safety shoes, insulated from hot surfaces where appropriate.

IV. HYGIENE FACILITIES AND PRACTICES

You must not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. Your employer is required to provide lunchrooms and other areas for these purposes.

Your employer is required to provide showers, washing facilities, and change rooms. If you work in a regulated area, you must wash your face, and hands before eating. You must shower at the end of the work shift. Do not take used protective clothing out of the change rooms without your employer's permission. Your employer is required to provide for laundering or cleaning of your protective clothing.

V. SIGNS AND LABELS

Your employer is required to post warning signs and labels for your protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed. In regulated areas where coke oven emissions are above the permissible exposure limit, the signs should also warn that respirators must be worn.

VI. MEDICAL EXAMINATIONS

If you work in a regulated area at least 30 days per year, your employer is required to provide you with a medical examination every year. The medical examination must include a medical history, a chest x-ray; pulmonary function test; weight comparison; skin examination; a urinalysis and a urine cytology exam for the early detection of urinary (~~or lung~~) cancer. ~~((When you are either 45 years or older or have 5 or more years employment in the regulated areas, medical examinations are required every 6 months and include an updated work history; an updated medical history; pulmonary function test; weight comparison; skin examination; a urinalysis; and a urine cytology exam.))~~ The urine cytology exam is only included in the initial exam until you are either forty-five years or older, or have five or more years employment in the regulated areas when the medical exams including this test, but excepting the x-ray exam, are to be given every six months; under these conditions, you are to be given an x-ray exam at least once a year. The examining physician will provide a written opinion to your employer containing the results of the medical exams. You should also receive a copy of this opinion.

VII. OBSERVATION OF MONITORING

Your employer is required to monitor your exposure to coke oven emissions and you are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you must also be provided with and must wear the protective clothing and equipment.

VIII. ACCESS TO RECORDS

You or your representative are entitled to records of your exposure to coke oven emissions upon request to your employer. Your medical examination records can be furnished to your physician upon request to your employer.

IX. TRAINING AND EDUCATION

Additional information on all of these items plus training as to hazards of coke oven emissions and the engineering and work practice controls associated with your job will also be provided by your employer.

AMENDATORY SECTION (Amending WSR 98-02-030, filed 12/31/97, effective 1/31/98)

WAC 296-62-20029 Appendix B—Industrial hygiene and medical surveillance guidelines.

APPENDIX B

INDUSTRIAL HYGIENE AND MEDICAL SURVEILLANCE GUIDELINES

I. INDUSTRIAL HYGIENE GUIDELINES

- (1) Sampling. (Benzene-Soluble Fraction Total Particulate Matter.)

Samples collected should be full shift (8-hour) samples. Sampling should be done using a personal sampling pump with pulsation damper at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size silver membrane filters (37 mm diameter) preceded by Gelman glass fiber type A filters encased in three-piece plastic (polystyrene) field monitor cassettes. The cassette face cap should be on and the plug removed. The rotameter should be checked every hour to ensure that proper flow rates are maintained.

A minimum of three full-shift samples should be collected for each job classification on each battery, at least one ~~((during and the night))~~ from each shift. If disparate results are obtained for particular job classification, sampling should be repeated. It is advisable to sample each shift on more than one day to account for environmental variables (wind, precipitation, etc.) which may affect sampling. Differences in exposures among different work shifts may indicate a need to improve work prac-

tices on a particular shift. Sampling results from different shifts for each job classification should not be averaged. Multiple samples from same shift may be used to calculate an average exposure for a particular job classification.

(2) Analysis.

(a) All extraction glassware is cleaned with dichromic acid cleaning solution, rinsed with tap water, then (~~deionized~~) deionized water, acetone, and allowed to dry completely. The glassware is rinsed with nanograde benzene before use. The Teflon cups are cleaned with benzene then with acetone.

(b) Pre-weigh the 2 ml Perkin-Elmer Teflon cups to one hundredth of a milligram on a Perkin-Elmer autobalance AD 2 Tare weight of the cups is about 50 mg.

(c) Place the silver membrane filter and glass fiber filter into a 15 ml test tube.

(d) Extract with 5 ml of benzene for five minutes in an ultrasonic cleaner.

(e) Filter the extract in 15 ml medium glass fritted funnels.

(f) Rinse test tube and filters with two 1.5 ml aliquots of benzene and filter through the fritted glass funnel.

(g) Collect the extract and two rinses in a 10 ml Kontes graduated evaporative concentrator.

(h) Evaporate down to a 1 ml while rinsing the sides with benzene.

(i) Pipet 0.5 ml into the Teflon cup and evaporate to dryness in a vacuum oven at 40°C for 3 hours.

(j) Weight the Teflon cup and the weight gain is due to the benzene soluble residue in half the sample.

II. MEDICAL SURVEILLANCE GUIDELINES

(1) General.

The minimum requirements for the medical examination for coke oven workers are given in WAC 296-62-20017.

The initial examination is to be provided to all coke oven workers (~~at the time of the initial assignment to a job in the regulated area~~) who work at least thirty days in the regulated area. The examination includes a 14" x 17" posterior-anterior chest x-ray and a ILO/UC rating to assure some standardization of x-ray reading, pulmonary function tests (FVC and FEV 1.0), weight, urinalysis, skin examination (~~and a sputum~~) and a urinary cytologic examination. These tests are to serve as the baseline for comparing the employee's future test results. Periodic exams (~~are to be performed semiannually only on those employees who are 45~~) include all the elements of the initial exams, except that the urine cytologic test is to be performed only on those employees who are forty-five years of age or older or who have worked for ((5)) five or more years in the regulated area (~~and include an updated work history; an updated medical history; pulmonary function test; weight comparison; skin examination; a urinalysis; and a urine cytology exam~~); periodic exams, with the exception of x-rays, are to be performed semiannually for this group instead of annually; for this group, x-rays will continue to be given at least annually.

The examination contents are minimum requirements, additional tests such as lateral and oblique x-rays or additional pulmonary function tests may be performed if deemed necessary.

(2) Pulmonary function tests.

Pulmonary function tests should be performed in a manner which minimizes subject and operator bias. There has been shown to be learning effects with regard to the results obtained from certain tests, such as FEV 1.0. Best results can be obtained by multiple trials for each subject. The best of three trials or the average of the last three of five trials may be used in obtaining reliable results. The type of equipment used (manufacturer, model, etc.) should be recorded with the results as reliability and accuracy varies and such information may be important in the evaluation of test results. Care should be exercised to obtain the best possible testing equipment.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-41025 Refresher training. (1) Those employees who are trained in accordance with WAC (~~296-62-~~) 296-62-41020 must receive annual refresher training of sufficient content and duration to maintain their competencies, or must demonstrate competency in those areas at least yearly.

(2) A statement must be made of the training or competency, and if a statement of competency is made, the employer must keep a record of the methodology used to demonstrate competency.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-421 Licenses—Information verification. (1) Any information request by the department, in order to verify statements in an application or in order to facilitate a department inquiry, shall be supplied prior to the issuance or renewal of a license. A Social Security number is required at the time of application (RCW 26.23.150).

(2) The director of labor and industries shall require, as a condition precedent to the original issuance or renewal of any explosive license, fingerprinting and criminal history record information checks of every applicant.

(a) In the case of a corporation, fingerprinting and criminal history record information checks shall be required for the management officials directly responsible for the operations where the explosives are used if such persons have not previously had their fingerprints recorded with the department of labor and industries.

(b) In the case of a partnership, fingerprinting and criminal history record information checks shall be required of all general partners.

(c) Such fingerprints as are required by the department of labor and industries shall be submitted on forms provided by the department to the identification section of the Washington state patrol and to the identification division of the Federal Bureau of Investigation in order that these agencies may

search their records for prior convictions of the individuals fingerprinted.

(d) The Washington state patrol shall provide to the director of labor and industries such criminal record information as the director may request.

(e) The applicant shall give full cooperation to the department of labor and industries and shall assist the department of labor and industries in all aspects of fingerprinting and criminal history record information check.

(f) The applicant may be required to pay a fee not to exceed twenty dollars to the agency that performs the fingerprinting and criminal history process.

(3) The director of labor and industries shall not issue a license to manufacture, purchase, store, use, or deal with explosives to:

(a) Any persons under twenty-one years of age;

(b) Any person whose license is suspended or whose license has been revoked, except as provided in WAC 296-52-423;

(c) Any person who has been convicted in this state or elsewhere of a violent offense as defined in RCW 9.94A.030, perjury, false swearing, or bomb threats or a crime involving a schedule I or II controlled substance, or any other drug or alcohol related offenses, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency.

Exception: The director of labor and industries may issue a license if the person suffering a drug or alcohol related dependency is participating in or has completed an alcohol or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The director of labor and industries shall require the applicant to provide proof of such participation and control.

(d) Any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease and who has not at the time of application been restored to competency.

(e) The department shall not issue or reissue an explosives license to any individual who is physically handicapped or diseased to an extent that he or she cannot safely pursue or continue all normal aspects of an explosives occupation. Disqualifying physical impairments may include but are not limited to examples such as blindness, deafness, or subject to epileptic or diabetic seizures or coma.

(f) A license holder of any unexpired license(s) shall surrender such license(s) to the department upon request for identified cause. Such surrender is subject to appeal to refute the contention of cause with verification of physical ability by a qualified physician.

Note: See also WAC 296-52-425 and 296-52-433.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-425 Dealer's license. (RCW 70.74.130 and 70.74.230, apply.)

(1) The application for a dealer's license to buy explosives for the sole purpose of resale shall be made to Department of Labor and Industries, Olympia.

(2) Original license applications and/or application for renewal shall be completed on forms available from the department and shall comply with all requirements of WAC 296-52-421. The license fee shall be ~~((thirty-seven))~~ **twenty-five** dollars ~~((and shall increase to fifty dollars two years after the effective date of this section)).~~

(3) The license shall be renewed annually, no later than the expiration date.

(4) When an order for explosives is placed in person, by telephone, or in writing by a purchaser, the seller shall request proper authorization and identification from the purchaser and shall record the purchaser's license number.

(5) A dealer shall not distribute explosive materials to a company or individual on the order of a person who does not appear on the up to date list of representatives or agents and if the person does appear on the list, the dealer shall verify the identity of such person.

Exception: The above regulation(s) shall not apply to licensed common carrier companies when said common carrier is not purchasing the explosives but is merely transferring the materials from the seller to the purchaser and the transfer practices comply with current state and federal DOT regulations.

(6) Dealers records.

(a) A dealer's record of all explosives purchased and sold as defined in RCW 70.74.010, shall be kept on file and a copy transmitted not later than the tenth of every month to the department.

(b) The purchaser's name and license number shall be stated on dealer's record, and the name of the person authorized by the purchaser to physically receive the explosives.

(c) The dealer shall ascertain the identity of the individual who receives the explosives from a picture-type identification card, such as a driver's license. The recipient shall sign a receipt, documenting the explosives received and said receipt shall be retained by the dealer for not less than one year from the date of purchase.

(7) Any package, cask, or can containing any explosive, nitroglycerin, dynamite, or powder that is put up for sale, or is delivered to any warehouseman, dock, depot, or common carrier shall be properly labeled thereon to indicate its explosive classification.

(8) If the explosives are delivered by the dealer or dealer's authorized agent to an explosives magazine, the license number of said magazine and the legal signature of the recipient, properly authorized and identified, shall be obtained.

(9) No person shall sell, display, or expose for sale any explosive, improvised device or blasting agent on any highway, street, sidewalk, public way, or public place.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-429 License for manufacturing. RCW 70.74.110 and 70.74.144, apply.

(1) No person, partnership, firm, company or corporation shall manufacture explosives or blasting agents or use any process involving explosives as a component part in the manufacture of any device, article or product without first obtain-

ing a manufacturer's license from the department of labor and industries.

(2) The application for license for manufacturing explosives and/or blasting agents shall be made to Department of Labor and Industries, Division of Consultation and Compliance, Olympia. The license fee for either an original license or a renewal shall be ~~((thirty-seven))~~ twenty-five dollars ~~((and shall increase to fifty dollars two years after the effective date of this section))~~.

(3) The application for original license or renewal shall be completed on forms available from the department and shall provide the following information:

- (a) Location of place of manufacture or processing;
- (b) Kind of explosives manufactured, processed, or used;
- (c) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads, highways, and public utility transmission systems;
- (d) The name and address of the applicant;
- (e) The reason for desiring to manufacture explosives;
- (f) The applicant's citizenship, if the applicant is an individual;
- (g) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (h) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship; and

(i) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter.

(4) Each application for license shall be accompanied by a site plan of the proposed or existing manufacturing facilities. The plan shall show:

(a) The distance each manufacturing building is located from other buildings on the premises where people are employed, from other occupied buildings on adjoining property, from buildings where customers are served, from public highways and utility transmission systems.

(b) The site plan shall demonstrate compliance with all applicable requirements of chapter 70.74 RCW, the State Explosives Act as it exists at the time of this adoption or is hereafter amended; with applicable requirements of chapter 296-50 WAC, Safety standards—Manufacture of explosives; with the separation/location requirements of this chapter.

(c) The site plan shall identify and describe all natural or artificial barricades which are utilized to influence minimum permissible separation distances.

(d) The site plan shall identify the nature of and kind of work carried on in each building.

(e) The site plan shall specify the maximum amount and kind of explosives or blasting agents which will be permitted in each building or magazine at any one time.

(5) The application for license shall comply with all requirements of WAC 296-52-421.

(6) Upon receipt of a completed application meeting all requirements of this section, the department will schedule an inspection of the premises at the earliest time possible.

(7) The department will issue a license to the applicant(s) provided that:

(a) The required inspection confirms that the site plan is accurate and the facilities comply with applicable regulations of the department;

(b) The applicant(s) or operating superintendent and employees are sufficiently trained and experienced in the manufacture of explosives.

(8) A license to manufacture explosives and/or blasting agents shall be valid for not more than one year from the date of issue unless suspended or revoked by the department.

(9) A copy of the site plan and manufacturer's license shall be posted in the main office of each manufacturing plant.

(a) The site plan shall be maintained to reflect current status of manufacturing facilities, occupancy changes, etc.

(b) The department shall be notified when significant change occurs in the site plan. If the change is of such nature or magnitude as to make compliance with all requirements of this chapter questionable, the license holder shall consult with the department before changing the operations.

(10) Specific applicable requirements for the manufacture of explosives and blasting agents are codified and distributed in chapter 296-50 WAC, Safety standards—Manufacture of explosives.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-433 Purchaser's license. RCW 70.74.135 and 70.74.137, apply.

(1) No person, firm, partnership, or corporation and including public agencies, shall be permitted to purchase explosives or blasting agents without a valid license as issued by the department of labor and industries.

(2) Applicants desiring to purchase explosives or blasting agents, except hand loader components as defined in this chapter, shall make application for license to the department of labor and industries. Application forms may be obtained at all department district offices, and from explosives dealers.

(3) Applicants shall comply with all requirements of WAC 296-52-421 and shall have a current user (blaster) license issued by the department. The purchaser's license fee shall be ~~((ten))~~ five dollars ~~((and shall increase to fifteen dollars two years after the effective date of this section))~~.

(4) Applicants shall be required to furnish at least the following information:

- (a) The location where explosives are to be used;
- (b) The kind and amount of explosives to be used;
- (c) The name and address of the applicant;
- (d) The reason for desiring to use explosives;
- (e) The citizenship of the applicant, if the applicant is an individual;
- (f) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (g) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship;

(h) Documented proof of ownership of a licensed storage magazine or a signed authorization to use another person's licensed magazine; or the purchaser shall sign a statement certifying that the explosives will not be stored.

(i) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purposes of this chapter.

(5) The department will grant a purchaser's license after all legal requirements have been fulfilled.

(6) The license is valid for one year from date of issuance.

(7) Purchaser shall, prior to ordering explosive materials, furnish the dealer a current list of the representatives or agents authorized to order explosive materials on their behalf showing the name, address, drivers license number or valid identification and date and place of birth. A copy of the list shall be submitted with the purchaser's application. The dealer and the department lists shall be updated as changes occur.

(8) The individual who physically receives the purchased explosives shall prove to the satisfaction of the dealer that he, personally, is the purchaser, or the person authorized by the purchaser to receive said purchased explosives. Such authorization procedure shall be approved by the department. Said receiver of explosives shall identify himself properly and shall sign the dealer's record with his legal signature.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-437 User's (blaster's) license. RCW 70.74.020 and 70.74.142, apply.

(1) No person, firm, partnership, or corporation shall use, blast, or dispose of explosives and/or blasting agents unless in possession of a valid user's (blaster's) license issued by the department of labor and industries.

(2) The application for a user's (blaster's) license to use, blast or dispose explosives and blasting agents shall be made to Department of Labor and Industries, Division of Consultation and Compliance, Olympia.

(a) Application forms may be obtained at all department district offices, and from explosives dealers.

(b) The license is valid for one year from date of issuance. The license fee shall be ~~((ten))~~ five dollars ~~((and shall increase to fifteen dollars two years after the effective date of this section))~~.

(c) Applicants shall comply with all requirements of WAC 296-52-421.

(d) User (blaster) may be required to verify name of licensed purchaser, which will be confirmed and approved by the department.

(3) In addition to the submission of the application form, all new applicants, all applicants requesting change in classification of their license, and all applicants who have not renewed their user (blaster) license within sixty days of expiration will be required to submit a resume of successful blasting experience, properly witnessed, and to pass a written examination prepared and administered by the department.

(4) User (blaster) qualifications:

(a) A user (blaster) shall be able to understand and give written and oral orders.

(b) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs. This rule does not apply to persons taking prescrip-

tion drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(c) A user (blaster) shall be qualified by reason of training, knowledge, and experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(d) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(5) The department will issue a user's license card which shall state the limitations imposed on the licensee and shall be presented by the user to authorized persons, upon request, together with valid personal identification.

(6) A "hand loader" as defined in this chapter, does not require a user's license.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-449 Storage magazine license fees. RCW 70.74.140, applies.

The annual license fee for operating each magazine has been established by the department and shall be as shown in the following table:

Maximum weight (pounds) of explosives permitted in each magazine	Maximum number of blasting caps permitted in each magazine	Annual fee (dollars) for each magazine
200	133,000	((20.00)) <u>10.00</u>
1,000	667,000	((35.00)) <u>25.00</u>
5,000	3,335,000	((50.00)) <u>35.00</u>
10,000	6,670,000	((60.00)) <u>45.00</u>
50,000	33,350,000	((75.00)) <u>60.00</u>
Max. 300,000	Max. 200,000,000	((100.00)) <u>75.00</u>

Any permanent magazine licensed for two years shall pay twice the license fee shown.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-477 Quantity and distance table for separation between magazines. Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances in the following table.

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TABLE H-21
QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN
MAGAZINES CONTAINING EXPLOSIVES

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12
40	50	28	14
50	75	30	15
75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105
25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150

TABLE H-21
QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN
MAGAZINES CONTAINING EXPLOSIVES

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385

Note 1. The term "natural barricade" is defined in WAC 296-52-417.

Note 2. Efficient artificial barricade is defined in WAC 296-52-417.

Note 3. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

Note 4. This table applies only to the ((~~manufacture and~~)) permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

AMENDATORY SECTION (Amending WSR 98-19-056, filed 9/15/98, effective 11/8/98)

WAC 296-52-489 Transportation. (1) Regulations governing the transportation of explosives on public highways are adopted by the United States Department of Transportation (see 49 CFR Parts 100 through 199) and the Washington utilities and transportation commission and administered by the Washington state patrol.

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(2) The regulations of this section shall be applicable in- and-on job sites and off-highway roads. The department of labor and industries shall administer these regulations in locations such as but not limited to: Construction or mining access roads and blast sites; off-highway forest roads including both publicly and privately owned logging roads, haul roads or general access roads.

Note: Examples of publicly owned off-highway roads where these regulations are applicable shall include, but are not limited to: U.S. Forest Service roads, Bureau of Land Management roads, state department of natural resources roads, but specifically not including the state or interstate highway system.

(a) No person shall be allowed to smoke, carry matches or any other flame-producing device, except guards or commissioned law enforcement officers, to carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from a disabled vehicle to another, only when proper and qualified supervision is provided. Local fire and police departments shall be promptly notified in congested areas. In remote areas they shall be notified if appropriate.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonating cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(3) Transportation vehicles.

(a) All vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. The cargo compartment(s) shall have a tight floor and must not have any exposed spark producing metal on the inside which could come into contact with explosives cargo.

(b) Explosives vehicles used on any roadway which is open to public travel shall comply with WAC 296-52-550, Appendix II.

(c) Open top explosives transportation vehicles may only be used on the jobsite or on roads which are not open to public travel (while laden with explosives). In open top vehicles or trailers, explosives may only be transported in the original DOT approved shipping container(s)/box(es) or a daybox or portable magazine which complies with the requirements of this chapter. In all instances the explosive container(s), box(es), daybox or portable magazine shall be secured to the bed of the vehicle or trailer.

(i) If an explosives transportation vehicle or trailer does not have a fully enclosed cargo area with nonsparking interior, the cargo bed and all explosive cargo shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container shall be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs.

(ii) Packages of explosives shall not be loaded above the sides on open-sided vehicles.

(4) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199. Placards shall remain on the vehicle until all explosives have been removed from the vehicle.

(5)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 2A 10BC. The driver shall be trained in the use of the extinguishers on the vehicle.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to WAC 296-24-58501(19) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(6) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(i) Explosives may only be transported by a licensed manufacturer, blaster, purchaser or seller, or the designated agent or representative thereof, or a contract carrier for hire who complies with all requirements for transportation of hazardous materials.

(ii) The person in control of the explosive laden vehicle shall be made aware of the nature of the cargo and pertinent safety precautions relating to the particular explosive(s) being transported.

(b) Parking. A motor vehicle which contains Class A or Class B explosives must not be parked under any of the following circumstances:

(i) On or within 5 feet of the traveled portion of a public street or highway;

(ii) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(iii) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. The attendant shall have been made familiar with the vehicle to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within the driver or attendants field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert their attention from the vehicle.

(ii) An explosive laden vehicle may be left unattended for a period not to exceed 48 hours provided that:

(A) The vehicle is parked in a designated parking lot which complies with NFPA Std. 498 and with the appropriate clearance table of this chapter for the type and quantity of explosives carried;

(B) The designated parking lot is correctly bermed and walled or fenced and gated to prevent unauthorized entry;

(C) The designated lot is inspected and approved by the department of labor and industries and is provided with a full-time security patrol at all times when explosives are present;

(D) Trucks used for explosives delivery which contain only blasting agents (International Class 1.5 D) and no high explosives need not be attended provided the vehicle is locked to prevent movement of the vehicle, the cargo compartments are locked to prevent theft, the vehicle is parked according to all applicable storage distance requirements, and the vehicle is located in a secured area which restricts entry to the area by unauthorized personnel.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or authorized temporary storage or handling area.

(7) Transporting blasting caps and explosives in the same vehicle.

(a) Fuse type blasting caps, blasting caps with safety fuse and/or blasting caps with metal clad mild detonating fuse shall not be transported ~~((#))~~ over the highways on the same vehicle or trailer with other explosives, unless packaged, segregated, and transported in accordance with the department of transportation's hazardous materials regulations.

(b) Blasting caps rated by U.S. DOT as nonmass detonating may be transported in the same vehicle or trailer with other explosives when:

(i) The caps are carried in DOT approved shipping containers:

(ii) The truck or trailer complies with Appendix 1, WAC 296-52-550.

(8) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for each round of blasting.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(f) Only a state approved powder car or conveyance shall be used underground.

(g) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(h) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(i) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(j) Wires on electric caps shall be kept shunted until wired to the bus wires.

(k) The powder car or conveyance shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written certification record of such inspection shall be kept on file for the duration of the job. The certification record shall contain the date of inspection, the serial number or other positive identification of the unit being inspected and the signature of the person performing the inspection.

(l) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(m) No one, except the operator, the helper, and/or the powderperson, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(n) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(o) No explosives or blasting agents shall be transported on a crew-haul trip.

(p) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(q) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

(r) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(s) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(t) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(u) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(9) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers or original DOT shipping containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-493 Use of explosives and blasting agents. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast site. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or day box magazines shall be used for taking detonators and other explosives from storage magazines to the blast site.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat or other suitable protective material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades or blasting mats to insure the safety of the general public and workers.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least twenty-four hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. The blaster shall ensure that appropriate measures for safe control have been taken.

(g) Due precaution shall be taken to prevent unintended discharge of blasting caps from extraneous electric current or from transmitted radio frequency (RF) energy. Examples:

Common sources of extraneous electricity include but are not limited to adjacent powerlines, dust storms and lightning storms.

Common sources of hazardous RF transmissions include but are not limited to: (MOBILE) citizen band (CB) or side band radio transmitters, VHF (FM) radio transmitters, UHF cellular telephones and radar transmitters. (FIXED LOCATION TRANSMITTERS) base stations for CB, side band or FM radio communications, UHF cellular telephone transmitters and service extension repeater systems, AM and FM (commercial) radio broadcast transmitters, TV broadcast transmitters and repeater system transmitters, surface scan and radio navigation beacons.

(h) Low flying aircraft and in particular military aircraft create the most common serious RF exposures. These highly unpredictable mobile transmitters are very powerful and transmit on a broad spectrum of frequencies including radar, laser and all common communications bands. Probably the two most dangerous examples are low flying automatic terrain following guidance systems and airplanes which are equipped to jam all common radar and communications frequencies for a distance of several miles around the airborne transmitters.

(i) Precautions to prevent unintended discharge of electric blasting caps from extraneous electric currents or RF transmission shall include:

(i) Positive identification of voltages in electrical transmission and distribution lines and specific required clearance for each specific system; and

(ii) Complete suspension of all blasting operations and removal of all personnel from the blast site during the approach and progress of heavy dust storms which may create static lightning or conventional thunder and lightning storms; and

(iii) The posting of signs warning against the use of radio frequency transmitters including CBs, mobile phones and two-way radios. The required signs shall be placed in a manner to adequately warn transmitter users, including all routes into the required clearance zone around where electric blasting caps are used.

(A) The required clearance zone for construction and/or demolition operations shall be 1000 feet;

(B) The required clearance zone for general industry operations which are not subject to construction requirements shall be 350 feet.

Note: See Appendix II, WAC 296-52-552 for illustrations and specific posting requirements.

(iv) Ensuring that mobile RF transmitters which are less than 100 feet away from electrical blasting caps are deenergized or disconnected when the caps are not fully contained in the original DOT shipping containers; and

(v) Fixed location RF transmitters represent a higher level of hazard to both storage and/or blasting operations involving electric caps because the transmitters are more powerful and transmit dangerous levels of RF exposure over much greater distances. Storage or blasting operations with electric caps shall only be carried out in full compliance with the appropriate recommended distance tables published in *INSTITUTE OF MAKERS OF EXPLOSIVES (I.M.E.) Publication No. 20, 1988, "SAFETY GUIDE FOR THE PREVENTION OF RADIO FREQUENCY HAZARDS IN THE USE OF COMMERCIAL ELECTRIC DETONATORS (Blasting Caps)";* and

(vi) When necessary to conduct blasting operations within the required separation distances specified in I.M.E. Pamphlet 20-1988, the storage and use of electric blasting caps shall be prohibited on the site and only detonating cord, safety fuse, shock tube or other approved nonelectric systems may be used.

(j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(k) Electric detonators shall be shunted until wired into the blasting circuit.

(l) Explosives shall not be handled near open flames, uncontrolled sparks or energized electric circuits.

(m) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(n) Blaster in charge.

(i) The blast site shall be under the control of a fully qualified and currently licensed "blaster in charge" throughout the course of every blasting operation. That obligation shall commence with a site survey to determine potential safety conflicts with: Public utility transmission systems, dwellings or other occupied buildings, roads or railroads, radio frequency transmitters, preexisting explosives storage magazines.

(ii) Whenever the site survey identifies conditions which conflict with safe blasting operations, the blaster in charge shall prepare a written site blasting plan before beginning blasting operations. The written plan shall identify the methods, materials, procedures and/or engineering calculations which will be used to address each identified conflicting condition.

Note 1. When the site survey identifies that no conflicting conditions exist, a written blasting plan is not required.

Note 2. Written blasting plans may be discarded at the end of a job provided that no blasting incident has occurred which resulted in bodily injury or property damage.

(iii) All on-site transportation, storage, loading and firing of explosives shall be supervised by the blaster in charge. Trainees and inexperienced personnel shall work only under direct supervision of licensed personnel fully qualified in the blasting method in use, including safety procedures and blasting signals in use at that site.

(iv) The site blasting plan shall include designated safe location(s) for personnel during actual blasting and a method for determining when all personnel are accounted for in the designated safe location(s).

Note: It is desirable that all potential means of egress into the blast site should be under observation immediately prior to each blast. The observer(s) should be provided with a means of communication with the blaster in charge.

(o) The employer shall permit only competent and authorized personnel to handle explosives.

(p) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts unless approved as permissible by MSHA.

(q) In either electric or nonelectric blasting, the firing line(s) shall not be connected to the blast initiating device until all personnel have been accounted for and removed from the blast danger area or are in a blast shelter or other location which affords adequate protection.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained ~~((high)) explosive((s)) materials~~ shall ~~((not be used again for any purpose, but shall be destroyed by burning at the blast site or at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started))~~ be disposed of in a safe manner, or reused in accordance with the department of transportation's hazardous materials regulations.

(b) When opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and properly disposed of.

(3) Loading of explosives or blasting agents in blast holes.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives. Holes shall be checked prior to loading to determine depth and conditions.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine or day box.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

Note: There may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended at blast sites unless stored in a licensed magazine.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden, mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(n) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background. All loaded stumps must be marked for identification on logging sites.

(p) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded. Flashlight batteries shall not be used as a power source (blasting machine) for springing holes.

(q) No loaded holes shall be left unattended or unprotected.

(r) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(s) When loading blasting agents pneumatically over primed boosters, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges - electric blasting.

(a) Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function and be of the same manufacture and compatible with each other.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American wire gauge) solid core insulated wire:

(i) Firing line or lead wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American wire gauge) solid core insulated wire. Bus wires - depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise shunting them before they are connected to the leg wires or connecting wires, and they shall be kept in the control of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated other than for testing until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines

to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The blaster in charge shall be in charge of the blasting machines, and no other person shall connect the lead wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a lead line or blasting wire might be thrown over live overhead powerlines, communication lines, utility services, or other services or structures by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, that the wires are securely anchored to the ground and owners or operators are notified. If those requirements cannot be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making lead wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the lead wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or stored in licensed magazine.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse. No blasting cap shall be inserted in the explosives without first making a hole in the cartridge of proper size or using a standard cap crimper.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(s) Safety fuse and caps shall only be used for conventional blasting where:

(i) Extraneous electricity or radio frequency transmissions make the use of electric cap and wire systems dangerous;

(ii) Overhead electric transmission lines cannot be deenergized and there is danger that blasting wires may be thrown into the overhead lines during a blast;

(iii) For avalanche control hand charges;

(iv) For specialized applications where cap and fuse is more suitable than electric or other nonelectric initiation systems.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9

lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(e) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(f) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(g) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(h) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(i) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(j) All detonating cord connections shall be inspected before firing the blast.

(k) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(l) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(m) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Initiation of explosive charges - nonelectric blasting.

(a) All nonelectric initiation systems and components of these systems shall be used in accordance with their manufacturer's recommendations and instructions.

(b) All members of the blasting crew shall be instructed in the safe use of the initiation system and its components. It shall be the duty of the blaster in charge to provide adequate on-the-job training and supervision in the safe use of such systems.

(c) When a nonelectric shock tube initiation system is used, the tubing shall be free of all knots and tight kinks. The shock tube shall be free of cuts or abrasions that could expose the core to moisture.

(d) All blasting operations shall cease during the approach and progress of a thunderstorm, regardless of the type of initiation system used, and all personnel shall withdraw to a place of safety.

(e) When an explosive bulk truck or other vehicle is operated on a blast site, care shall be taken to ensure that the vehicle does not tread on the tubing, connectors, or any surface delay component. If a vehicle operated on a blast site must pass over loaded blastholes, precautions shall be made to consolidate these elements at the collar of the hole to prevent vehicle contact.

(f) Before firing the shot, the blaster in charge shall make a visual inspection to ensure that the initiation system is hooked up in accordance with the manufacturer's recommendations.

(8) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Warning signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats or other protective material before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flaggers shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blaster's approval.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL	— A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	— A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	— A prolonged blast following the inspection of blast area.

(9) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than fifteen minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(10) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees or other personnel from the danger zone.

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(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(11) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations, and no shot shall be fired without the blaster's approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant initiation systems shall be used for underwater blasting. Loading shall be done through a nonsparking loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-493(10).

(12) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up. Explosives in transit shall not be left unattended.

(b) When detonators or explosives are brought into an air lock, no employee except the powderperson, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderperson shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(13) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(14) Black blasting powder shall not be used for blasting.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-260 Rubber insulating equipment. (1) Rubber insulating equipment designed for the voltage levels to be encountered shall be provided and the employer shall ensure that they are used by employees as required by this section. (~~This equipment shall meet the electrical and physical requirements contained in ANSI J6.6-1971 "Standard Specifications for Rubber Insulating Gloves," and ANSI J6.4-1971 "Standard Specifications for Rubber Insulating Blankets," with the exception that the maximum proof test current for a 14-inch Class I glove shall be no more than 14mA, and with the further exception that existing 14-inch Class I rubber gloves that meet a maximum proof test current of 14 mA and a minimum breakdown voltage of 10,000 volts (RMS) acquired prior to January 1, 1976, may be used as long as these gloves comply with the retest requirements of subsection (2) of this section.~~) The requirements of WAC

296-24-092, Electrical protective equipment, shall be followed except for Table A-6.

(2) The employer is responsible for periodic retesting of all insulating gloves, blankets, and other rubber insulating equipment. This retesting shall be electrical, visual and mechanical. The following maximum retesting intervals shall apply:

Gloves, Blankets, and Other Insulating Equipment	Natural Rubber (Months)	Synthetic Rubber (Months)
New _____	12	18
Reissued _____	9	15

(3) Protector for gloves. Approved protectors must be worn at all times over rubber gloves. Inner liners may be worn if desired.

~~(4) ((Protective equipment fabricated of material other than rubber shall provide electrical and mechanical protection at least equal to that of the rubber equipment.~~

~~(5)(a)) Gloves and blankets shall be marked to indicate compliance with the retest schedule and shall be marked with the date the next test date is due.~~

~~((b)) Any rubber gloves found to be defective shall be removed from service and marked as being defective.~~

~~((6) Insulating gloves and blankets shall be stored away from direct sunlight, steam pipes, radiators and other sources of excessive heat.~~

~~(7) Gloves and blankets shall not be folded while in storage. A separate container shall be provided for rubber blankets and blankets shall be wiped clean and rolled before placing in container.~~

~~(8) Inspect rubber goods. Before using a pair of rubber gloves or rubber blankets, workers shall personally inspect each glove for defects and give an air test, and the blanket shall be visually inspected for cracks or cuts before using.~~

Note: Grasp the cuff at opposite sides and twirl the gloves so as to roll it up the cuff and produce air pressure within the glove, then look for leaks and thin places in the rubber.

~~(9)) (5) Patching rubber goods is prohibited; rubber protective equipment shall not be vulcanized or patched.~~

~~((10)) (6) Rubber gloves for workers. ((a)) A pair of rubber gloves, specifically designed for the protection of workers, shall be assigned each worker when required to work on or be exposed to energized parts.~~

~~((b) Rubber gloves when not in use shall be carried in a bag provided and designed for that purpose.))~~

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-24-12002 Definitions. The following definitions are applicable to all sections of this chapter which include WAC 296-24-120 in the section number.

(1) ~~("Lavatory" means a basin or similar vessel used exclusively for washing of the hands, arms, face and head.~~

~~(2)) "Nonwater carriage toilet facility" means a toilet facility not connected to a sewer.~~

~~((3)) (2) "Number of employees" means, unless otherwise specified, the maximum number of employees present at any one time on a regular shift.~~

~~((4)) (3) "Personal service room" means a room used for activities not directly connected with the production or service function performed by the establishment. Such activities include but are not limited to, first aid, medical services, dressing, showering, toilet use, washing, and eating.~~

~~((5)) (4) "Potable water" means water which meets the quality standards for drinking purposes of state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.~~

~~((6)) (5) "Toilet facility" means a fixture maintained within a toilet room for the purpose of defecation or urination, or both.~~

~~((7)) (6) "Toilet room" means a room maintained within or on the premises of any place of employment, containing toilet facilities for use by employees.~~

~~((8)) (7) "Toxic material" means a material in concentration or amount which exceeds the applicable limit established by a standard, such as chapter 296-62 WAC or, in the absence of an applicable standard, which is of such toxicity so as to constitute a recognized hazard that is causing or is likely to cause death or serious physical harm.~~

~~((9)) (8) "Urinal" means a toilet facility maintained within a toilet room for the sole purpose of urination.~~

~~((10)) (9) "Water closet" means a toilet facility maintained within a toilet room for the purpose of both defecation and urination and which is flushed with water.~~

~~((11)) (10) "Wet process" means any process or operation in a workroom which normally results in surfaces upon which employees may walk or stand becoming wet.~~

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-47505 Basic rules. (1) Odorizing gases.

(a) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(b) The odorization requirement of (a) of this subsection shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per ten thousand gallons of LP-gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of (a) of this subsection.

(2) Approval of equipment and systems.

(a) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

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(b) Each system for domestic or commercial use utilizing containers of two thousand gallons or less water capacity, other than those constructed in accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(c) In systems utilizing containers of over two thousand gallons water capacity, each regulator, container, valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(d) The provisions of subsection (3)(a) of this section shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(e) Containers used with systems embodied in this section and WAC 296-24-47509 (3)(c) and 296-24-47513, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(3) Requirements for construction and original test of containers.

(a) Containers used with systems embodied in WAC 296-24-47509, 296-24-47513 through 296-24-47517, except as provided in WAC 296-24-47511 (3)(c) and 296-24-47515 (2)(a), shall be designed, constructed, and tested in accordance with the Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.

(b) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with U-2 through U-10 and U-19 thereof. Containers constructed according to U-70 in the 1949 and earlier editions do not meet the requirements of this section.

(c) Containers designed, constructed, and tested prior to July 1, 1961, according to the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers shall be considered in conformance. Containers constructed according to API-ASME Code do not have to comply with section I or with appendix to section I. W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

(4) Welding of containers.

(a) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(b) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) Markings on container.

(a) Each container covered in subsection (3)(a) of this section except as provided in subsection (2)(d) of this section shall be marked as specified in the following:

(i) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the laws, rules or regulations as administered by the state of Washington, department of labor and industries pertaining to such containers.

(ii) With notation as to whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(iii) With the name and address of the supplier of the container, or with the trade name of the container.

(iv) With the water capacity of the container in pounds or gallons, United States standard.

(v) With the pressure in p.s.i.g., for which the container is designed.

(vi) With the wording "This container shall not contain a product having a vapor pressure in excess of—p.s.i.g. at 100°F," see WAC 296-24-47509, Table H-31.

(vii) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of three hundred pounds or less.

(viii) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20°F and 130°F, except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of not more than 20°F. This marking may be located on the liquid level gaging device.

(ix) With the outside surface area in square feet.

(b) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(c) When LP-gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers to Identify the Material Contained."

(6) Location of containers and regulating equipment.

(a) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(i) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(ii) When portable use is necessary and in accordance with WAC 296-24-47507(5).

(iii) LP-gas fueled stationary or portable engines in accordance with WAC 296-24-47511 (11) or (12).

(iv) LP-gas fueled industrial trucks used in accordance with WAC 296-24-47511(13).

(v) LP-gas fueled vehicles garaged in accordance with WAC 296-24-47511(14).

(vi) Containers awaiting use or resale when stored in accordance with WAC 296-24-47513.

(b) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with Table H-23.

TABLE H-23

Water capacity per container	Minimum distances		
	Containers		Between above-ground containers
	Under-ground	Above-ground	
Less than 125 gals ¹	10 feet	None	None
125 to 250 gallons	10 feet	10 feet	None.
251 to 500 gallons	10 feet	10 feet	3 feet.
501 to 2,000 gallons	25 feet ²	25 feet ²	3 feet.
2,001 to 30,000 gallons	50 feet	50 feet	5 feet.
30,001 to 70,000 gallons	50 feet	75 feet	1/4 of sum diameters of adjacent containers.
70,001 to 90,000 gallons	50 feet	100 feet	

¹If the aggregate water capacity of a multicontainer installation at a consumer site is five hundred one gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least twenty-five feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVE-GROUND CONTAINERS to such installations.

²Note: The above distance requirements may be reduced to not less than ten feet for a single container of one thousand two hundred gallons water capacity or less, providing such a container is at least twenty-five feet from any other LP-gas container of more than one hundred twenty-five gallons water capacity.

(c) Containers installed for use shall not be stacked one above the other.

(d) In industrial installations involving containers of one hundred eighty thousand gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.

(e) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances

required by Table H-23 may be reduced provided that in no case shall containers of water capacity exceeding five hundred gallons be located closer than ten feet to such gas manufacturing and distributing buildings.

(f) Readily ignitable material such as weeds and long dry grass shall be removed within ten feet of any container.

(g) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be twenty feet, and the minimum separation between a container and the centerline of the dike shall be ten feet. The foregoing provision shall not apply when LP-gas containers of one hundred twenty-five gallons or less capacity are installed adjacent to Class III flammable liquid tanks of two hundred seventy-five gallons or less capacity.

(h) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs, or grading.

(i) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) Container valves and container accessories.

(a) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(b) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(c) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(d) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(e) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(f) Except as provided in WAC 296-24-47507 (5)(a)(ii), excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(g) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

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(h) Containers of more than thirty gallons water capacity and less than two thousand gallons water capacity, filled on a volumetric basis, and manufactured after December 1, 1963, shall be equipped for filling into the vapor space.

(8) Piping—Including pipe, tubing, and fittings.

(a) Pipe, except as provided in WAC 296-24-47511 (6)(a) and 296-24-47515 (10)(c) shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (ANSI) H38.7-1969 (ASTM, B241-1969), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standard Institute specifications. Aluminum alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within six inches of the ground.

(i) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 ASTM A-53-69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal.

(ii) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. Pipe shall be at least Schedule 80 if joints are threaded or threaded and back welded. At least Schedule 40 (ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(b) Tubing shall be seamless and of copper, brass, steel, or aluminum alloy. Copper tubing shall be of Type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B88-1969). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210-1968 and shall be suitably marked every eighteen inches indicating compliance with ASTM specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table H-24 and Table H-25.

TABLE H-24
WALL THICKNESS OF COPPER TUBING¹

Note: The standard size by which tube is designated is one-eighth-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
1/4	0.375	0.035	0.030
3/8	0.500	0.049	0.035
1/2	0.625	0.049	0.040
5/8	0.750	0.049	0.042
3/4	0.875	0.065	0.045
1	1.125	0.065	0.050
1 1/4	1.375	0.065	0.055
1 1/2	1.625	0.072	0.060
2	2.125	0.083	0.070

¹Based on data in Specification for Seamless Copper Water Tubing, ANSI H23.1-1970 (ASTM B-88-69).

TABLE H-25
WALL THICKNESS OF ALUMINUM ALLOY TUBING¹

Outside diameter (inches)	Nominal wall thickness (inches)	
	Type A	Type B
3/8	0.035	0.049
1/2	0.035	0.049
5/8	0.042	0.049
3/4	0.049	0.058

¹Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within six inches of the ground.

(c) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings, or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(d) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point

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exceeding 1,000°F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000°F.

(e) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(f) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal.

(g) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(h) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

(i) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

(j) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(k) Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for revaporization of the condensate.

(9) Hose specifications.

(a) Hose shall be fabricated of materials that are resistant to the action of LP-gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(b) Hose subject to container pressure shall be marked "LP-gas" or "LPG" at not greater than ten-foot intervals.

(c) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(d) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see WAC 296-24-47501(15)).

(e) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(f) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 p.s.i.g. or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(g) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(i) The appliances connected with hose shall be portable and need a flexible connection.

(ii) For use inside buildings the hose shall be of minimum practical length, but shall not exceed six feet except as provided in WAC 296-24-47507 (5)(a)(vii) and shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(iii) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125°F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(iv) The shutoff valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(v) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) Safety devices.

(a) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in subsection (11)(b)(iii) of this section and WAC 296-24-47509 (4)(e)(i)) whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than five feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of (b) or (d) of this subsection in the case of vaporizers.

(b) Minimum required rate of discharge in cubic feet per minute of air at one hundred twenty percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	Flow rate CFM air
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050

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Surface area (sq. ft.)	Flow rate CFM air
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830

Surface area (sq. ft.)	Flow rate CFM air
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,960
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area= total outside surface area of container in square feet.

(c) When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(i) Cylindrical container with hemispherical heads:

$$\text{Area} = \text{Overall length} \times \text{outside diameter} \times 3.1416.$$

(ii) Cylindrical container with other than hemispherical heads:

$$\text{Area} = (\text{Overall length} + 0.3 \text{ outside diameter}) \times \text{outside diameter} \times 3.1416.$$

Note: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(iii) Spherical container:

$$\text{Area} = \text{Outside diameter squared} \times 3.1416.$$

Flow rate-CFM air= Required flow capacity in cubic feet per minute of air at standard conditions, 60°F and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than two thousand square feet, the required flow rate can be calculated using the formula, flow rate-CFM air = 53.632 A^{0.82}.

A= Total outside surface area of the container in square feet.

Valves not marked "air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying

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the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum gas by dividing the air ratings by the factors listed below.

AIR CONVERSION FACTORS

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(d) Minimum required rate of discharge for safety relief valves for liquefied petroleum gas vaporizers (steam heated, water heated, and direct fired).

The minimum required rate of discharge for safety relief valves shall be determined as follows:

(i) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-gas and the heat exchanged surface area in square feet directly in contact with LP-gas.

(ii) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60°F and 14.7 p.s.i.a. from (b) of this subsection, for this total surface area.

(e) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H-26.

TABLE H-26

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	125
ASME Code; Par. U-200, U-201—1949 edition	88	100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division I) editions	88	100
API—ASME Code—all editions	88	100
DOT—As prescribed in 49 CFR Chapter I		

¹Manufacturers of safety relief valves are allowed a plus tolerance not exceeding ten percent of the set pressure marked on the valve.

(f) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in (b) of this subsection, before the pressure is in excess of one hundred twenty percent of the maximum (not including the ten percent referred to in (e)

this subsection) permitted start to discharge pressure setting of the device.

(g) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(h) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(i) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(j) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(k) Each container safety relief valve used with systems covered by WAC 296-24-47509, 296-24-47511, 296-24-47515 and 296-24-47517, except as provided in WAC 296-24-47511 (3)(c) shall be plainly and permanently marked with the following: "Container type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60°F and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200-250-4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is four thousand fifty cubic feet per minute of air as determined in (b) of this subsection.

(l) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(m) A hydrostatic relief valve shall be installed between each pair of shutoff valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than one hundred forty percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a relief valve should not be installed in the pump discharge piping if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall be greater than the maximum pressure permitted by the recirculation device in the system.

(n) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by subsection (6)(a)(i) through (vi) of this section, or WAC 296-24-47507 (4)(a) or (5).

(o) Container safety relief devices and regulator relief vents shall be located not less than five feet in any direction

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from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) Vaporizer and housing.

(a) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(i) Vaporizers shall be constructed in accordance with the requirements of subsection (3)(a) through (c) of this section and shall be permanently marked as follows:

(A) With the code marking signifying the specifications to which the vaporizer is constructed.

(B) With the allowable working pressure and temperature for which the vaporizer is designed.

(C) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet.

(D) With the name or symbol of the manufacturer.

(ii) Vaporizers having an inside diameter of six inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 shall have a design pressure not less than 250 p.s.i.g. and need not be permanently marked.

(iii) Heating or cooling coils shall not be installed inside a storage container.

(iv) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least one hundred pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of lightweight construction.

(v) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subsection (10)(d) of this section, except as provided in WAC 296-24-47509 (4)(e)(i).

(vi) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharge piping.

(vii) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room, or lean-to which shall be ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps, and central gas mixing devices by a wall designed to withstand a static pressure of at least one hundred pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(viii) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(ix) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(x) Vaporizers shall not be equipped with fusible plugs.

(xi) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(b) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(i) Buried underground, or

(ii) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed one quart.

(iii) Vaporizers of less than one quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(c) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(i) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are applicable to the maximum working conditions for which the vaporizer is designed.

(ii) With the name of the manufacturer; rated BTU input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

(iii) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(iv) Vaporizers with capacity not exceeding thirty-five gallons per hour shall be located at least five feet from container shutoff valves. Vaporizers having capacity of more than thirty-five gallons but not exceeding one hundred gallons per hour shall be located at least ten feet from the container shutoff valves. Vaporizers having a capacity greater than one hundred gallons per hour shall be located at least fifty feet from container shutoff valves.

(v) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least one hundred pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of lightweight construction.

(vi) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in

accordance with subsection (10)(d) of this section. The relief valve shall be so located as not to be subjected to temperatures in excess of 140°F.

(vii) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(viii) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(ix) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 B.T.U. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(x) Pressure regulating and pressure reducing equipment if located within ten feet of a direct fired vaporizer shall be separated from the open flame by a substantially airtight non-combustible partition or partitions.

(xi) Except as provided in (c)(v) of this subsection, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

(A) Ten feet for vaporizers having a capacity of fifteen gallons per hour or less vaporizing capacity.

(B) Twenty-five feet for vaporizers having a vaporizing capacity of sixteen to one hundred gallons per hour.

(C) Fifty feet for vaporizers having a vaporizing capacity exceeding one hundred gallons per hour.

(xii) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table H-31.(See WAC 296-24-47509.)

(xiii) Vaporizers shall not be provided with fusible plugs.

(xiv) Vaporizers shall not have unprotected drains to sewers or sump pits.

(d) Direct gas-fired tank heaters, shall be constructed and installed as follows:

(i) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(ii) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.T.U. input to the burner, and the maximum vaporizing capacity in gallons per hour.

Note: Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(iii) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(iv) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 B.T.U. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(v) Pressure regulating and pressure reducing equipment if located within ten feet of a direct fired tank heater shall be

separated from the open flame by a substantially airtight non-combustible partition.

(vi) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

(A) Ten feet for storage containers of less than five hundred gallons water capacity.

(B) Twenty-five feet for storage containers of five hundred to one thousand two hundred gallons water capacity.

(C) Fifty feet for storage containers of over one thousand two hundred gallons water capacity.

(vii) No direct fired tank heater shall raise the product pressure within the storage container over seventy-five percent of the pressure set out in the second column of Table H-31.(See WAC 296-24-47509.)

(e) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

(i) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(ii) Manually operated positive shutoff valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(iii) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	Minimum distances (feet)
Less than 501	10
501 to 2,000	25
Over 2,000	50

(iv) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140°F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(v) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(vi) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(vii) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140°F except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(viii) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(ix) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(x) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

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(xi) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

(12) Filling densities.

(a) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60°F. All containers shall be filled according to the filling densities shown in Table H-27.

TABLE H-27
MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60°F (15.6°C)	Above ground containers		Under-ground containers, all capacities
	0 to	Over	
	1,200	1,200	
	U.S. gals.	U.S. gals.	
	(1,000 imp. gal.)	(1,000 imp. gals.)	
	4,550 liters total water cap.	4,550 liters total water cap.	
	Percent	Percent	Percent
0.496-0.503	41	44	45
.504-.510	42	45	46
.511-.519	43	46	47
.520-.527	44	47	48
.528-.536	45	48	49
.537-.544	46	49	50
.545-.552	47	50	51
.553-.560	48	51	52
.561-.568	49	52	53
.569-.576	50	53	54
.577-.584	51	54	55
.585-.592	52	55	56
.593-.600	53	56	57

(b) Except as provided in (c) of this subsection, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I specifications shall be charged according to 49 CFR Chapter I requirements.

(c) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in subsection (5) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) LP-gas in buildings.

(a) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof,

(i) Are constructed in accordance with this section;

(ii) Are used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard;

(iii) Buildings, structures, or equipment under construction or undergoing major renovation.

(b) Liquid may be permitted in buildings as follows:

(i) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(ii) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(A) Liquid piping inside the building shall conform to the requirements of subsection (8) of this section, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1-1970 (ASTM B88-1969) (see WAC 296-24-47505 Table H-24). All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(B) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(C) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(D) Hydrostatic relief valves shall be installed in accordance with subsection (10)(m) of this section.

(E) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(F) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with subsection (8)(b) or (9) of this section.

(G) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(I) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

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(II) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(III) Portable containers shall not be taken into buildings except as provided in subsection (6)(a) of this section.

(14) Transfer of liquids. The employer shall assure that:

(a) At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(b) Containers shall be filled or used only upon authorization of the owner.

(c) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-gas service.

(d) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in WAC 296-24-47511 (5)(d) and except that this shall not preclude the use of listed pump utilizing LP-gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than fifty feet from the nearest important building.

(e) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than ten feet from the nearest important masonry-walled building or not less than twenty-five feet from the nearest important building or other construction and, in any event, not less than twenty-five feet from any building opening.

(f) Filling of portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed not less than fifty feet from the nearest important building.

(g) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than ten feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(h) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(i) The maximum vapor pressure of the product at 100°F which may be transferred into a container shall be in accordance with WAC 296-24-47509(2) and 296-24-47511(3). (For DOT containers use DOT requirements.)

(j) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(k) Pumps or compressors shall be designed for use with LP-gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(l) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which

shall limit the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(m) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(n) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located fifty feet or more from the container.

(o) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) Tank car or transport truck loading or unloading points and operations.

(a) The track of tank car siding shall be relatively level.

(b) A "tank car connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(c) While cars are on side track for loading or unloading, the wheels at both ends shall be blocked on the rails.

(d) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(e) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

~~(f) (Except as provided in (g) of this subsection, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.~~

~~(g) The requirement of (f) of this subsection shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.~~

~~(h) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:~~

~~(i) Proximity to railroads and highway traffic.~~

~~(ii) The distance of such unloading or loading point from adjacent property.~~

~~(iii) With respect to buildings on installer's property.~~

~~(iv) Nature of occupancy.~~

~~(v) Topography.~~

~~(vi) Type of construction of buildings.~~

(vii) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.

(viii) Frequency of loading or unloading.

(ix) Where practical, the distance of the unloading or loading point shall conform to the distances in subsection (6)(b) of this section.

(16) Instructions. Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) Electrical equipment and other sources of ignition.

(a) Electrical equipment and wiring shall be of a type specified by and shall be installed according to chapter 296-24 WAC Part L, for ordinary locations except that fixed electrical equipment in classified areas shall comply with subsection (18) of this section.

(b) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

Note: Liquefied petroleum gas storage containers do not require lightning protection. Since liquefied petroleum gas is contained in a closed system of piping and equipment, the system need not be electrically conductive or electrically bonded for protection against static electricity (see NFPA No. 77-1972-1973, Recommended Practice for Static Electricity).

(c) Open flames (except as provided for in (b) of this subsection), cutting or welding, portable electric tools, and extension lights capable of igniting LP-gas, shall not be permitted within classified areas specified in Table H-28 of this section unless the LP-gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

(18) Fixed electrical equipment in classified areas. Fixed electrical equipment and wiring installed within classified areas shall comply with Table H-28 of this section and shall be installed according to chapter 296-24 WAC Part L. This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-gas systems or to systems covered by WAC 296-24-47511 or 296-24-47515.

(19) Liquid-level gaging device.

(a) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in (e) of this subsection. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in subsection (12) of this section.

(b) All variable gaging devices shall be arranged so that the maximum liquid level for butane, for a fifty-fifty mixture of butane and propane, and for propane, to which the container may be charged is readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on

the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for above-ground or underground service. The dials of gages intended for use only on aboveground containers of over one thousand two hundred gallons water capacity shall be so marked.

(c) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(d) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(e) Length of tube or position of fixed liquid-level gage shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40°F at its maximum permitted filling density for aboveground containers and at 50°F for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subsection.

TABLE H-28

Part	Location	Extent of classified area ¹	Equipment shall be suitable for Class 1, Group D ²
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H-28.	Division 2.
B	Tank vehicle and tank car loading and unloading. ³	Within 5 feet in all directions from connections regularly made or disconnected for product transfer. Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1.)	Division 1. Division 2.
C	Gage vent openings other than those on DOT cylinders.	Within 5 feet in all directions from point of discharge. Beyond 5 feet but within 15 feet in all directions from point of discharge.	Division 1. Division 2.

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Part	Location	Extent of classified area ¹	Equipment shall be suitable for Class I, Group D ²	Part	Location	Extent of classified area ¹	Equipment shall be suitable for Class I, Group D ²	
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Division 1. NOTE—Fixed electrical equipment should preferably not be installed.	G	Pits or trenches containing or located beneath LP-gas valves, pumps, compressors, regulators, and similar equipment.	NOTE: For pits within this area, see Part F of this table.		
		Within 5 feet in all directions from point of discharge.	Division 1.					
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge.	Division 2.					
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired. Indoors without ventilation	Entire room and any adjacent room not separated by a gastight partition.	Division 1.	H	Special buildings or rooms for storage of portable containers.	Entire room	Division 2.	
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.					
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.					
		Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 1.					
		Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser.	Division 2.					
F	Service station dispensing units.	Entire room and any adjacent room not separated by a gastight partition.	Division 2.	I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge.	Division 1.	
		Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.					
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.					
G	Without mechanical ventilation.	Entire pit or trench	Division 1.	J	Container filling: Indoors without ventilation.	Entire room	Division 1.	
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.			Indoors with adequate ventilation. ⁴	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.				Beyond 5 feet and entire room	Division 2.
H	With adequate mechanical ventilation.	Entire pit or trench	Division 2.	I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge.	Division 1.	
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.			Beyond 5 ft. from point of discharge, same as Part E of this table.		
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.					
I	Indoors with adequate ventilation. ⁴	Entire room and any adjacent room not separated by a gastight partition.	Division 2.	J	Container filling: Indoors with adequate ventilation. ⁴	Entire room	Division 1.	
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.			Beyond 5 ft. from point of discharge, same as Part E of this table.		
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.					
J	Outdoors in open air at or abovegrade.	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.	I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge.	Division 1.	
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.			Beyond 5 ft. from point of discharge, same as Part E of this table.		
		Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.					
K	Indoors with adequate ventilation. ⁴	Entire room and any adjacent room not separated by a gastight partition.	Division 2.	J	Container filling: Indoors with adequate ventilation. ⁴	Entire room	Division 1.	
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.			Beyond 5 ft. from point of discharge, same as Part E of this table.		
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.					

Part	Location	Extent of classified area ¹	Equipment shall be suitable for Class I, Group D ²
	Outdoors in open air	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade (See Fig. H-1.)	Division 2.

The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

$$\frac{\text{Water capacity (gals.) of container} \times \text{filling density}^{**}}{\text{Specific gravity of LP-gas} \times \text{volume correction factor}^{***} \times 100} = \text{Maximum volume of LP-gas}$$

* Measure at 60°F.

** From subsection (12)(a) of this section "filling densities."

*** For aboveground containers the liquid temperature is assumed to be 40°F and for underground containers the liquid temperature is assumed to be 50°F. To correct the liquid volumes at these temperatures to 60°F the following factors shall be used.

(i) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

TABLE H-29
VOLUME CORRECTION FACTORS

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

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¹The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.

²See chapter 296-46 WAC, and chapter 296-24 WAC Part L.

³When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.

⁴Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed twenty-five percent of the lower flammable limit under normal operating conditions.

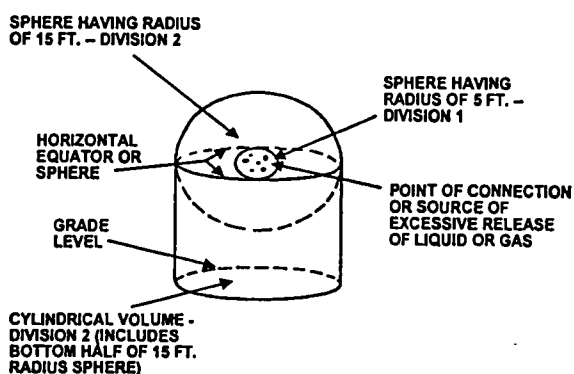


Figure H-1

Note: It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer.

(ii) The maximum volume of LP-gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula.

(iii) The maximum weight of LP-gas which may be placed in a container for determining the length of a fixed dip tube is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (e)(i) of this subsection by the pounds of liquefied petroleum gas in a gallon at 40°F for aboveground and at 50°F for underground containers. For example, typical pounds per gallon are specified below:

Example: Assume a one hundred-gallon total water capacity tank for aboveground storage of propane having a specific gravity of 0.510 of 60°F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density from (12)(a) of this subsection)}}{0.510 \times 1.031 \text{ (correction factor from Table H-29)} \times 100} = \frac{4200}{52.6}$$

79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.

Maximum volume of LP-gas (from formula in (e)(i) of this subsection) x 100 = Maximum percent of LP-gas

Total water content of container in gallons.

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane	4.37	4.31
N Butane	4.97	4.92

(f) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage with the letters "DT" followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gage when it is located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters "DT" shall be followed by "V" with the vertical distance from the top of the container to the end of the dip tube for vertical filling and with "H" followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gage and on the container. On aboveground or cargo containers where the gages are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(g) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(h) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) Requirements for appliances.

(a) Except as provided in (b) of this subsection, new commercial and industrial gas consuming appliances shall be approved.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas and is in good condition may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(c) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut

off the flow of gas to the main burners, and pilot if used, in the event of flame extinguishment.

(d) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of these standards and in accordance with the following:

- (i) Domestic and commercial appliances—NFPA 54-1969, Standard for the Installation of Gas Appliances and Gas Piping.
- (ii) Industrial appliances—NFPA 54A-1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.
- (iii) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37-1970.
- (iv) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96-1970.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-47507 Cylinder systems. (1) Application. This section applies specifically to systems utilizing containers constructed in accordance with DOT specifications. All requirements of WAC 296-24-47505 apply to this section unless otherwise noted in WAC 296-24-47505.

(2) Marking of containers. ~~((a))~~ Containers shall be marked in accordance with DOT regulations. Additional markings not in conflict with DOT regulations may be used.

~~((b) Except as provided in (c) of this subsection each container shall be marked with its water capacity in pounds or other identified unit of weight.~~

~~(c) If a container is filled and maintained only by the owner or the owners representative and if the water capacity of each container is identified by a code, compliance with (b) of this subsection is not required.~~

~~(d) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.)~~

(3) Description of a system. A system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

(4) Containers and regulating equipment installed outside of buildings or structures.

(a) Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least three feet away from any building opening which is below the level of such outlet.

Except as provided in WAC 296-24-47505 (10)(n), the discharge from safety relief devices shall be located not less than three feet horizontally away from any building opening which is below the level of such discharge and shall not terminate beneath any building unless such space is well venti-

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lated to the outside and is not enclosed on more than two sides.

(b) Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(5) Containers and equipment used inside of buildings or structures.

(a) When operational requirements make portable use of containers necessary and their location outside of buildings or structures is impracticable, containers and equipment are permitted to be used inside of buildings or structures in accordance with (a)(i) through (xii) of this subsection, and, in addition, such other provisions of this section as are applicable to the particular use or occupancy.

(i) Containers in use shall mean connected for use.

(ii) Systems utilizing containers having a water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed in such a manner that any undue strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(iii) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(iv) Valves on containers having a water capacity greater than fifty pounds (nominal twenty pounds LP-gas capacity) shall be protected while in use.

(v) Containers shall be marked in accordance with WAC 296-24-47505 (5)(c) and subsection (2) of this section.

(vi) Pipe or tubing shall conform to WAC 296-24-47505(8) except that aluminum pipe or tubing shall not be used.

(vii) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Hose and hose connections shall have their correctness as to design, construction and performance determined by listing by a nationally recognized testing laboratory.

(A) The hose length may exceed the length specified in WAC 296-24-47505 (9)(g)(ii), but shall be as short as practicable. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(B) Hose shall be long enough to permit compliance with spacing provisions of this section without kinking or straining or causing hose to be so close to a burner as to be damaged by heat.

(viii) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame extinguishment. Such heaters having inputs above 50,000 B.t.u. manufactured on or after May 17, 1967, and such heaters having inputs above 100,000 B.t.u. manufactured before May 17, 1967, shall be equipped with either:

(A) A pilot which must be lighted and proved before the main burner can be turned on; or

(B) An electric ignition system. The provisions of (a)(viii) of this subsection do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 B.t.u.h. input when used with containers having a maximum water capacity of two and one-half pounds. Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(ix) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located so as to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering by unauthorized persons.

(x) Heat producing equipment shall be located and used so as to minimize the possibility of ignition of combustibles.

(xi) Containers having water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) connected for use, shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(xii) Containers, including the valve protective devices, shall be installed so as to minimize the probability of impingement of discharge of safety relief devices upon containers.

(b) Containers having a maximum water capacity of two and one-half pounds (nominal one pound LP-gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(c) Containers having a maximum water capacity of twelve pounds (nominal five pounds LP-gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

(d) When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation as follows:

(i) The maximum water capacity of individual containers shall be fifty pounds (nominal twenty pounds LP-gas capacity).

(ii) The number of LP-gas containers shall not exceed the number of workers assigned to using the LP-gas.

(iii) Containers having a water capacity of greater than two and one-half pounds (nominal one pound LP-gas capacity) shall not be left unattended in such buildings.

(e) When buildings frequented by the public are not open to the public, containers are permitted to be used for repair or minor renovations, as follows:

The provisions of (f) of this subsection shall apply except that containers having a water capacity greater than two and one-half pounds (nominal one pound LP-gas capacity) shall not be left unattended in such buildings.

(f) Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity).

(ii) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least six feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heater shall not be directed toward any LP-gas container within twenty feet.

(iii) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least twenty feet.

(iv) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas capacity). Such manifolds shall be separated by at least twenty feet.

(v) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, provided:

(A) The total water capacity of containers connected to any one manifold is not greater than two thousand four hundred fifty pounds (nominal one thousand pounds LP-gas capacity) and;

(B) Where more than one manifold having a total water capacity greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas capacity) are located in the same unpartitioned area, they shall be separated by at least fifty feet.

(vi) Storage of containers awaiting use shall be in accordance with WAC 296-24-47513.

(g) Containers are permitted to be used in industrial occupancies for processing, research, or experimental purposes as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity).

(ii) Containers connected to a manifold shall have a total water capacity not greater than seven hundred thirty-five pounds (nominal three hundred pounds LP-gas capacity) and not more than one such manifold may be located in the same room unless separated at least twenty feet from a similar unit.

(iii) The amount of LP-gas in containers for research and experimental use shall be limited to the smallest practical quantity.

(h) Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows: Containers and heaters shall comply with and be used in accordance with (f) of this subsection.

(i) Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(i) Containers and heaters shall comply with and be used in accordance with (f) of this subsection.

(ii) The temporary heating equipment shall not be left unattended.

(j) Containers are permitted to be used temporarily in buildings for training purposes related in installation and use of LP-gas systems, as follows:

(i) The maximum water capacity of individual containers shall be two hundred forty-five pounds (nominal one hundred pounds LP-gas capacity), but the maximum quantity of LP-gas that may be placed in each container shall be twenty pounds.

(ii) If more than one such container is located in the same room, the containers shall be separated by at least twenty feet.

(iii) Containers shall be removed from the building when the training class has terminated.

(6) Container valves and accessories.

(a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

Note: This provision is not to be construed as requiring an automatic changeover device.

(b) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow, or ice) will not affect their operation.

(c) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

(i) By setting into the recess of the container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to the valve or other connection.

(d) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(e) Containers having a water capacity in excess of fifty pounds (approximately twenty-one pounds LP-gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

(7) Safety devices.

(a) Containers shall be provided with safety devices as required by DOT regulations.

(b) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

TABLE H-30

Regulatory delivery pressure	Relief valve start to discharge pressure setting (percent of regulator deliver pressure)	
	Minimum	Maximum
1 p.s.i.g. or less	200	300
Above 1 p.s.i.g. but not over 3 p.s.i.g.	140	200
Above 3 p.s.i.g.	125	200

(c) When a regulator or pressure relief valve is used inside a building for other than purposes specified in WAC 296-24-47505 (6)(a)(i) through (vi), the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than three feet horizontally away from any building opening which is below such discharge. These provisions do not apply to individual appliance regulators when protection is otherwise provided nor to subsection (5) of this section and WAC 296-24-47505 (10)(n). In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.

(8) Reinstallation of containers. Containers shall not be reinstalled unless they are requalified in accordance with DOT regulations.

Permissible product. A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130°F.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-47511 Liquefied petroleum gas as a motor fuel. (1) Application.

(a) This section applies to internal combustion engines, fuel containers, and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles.

(b) Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by WAC 296-24-47509. This section does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All requirements of WAC 296-24-47505 apply to this section, unless otherwise noted in WAC 296-24-47505.

(2) General.

(a) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. The use of fuel from the cargo tanks to operate stationary engines is permitted providing wheels are securely blocked.

(b) Passenger-carrying vehicles shall not be fueled while passengers are on board.

(c) Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged out-

doors. Charging equipment shall comply with the provisions of WAC 296-24-47517.

(d) LP-gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505-1969.

(e) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.

(3) Design pressure and classification of fuel containers.

(a) Except as covered in (3)(b) and (c) of this section, containers shall be in accordance with Table H-32.

(b) Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-gas service having a minimum service pressure of 240 p.s.i.g. or minimum Container Type 250. Under 1950 and later ASME Codes, this means a 312.5-p.s.i.g design pressure container.

TABLE H-32

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F. (37.8°C.)	Minimum design pressure of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, 1U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code ²
200 ¹	215	200	250

¹ Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

² Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(c) Containers manufactured and maintained under DOT specifications and regulations may be used as fuel containers. When so used they shall conform to all requirements of this section.

(d) All container inlets and outlets except safety relief valves and gaging devices shall be labeled to designate whether they communicate with vapor or liquid space. (Labels may be on valves.)

(4) Installation of fuel containers.

(a) Containers shall be located in a place and in a manner to minimize the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practi-

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cable, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

(b) Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(c) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of not less than four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, originally attached to the container by the tank manufacturer.

(d) Fuel containers on buses shall be permanently installed.

(e) Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

(5) Valves and accessories.

(a) Container valves and accessories shall have a rated working pressure of at least 250 p.s.i.g., and shall be of a type suitable for liquefied petroleum gas service.

(b) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shutoff in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shutoff valve with an internal excess flow valve. Main shutoff valves on the container on liquid and vapor must be readily accessible.

(c) With the exceptions of (5)(d)(iii) of this section, filling connections equipped with approved automatic back-pressure check valves, and safety relief valves, all connections to the containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.

(d) Liquid-level gaging devices:

(i) Variable liquid-level gages which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial trucks (including lift trucks).

(ii) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gage shall indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety relief valve in communication with the vapor space.

(iii) In the case of containers used solely in farm tractor service and charged at a point at least 50 feet from any important building, the fixed liquid-level gaging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no

case shall the flow exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.

(iv) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings shall be permanently attached to the container.

(v) (Exchange of removable fuel containers preferably should be done outdoors but may be done indoors.) When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This shall be accomplished by one of the following methods:

(A) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or

(B) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

(6) Piping—Including pipe, tubing, and fittings.

(a) Pipe from fuel container to first-stage regulator shall be not less than schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent having a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer within the limits of approval. The use of aluminum pipe or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.

(b) All piping shall be installed, braced, and supported so as to reduce to a minimum the possibility of vibration strains or wear.

(7) Safety devices.

(a) Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.

(b) The discharge outlet from safety relief valves shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward within 45 degrees of the vertical in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(c) When a discharge line from the container safety relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety relief valve. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief

valve is in the full open position. When flexibility is necessary, flexible metal hose or tubing shall be used.

(d) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety relief valve in communication with the vapor space.

(e) WAC 296-24-47505 (10)(1) for hydrostatic relief valves shall apply.

(8) Vaporizers.

(a) Vaporizers and any part thereof and other devices that may be subjected to container pressure shall have a design pressure of at least 250 p.s.i.g.

(b) Each vaporizer shall have a valve or suitable plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(c) Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

(d) Each vaporizer shall be permanently marked at a visible point as follows:

(i) With the design pressure of the fuel-containing portion in p.s.i.g.

(ii) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(e) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80 percent of the start to discharge pressure setting of the safety relief device on the fuel container.

(f) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(g) Vaporizers shall not be equipped with fusible plugs.

(9) Gas regulating and mixing equipment.

(a) Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

(b) An approved automatic shutoff valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shutoff valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shutoff valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(c) The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

(10) ~~(Capacity of containers. No single fuel container used on passenger-carrying vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles~~

~~normally operating on the highway shall exceed 300 gallons water capacity except as provided in (2)(a) of this section.~~

~~(11))~~ Stationary engines in buildings. Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the Standard for the Institution and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37-1970, and the appropriate provisions of WAC 296-24-47505 through 296-24-47509.

~~((12))~~ (11) Portable engines in buildings.

(a) Portable engines may be used in buildings only for emergency use, except as provided by (11) of this section.

(b) Exhaust gases shall be discharged to outside the building or to an area where they will not constitute a hazard.

(c) Provision shall be made to supply sufficient air for combustion and cooling.

(d) An approved automatic shutoff valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

(e) The capacity of LP-gas containers used with such engines shall comply with the applicable occupancy provision of WAC 296-24-47507(5).

~~((13))~~ (12) Industrial trucks inside buildings.

(a) LP-gas-fueled industrial trucks are permitted to be used in buildings and structures.

(b) No more than two LP-gas containers shall be used on an industrial truck for motor fuel purposes.

(c) LP-gas-fueled industrial trucks are permitted to be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall not exceed 105 pounds (nominal 45 pounds LP-gas).

(d) Trucks shall not be left unattended in areas occupied by the public.

(e) Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.

~~((14))~~ (13) Garaging LP-gas-fueled vehicles.

(a) LP-gas-fueled vehicles may be stored or serviced inside garages provided there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in WAC 296-24-47505 (12)(a).

(b) LP-gas-fueled vehicles being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(c) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-51017 Systems mounted on trucks, semi-trailers, and trailers for transportation of ammonia. This section applies specifically to systems mounted on trucks, semi-trailers and trailers (other than those covered under WAC 296-24-51019 and 296-24-51021) used for the transportation of ammonia. All basic rules of WAC 296-24-51009 apply to this section unless otherwise noted. Systems

for trucks and trailers for transportation of anhydrous ammonia, in addition to complying with the requirements of these standards, shall also comply where required, with the requirements of the department of transportation and those of any other regulatory body which may apply.

(1) Design pressure of containers.

(a) Containers used in intrastate commerce shall be constructed in accordance with WAC 296-24-51009(2) with a minimum design pressure of 250 psig. Containers used in interstate commerce shall meet DOT regulations.

(b) The shell or head thickness of any container shall not be less than 3/16 inch.

(c) All container openings, except safety relief valves, liquid level gaging devices and pressure gages, shall be labeled to designate whether they communicate with liquid or vapor space. Labels may be on valves.

(d) Baffles are not required for cargo tanks.

(2) Mounting containers on truck.

(a) The means of attachment of any container to the cradle, frame or chassis of a vehicle shall be designed on a basis of two "g" loading in either direction, using a safety factor of not less than 4, based on the ultimate strength of the material used. For purposes of this requirement, two "g" of load support is equivalent to three times the static weight of the articles supported; two "g" of loading and bending, acceleration, and torsion is equivalent to twice the static weight support applied horizontally at the road surface.

(b) "Hold-down" devices, when used, shall anchor the container to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. These devices shall incorporate positive means for drawing the container down tight, and suitable stops or anchors shall be provided to prevent relative movement between container and framing due to stopping, starting or changes in direction.

(c) Vehicles designed and constructed so that the cargo tanks constitute in whole or in part the stress member used in lieu of the frame shall be supported by external cradles suspending at least 120° of the shell circumference. The design calculation shall include beam stress, shear stress, torsion stress, bending moment and acceleration stress, in addition to those covered by the code under which the cargo tank was designed.

(d) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the trailer axle.

(e) Provisions shall be made to secure both ends of the hose while in transit.

(f) When the cradle and the container are not welded together, suitable material shall be used between them to eliminate metal-to-metal friction.

(3) Container appurtenances.

(a) Nonrecessed container fittings and appurtenances shall be protected against physical damage by either: (i) A protected location, (ii) the vehicle frame or bumper, or (iii) a protective housing. The protective housing, if used, shall comply with the requirements under which the containers are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction

equal to twice the weight of the container and attachments when filled with the lading using a safety factor of not less than 4, based on the ultimate strength of the material to be used. The protective housing if used shall be protected with a weather cover, if necessary, to insure proper operation of valves and safety relief devices.

(b) All connections to containers, except filling connections (see WAC 296-24-51017 (3)(c)), safety relief devices, and liquid level and pressure gage connections, shall be provided with suitable automatic excess flow valves, or in lieu thereof, may be fitted with quick-closing internal valves, which shall remain closed except during delivery operations. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208F to 220F) which will permit the internal valve to close automatically in case of fire.

(c) Filling connections shall be provided with automatic back-pressure check valves, excess-flow check valves, or quick-closing internal valves, to prevent back-flow in case the filling connection is broken. Where the filling and discharge connect to a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in WAC 296-24-51017 (3)(b), the automatic valve shall not be required.

(d) All containers shall be equipped for spray loading (filling in the vapor space) or with an approved vapor return valve of adequate capacity.

(e) All containers shall be equipped with a fixed maximum liquid level gage.

(f) All containers shall be equipped with a pressure-indicating gage having a dial graduated from 0-400 psig.

(4) Piping and fittings.

(a) All piping, tubing and fittings shall be securely mounted and protected against physical damage.

(b) Piping used on nonrefrigerated systems shall be at least ASTM A-53 Grade B electric resistance welded and electric flash welded pipe or equal. Such pipe shall be at least Schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least Schedule 80 when joints are threaded. Brass, copper, or galvanized steel pipe or tubing shall not be used.

(c) The truck unloading line shall be provided with an excess flow valve at the hose connection unless an approved quick closing internal valve is provided in the container unloading connection. (See WAC 296-24-51017 (3)(b).)

(5) Safety relief devices. The discharge from container safety relief valves shall be vented away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose fitting rain caps shall be used. Size of discharge lines from safety relief valves shall not be smaller than the nominal size of the safety relief valve outlet connection. Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

(6) Marking of container. Every container, whether loaded or empty, shall be conspicuously and legibly marked on each side and rear thereof on a background of sharply contrasting color with the words "COMPRESSED GAS" in letters at least four inches high; or with the words "ANHYDROUS

AMMONIA" in letters at least four inches high; or in compliance with department of transportation regulations.

(7) Transfer of liquids.

(a) The content of tank motor vehicle containers shall be determined by weight, by suitable liquid level gaging devices, meters, or other approved methods.

Note: If the content of a container is to be determined by liquid level measurement, the container shall have a thermometer well so that the internal liquid temperature can be easily determined. This volume when converted to weight shall not exceed the filling density specified by the department of transportation regulations.

(b) Pumps or compressors shall be designed and installed in accordance with WAC 296-24-51009(12) and protected against physical damage when mounted upon ammonia tank trucks and trailers.

(c) Tank motor vehicles of greater than 3500 water gallons capacity shall be unloaded only at approved locations meeting the requirements of WAC 296-24-51009 (10)(c) and (12)(h).

(8) ~~((Trailers and semi-trailers.~~

~~(a) Trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars, supplemented by suitable safety chain (or chains) or safety cables.~~

~~(b) Every trailer and semi-trailer shall be equipped with an emergency braking system to be activated in the event of hitch failure.~~

~~(c) Trailers shall be of a type of construction which will prevent the towed vehicle from whipping or swerving dangerously from side to side and which will cause it to follow substantially in the path of the towing vehicle.~~

~~(d) Where a fifth wheel is employed on a semi-trailer, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units except by manual release.~~

~~(e) Every trailer or semi-trailer shall be provided with side lights and a tail light.~~

(9)) Electrical equipment and lighting. Tank trucks, tank trailers, and tank semi-trailers, may not be equipped with any artificial light other than electric light. Electric lighting circuits shall have suitable overcurrent protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength, and shall be suitably secured, insulated and protected against physical damage.

~~((10) Protection against collision. Each tank motor vehicle shall be provided with properly attached bumpers or chassis extensions arranged to protect the tank, piping, valves and fittings from physical damage in case of collision.~~

((11)) (9) Chock blocks. At least two chock blocks shall be provided. These blocks shall be placed to prevent rolling of the vehicle whenever it is parked during loading and unloading operations.

((12)) (10) Portable tanks (including skid tanks). When portable tanks are used in lieu of cargo tanks and are permanently mounted on tank motor vehicles for the transportation of ammonia, they shall comply with the requirements of WAC 296-24-51017. Where portable tanks, including those built to DOT Specification 51, 106A or 110A, are used for

farm storage they shall comply with WAC 296-24-51011. When portable tanks are used as shipping containers in interstate commerce they shall comply with WAC 296-24-51015.

~~((13)) (11) Safety equipment.~~

(a) All tank trucks, trailers, and semi-trailers should be equipped with the following for emergency and rescue purposes:

(i) One full face gas mask with anhydrous ammonia refill canisters.

(ii) One pair of protective gloves made of rubber or other material impervious to ammonia.

(iii) Tight-fitting goggles or one full face shield.

(iv) A container of not less than five gallons of readily available clean water.

*An ammonia canister is effective for short periods of time in light concentrations of ammonia vapor, generally 15 minutes in concentrations of 3% and will not protect breathing in heavier concentrations. If ammonia vapors are detected when mask is applied the concentration is too high for safety. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and should be discarded after use. Unopened canisters may be guaranteed for as long as three years. All should be dated when received because of this limited life. In addition to this protection, an independently supplied air mask of the type used by fire departments may be used for severe emergencies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-24-47515 LP-gas system installations on commercial vehicles.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-23529 Operators. (1) Cranes shall be operated only ~~((be))~~ by regular crane operators, authorized substitutes who have had adequate experience and training under the supervision of a competent operator, or by crane repairmen or inspectors.

(2) ~~((No person should be permitted to operate a crane who cannot speak and read the English language, or who is under eighteen years of age.))~~ Crane operators must be able to communicate with others at the worksite sufficiently to understand the signs, notices, operation instructions, and the signal code in use to ensure safe operation of the crane.

(3) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

(4) No person shall be permitted to operate a crane whose hearing or eye-sight is impaired, or who may be suffering from heart disease or similar ailments. The following physical qualifications shall be minimum requirements for overhead and gantry crane operators and trainees:

(a) They shall have vision of at least 20/30 in one eye, and 20/50 in the other, with or without corrective lenses.

(b) They shall be able to distinguish colors, regardless of position of colors, if color differential is required for operation.

(c) Their hearing, with or without hearing aid, must be adequate for a specific operation.

(d) They shall have sufficient strength, endurance, agility, coordination, and speed of reaction to meet the demands of equipment operation.

(e) They shall have normal depth perception, field of vision, reaction time, manual dexterity, coordination and no tendencies to dizziness or similar undesirable characteristics.

(f) Evidence of physical defects, or emotional instability which could render the operator or trainee a hazard to their self or others, or could interfere with their safe performance may be sufficient cause for disqualification. In such cases, specialized clinical or medical judgments or tests shall be required (which include annual medical certification for recovered heart attack patients).

(g) Evidence that an operator or trainee is subject to seizures or loss of physical control shall be sufficient reason for disqualification. Specialized medical tests shall be required to substantiate these conditions.

~~((4))~~ (5) Persons who have recovered from a heart attack shall be exempted from the provisions of subsection ~~((3))~~ (4) of this section, as it pertains to their heart condition, provided:

(a) A medical release is obtained from their attending medical doctor.

(b) The release shall state that the operation of a crane will not present a hazard to their self or others.

(c) An examination by a medical doctor, and renewal of the work release certification is required annually.

~~((5))~~ (6) The operator shall be fully familiar with all crane rules and with the crane mechanism and its proper care. Needed adjustments or repairs shall be reported at once to the proper authority.

~~((6))~~ (7) The operator shall not eat, smoke or read while actually engaged in the operation of the crane, or operate the crane when physically unfit.

~~((7))~~ (8) The operator or someone especially designated shall properly lubricate all working parts of the crane.

~~((8))~~ (9) Cranes shall be kept clean.

~~((9))~~ (10) Whenever the operator finds the main or emergency switch open, it shall not be closed, even when starting on regular duty, until it is determined that no one is on or about the crane. The crane shall not be oiled or repaired unless the main switch is open.

~~((10))~~ (11) If the power goes off, the operator shall immediately throw all controllers to "off" position until the power is again available.

~~((11))~~ (12) Before closing the main switch the operator shall make sure that all controllers are in "off" position until the power is again available.

~~((12))~~ (13) The operator shall recognize signals only from the employee who is supervising the lift. Operating signals shall follow an established standard. Whistle signals may be used where one crane only is in operation.

~~((13))~~ (14) Bumping into runway stops or other cranes shall be avoided. When the operator is ordered to engage with

or push other cranes, it shall be done with special care for the safety of persons on or below cranes.

~~((14))~~ (15) When lowering a load, the operator shall proceed carefully and make sure the load is under safe control.

~~((15))~~ (16) When leaving the cage the operator shall throw all controllers to "off" position and open the main switch.

~~((16))~~ (17) If the crane is located out-of-doors the operator shall lock the crane in a secure position to prevent it from being blown along or off the track by a severe wind.

~~((17))~~ (18) Operators shall not permit anyone to ride on the load or hooks, unless using a lifeline or safety device approved by the department.

WSR 99-12-097

EXPEDITED ADOPTION DEPARTMENT OF FISH AND WILDLIFE

[Filed June 1, 1999, 4:37 p.m.]

Title of Rule: Commercial fishing rules.

Purpose: Amend Puget Sound net rules for 1999 salmon season.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets 1999 Puget Sound salmon seasons.

Reasons Supporting Proposal: The salmon seasons are based on stock abundance projections and expected capture rates. Limitations are needed to protect stocks of concern, particularly chinook and coho. These rules are needed to allow commercial harvest while ensuring brood stock survival.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, (360) 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 220-20-016, requires take-home fish to be consistent with current sport rules in effect for area being fished. WAC 220-47-302, deletes contrasting cork requirement, simplifies gear requirements. WAC 220-47-304, sets 1999 salmon species seasons and eliminates unnecessary section. WAC 220-47-307, clarifies closures in east San Juan Islands. WAC 220-47-311, sets purse seine season. WAC 220-47-325, requires brailing of salmon in purse seine fishery to reduce impact on nontargeted stocks. WAC 220-47-401, sets reef net season. WAC 220-47-410, editing change only. WAC 220-47-411, sets gill net season. WAC 220-47-427, reduces participation requirement in experimental beach seine fishery. WAC 220-47-428, sets beach seine season. WAC 220-47-430, establishes log book requirement in

Fraser River sockeye and pink species season in order to ascertain by-catch.

Proposal Changes the Following Existing Rules: Retention, gear, seasons and closed areas.

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 Evan Jacoby, Rules Coordinator, Washington State Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 30, 1999.

June 1, 1999

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 97-124, filed 7/29/97, effective 8/29/97)

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) ~~((All gill net gear used in Puget Sound must have floats or corks of a contrasting color attached in 50-foot intervals along the corkline.~~

(5)) It shall be unlawful to take or fish for salmon with gill net gear beginning in 1998 in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-304 Puget Sound—All citizen salmon species seasons and gill net mesh sizes. ~~((The following are Puget Sound all citizens salmon species seasons listed by area and species:~~

AREA	SPECIES	DATE	RANGE
6D:	COHO	9/20	- 10/24

AREA	SPECIES	DATE	RANGE
7.7A:	FRASER SOCKEYE CHUM	6/21 9/27	- - 11/14
7B:	CHINOOK COHO CHUM	8/9 9/6 10/25	- - 10/24 - 12/12
7C:	CHINOOK	8/9	- 10/10
8:	CHUM	10/25	- 11/28
8A:	CHUM	10/18	- 11/28
8D:	COHO CHUM	9/20 11/8	- - 12/19
9A:	COHO	9/13	- 10/31
10.11:	COHO CHUM	9/6 10/11	- - 11/28
12:	CHUM	10/18	- 11/20
12A:	COHO	8/30	- 10/10
12B:	CHUM	10/18	- 11/20
12C:	CHUM	10/25	- 11/27))

(1) The following are the 1999 Puget Sound all citizens salmon species seasons listed by area and species:

AREA	SPECIES	DATE	RANGE
6D:	COHO FRASER SOCKEYE AND PINK CHUM	9/19 6/26 9/26	= = 9/25 = 11/13
7.7A:	FRASER SOCKEYE AND PINK CHUM	6/26 9/26	= = 11/13
7B:	CHINOOK COHO CHUM	8/8 9/5 10/24	= = 9/4 = 12/11
7C:	CHINOOK	8/8	= 10/9
8:	PINK COHO CHUM	8/22 8/29 10/24	= = 9/18 = 10/23 = 11/27
8A:	PINK COHO CHUM	8/8 9/5 10/17	= = 9/11 = 10/16 = 11/27
8D:	COHO CHUM	9/19 11/7	= = 11/6 = 12/18
9A:	COHO	9/19	= 10/30
10.11:	COHO CHUM	9/5 10/10	= = 10/9 = 11/27
12:	COHO CHUM	9/26 10/17	= = 10/16 = 11/20
12A:	COHO	8/29	= 10/16
12B:	COHO CHUM	10/13 10/17	= = 10/16 = 11/20
12C:	CHUM	10/31	= 11/27

(2) It is unlawful to fish for or possess salmon taken with gill net gear using mesh other than the mesh listed below for the species seasons set out in this section:

CHINOOK SEASON	7 INCH MINIMUM MESH
COHO SEASON	5 INCH MINIMUM MESH
PINK SEASON	5 INCH MINIMUM MESH
	5-1/2 INCH MAXIMUM MESH
	AND IN SMCRA 8 - 60 MESH
	MAXIMUM DEPTH

EXPEDITED ADOPTION

CHUM SEASON
FRASER SOCKEYE

6-1/4 INCH MINIMUM MESH
5 INCH MINIMUM MESH
5-1/2 INCH MAXIMUM MESH

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 75.12.140:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within ~~((1,000 feet))~~ 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point ~~((those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Island, those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from Fidalgo Head northerly to Shannon Point)).~~

~~((7))~~ (8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez

Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point ~~((~~ ~~8))~~), and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink seasonal closure: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

EXPEDITED ADOPTION

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodsport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-311 Purse seine—Open periods. During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

((AREA	TIME	DATE	TIME	DATE
7, 7A:	7AM	-	6PM	10/20, 10/26
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/11, 11/12
7B:	6AM	9/08	4PM	9/11
	6AM	9/14	4PM	9/18
	6AM	9/20	4PM	10/31
	6AM	11/02	4PM	11/06
	6AM	11/09	4PM	11/13
	6AM	11/16	4PM	11/20
	6AM	11/23	4PM	11/27
	6AM	11/30	4PM	12/04
	6AM	12/07	4PM	12/11
8:	7AM	-	6PM	10/26

((AREA	TIME	DATE	TIME	DATE
	7AM	-	5PM	11/03, 11/09, 11/17, 11/23
8A:	7AM	-	6PM	10/21, 10/22, 10/26, 10/27
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/18, 11/19, 11/23, 11/24, 11/25, 11/30, 12/01
8D:	7AM	-	7PM	9/21, 9/22, 9/23, 9/24, 9/29, 9/30, 10/01, 10/02, 10/05, 10/06, 10/07, 10/08, 10/13, 10/14, 10/15, 10/16,
	7AM	-	6PM	10/21, 10/22, 10/26, 10/27
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/18, 11/19, 11/23, 11/24, 11/25, 11/30, 12/01
10, 11:	7AM	-	6PM	10/26
	7AM	-	5PM	11/03, 11/04, 11/09, 11/17, 11/23
12, 12B:	7AM	-	6PM	10/20, 10/26
	7AM	-	5PM	11/04, 11/05, 11/09, 11/10, 11/17
12C:	7AM	-	5PM	11/17, 11/23))

AREA	TIME	DATE	TIME	DATE
7, 7A:	7AM	-	6PM	10/19, 10/25
	7AM	-	5PM	11/3, 11/4, 11/8, 11/9, 11/10, 11/11
7B:	6AM	9/7	4PM	9/9
	6AM	9/13	4PM	9/15
	6AM	9/19	4PM	10/23
	6AM	10/25	4PM	10/29
	6AM	11/1	4PM	11/5
	6AM	11/8	4PM	11/12
	6AM	11/15	4PM	11/19
	6AM	11/22	4PM	11/26
	6AM	11/29	4PM	12/3
	6AM	12/6	4PM	12/10
8:	7AM	-	6PM	10/25
	7AM	-	5PM	11/2, 11/8, 11/16, 11/22
8A:	5AM	-	9PM	8/24, 8/30
	7AM	-	7PM	10/11
	7AM	-	6PM	10/20, 10/21, 10/25, 10/26

EXPEDITED ADOPTION

EXPEDITED ADOPTION

AREA	TIME	DATE	TIME	DATE
	7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/17, 11/18, 11/22, 11/23, 11/24
8D:	7AM	:	7PM	9/21, 9/22, 9/23, 9/28, 9/29, 9/30, 10/4, 10/5, 10/6, 10/7, 10/11
	7AM	:	6PM	10/20, 10/21, 10/25, 10/26
	7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/17, 11/18, 11/22, 11/23, 11/24
10, 11:	7AM	:	6PM	10/19, 10/25
	7AM	:	5PM	11/2, 11/3, 11/8, 11/16
12, 12B:	7AM	:	6PM	10/19, 10/25
	7AM	:	5PM	11/3, 11/4, 11/8, 11/9, 11/16
12C:	7AM	:	5PM	11/16, 11/22

It is unlawful to retain chinook salmon taken with purse seine gear. It is unlawful to retain coho salmon taken with purse seine gear in Areas 7 and 7A. It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 97-124, filed 7/29/97, effective 8/29/97)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) During Fraser sockeye and pink salmon species seasons in Areas 7 and 7A, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-401 Reef net open periods. During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7,7A	7AM - 7PM Daily	((DAILY 9/7 - 9/11 9/14 - 9/18 9/21 - 9/25 9/28 - 10/2 10/5 - 10/9 10/12 - 10/16 10/19 - 10/23 10/26 - 10/30 11/2 - 11/6 11/9 - 11/13)) 9/12 through 11/13

It is unlawful to retain chinook salmon taken with reef net gear. It is unlawful to retain coho salmon taken with reef net gear while the Fraser River Panel of the Pacific Salmon Commission maintains regulatory control of fisheries in Area 7. It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-410 Gill net—Daily hours. It ((shall be)) is unlawful to take or fish ((for sockeye or pink salmon)) during the Fraser sockeye and pink salmon species seasons in Areas 7 or 7A with gill net gear from 12:00 midnight to 1.5 hours after sunrise.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-411 Gill net—Open periods. During ((1997)) 1999, it is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

(AREA)	TIME	DATE(S)
6D:	7AM - 7PM Daily	9/21 - 9/25 9/28 - 10/2 10/5 - 10/9 10/12 - 10/16 10/19 - 10/23

Note: Area 6D skiff gill net only. It is unlawful to retain chinook, pink, or chum salmon in Area 6D.

7.7A:	7AM-7PM		10/19
	7AM-6PM		10/27, 11/2, 11/3, 11/9, 11/10, 11/11, 11/12
7B:	7PM-9AM	NIGHTLY	8/17, 8/24, 8/31
	6AM	9/8	4PM 9/11
	6AM	9/14	4PM 9/18
	6AM	9/20	4PM 10/31
	6AM	11/2	4PM 11/6
	6AM	11/9	4PM 11/13
	6AM	11/16	4PM 11/20
	6AM	11/23	4PM 11/27
	6AM	11/30	4PM 12/4
	6AM	12/7	4PM 12/11
7C:	7PM-9AM	NIGHTLY	8/17, 8/24, 8/31
8:	7AM-6PM		10/27, 11/2, 11/10, 11/16
	7AM-5PM		11/24
8A:	7AM-7PM		10/19, 10/20
	7AM-6PM		10/28, 10/29, 11/2, 11/3, 11/11, 11/12, 11/16, 11/17
	7AM-5PM		11/23, 11/24, 11/25, 12/2, 12/3
8D:	6PM-8AM	NIGHTLY	9/21-9/24 9/28-10/1 10/5-10/8 10/12-10/15
	7AM-7PM		10/19, 10/20
	7AM-6PM		10/28, 10/29, 11/2, 11/3, 11/11, 11/12, 11/16, 11/17
	7AM-5PM		11/23, 11/24, 11/25, 12/2, 12/3
9A:	6AM	9/13 through	4PM 10/31
10, 11:	5PM-8AM		10/26, 10/27
	4PM-8AM	NIGHTLY	11/2, 11/3, 11/9, 11/16, 11/23
12, 12B:	7AM-7PM		10/19
	7AM-6PM		10/27, 11/2, 11/3, 11/11, 11/12, 11/16
12C:	7AM-6PM		11/16
	7AM-5PM		11/24

All other saltwater and freshwater areas—closed.
(Nightly openings refer to the start date:))

AREA	TIME	DATE(S)
6D:	7AM - 7PM	9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22

AREA	TIME	DATE(S)
Note: Area 6D skiff gill net only, using 5-inch minimum and 5 1/2-inch maximum mesh. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish.		
7.7A:	7AM - 8PM	10/18, 10/26, 11/1, 11/2, 11/8, 11/9, 11/10, 11/11
7B:	7PM-9AM NIGHTLY	8/16, 8/23, 8/24, 8/30, 8/31
	6AM 9/7	4PM 9/9
	6AM 9/13	4PM 9/15
	6AM 9/19	4PM 10/23
	6AM 10/25	4PM 10/29
	6AM 11/1	4PM 11/5
	6AM 11/8	4PM 11/12
	6AM 11/15	4PM 11/19
	6AM 11/22	4PM 11/26
	6AM 11/29	4PM 12/3
	6AM 12/6	4PM 12/10
7C:	7PM-9AM NIGHTLY	8/16, 8/23, 8/24, 8/30, 8/31
8:	6AM - 11PM	8/24, 8/30
	7AM - 8PM	10/26, 11/1, 11/9, 11/15, 11/23
8A:	6AM - 11PM	8/23, 8/31
	7AM - 8PM	10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2, 11/10, 11/11, 11/15, 11/16, 11/22, 11/23, 11/24
8D:	6PM-8AM NIGHTLY	9/20, 9/21, 9/22, 9/27, 9/28, 9/29, 10/4, 10/5, 10/6, 10/7
	7AM - 8PM	10/12, 10/18, 10/19, 10/27, 10/28, 11/1, 11/2, 11/10, 11/11, 11/15, 11/16, 11/22, 11/23, 11/24
9A:	6AM 9/19 through	4PM 10/30
10, 11:	5PM-8AM NIGHTLY	10/18, 10/25
	4PM-8AM NIGHTLY	11/1, 11/2, 11/8, 11/15
12, 12B:	7AM - 8PM	10/18, 10/26, 11/1, 11/2, 11/10, 11/11, 11/15
12C:	7AM - 8PM	11/15, 11/23

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five Quilcene Bay salmon beach seine experimental fishery permits (Quilcene permits).

(3) The following is the selection process the department will use to offer a Quilcene permit.

EXPEDITED ADOPTION

(a) Persons who held a Quilcene Bay salmon beach seine experimental fishery permit in ~~((1997))~~ 1998 will be eligible for a permit in ~~((1998))~~ 1999.

(b) The department established a pool of applicants by drawing on September 9, 1996. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the Quilcene Bay salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the Quilcene permit being aboard the designated vessel in the open fishery area ~~((four days each week during the open fishing period, except that during the Fraser sockeye and pink salmon species season in Areas 7 and 7A "participation" means the holder of the Quilcene permit being aboard the designated vessel in the open fishery area))~~ two days each week during the open fishing period.

(b) If the Quilcene permit holder fails to participate, the Quilcene permit issued to that fisher will be void and a new Quilcene permit will be issued through a random drawing from the applicant pool established in 1996.

(c) The department may require proof of participation by registering with state, federal or tribal officials each day the Quilcene permit holder participates.

(d) Persons who participate, but violate conditions of a Quilcene permit, will have the permit voided and a new Quilcene permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) Chum salmon may not be retained by a Quilcene permit holder. Chum salmon must be released alive, or, at the direction of federal or state officials, submitted for brood-stock purposes.

~~((5))~~ (6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a Quilcene permit will have his or her name permanently withdrawn from the pools.

~~((6))~~ (7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-47-428 Beach seine—Open periods. During ~~((1997))~~ 1999, it is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE(S)
12A:	7AM - 7PM Daily	((8/31-9/4 9/7-9/11 9/14-9/18 9/21-9/25 9/28-10/2 10/5-10/9)) 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-412 Drift gill net and skiff gill net—Mesh sizes.

AMENDATORY SECTION (Amending Order 85-43, filed 5/10/85)

WAC 220-20-016 Sale of commercial caught salmon.

It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 75.28 RCW to:

(1) ~~((Keep more than three salmon taken under such license for personal use, up to a maximum of six salmon in possession for multi-day trips.))~~ Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(2) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers.

EXPEDITED ADOPTION

WSR 99-12-004
PERMANENT RULES
SECRETARY OF STATE

[Filed May 19, 1999, 3:05 p.m.]

Date of Adoption: May 17, 1999.

Purpose: To expand the certification of certified election officials; implement changes in statute and further define the procedure for county election procedural reviews.

Citation of Existing Rules Affected by this Order: See sections below.

Statutory Authority for Adoption: RCW 29.60.020.

Adopted under notice filed as WSR 99-07-043 on March 15, 1999.

Changes Other than Editing from Proposed to Adopted Version: Removed an expired section, updated the rule numbers used as references, and further clarified who may respond to review reports.

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 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 25, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 20, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 25, Repealed 9; 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.

Rules adopted under RCW 29.60.020 requires that they be jointly [adopted] with the Election Administration and Certification Board and the Secretary of State.

May 11, 1999

Doug Cochran, Chairman
Election Administration
and Certification Board

May 19, 1999

Donald F. Whiting
Assistant Secretary of State

Chapter 434-260 WAC

ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators and assistant election administrators, and the training of county canvassing

board members, and election observers as required by chapter 29.60 RCW.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) (~~"Scheduled election review" means an election review conducted in each county at least once every four years. A scheduled election review may be held on one or more contiguous dates or may be conducted in phases;~~

(4) ~~"Election review checklists" means a document listing the various activities and tasks required to be completed in order to conduct an election in accordance with state law and administrative rules;~~

(5) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or state-wide office;

(6) ~~(4) "Preliminary ((scheduled)) review report of findings and recommendations" means that draft report made by the election review staff to the county auditor ((and the county canvassing board)) and which contains ((a copy of the election review checklist;)) any recommendations made by the review staff((;)) and a preliminary conclusion((evaluation of)) regarding the county's election procedures;~~

(7) ~~(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board may respond to the draft election review report in writing and/or may appeal the report to the election administration and certification board.~~

(8) ~~(6) "Final ((scheduled)) election review report" means that report made by the election review staff which contains a copy of the ((election review checklist;)) recommendations made by the review staff, any response to those recommendations made by the county auditor or the county canvassing board, and ((an evaluation)) a conclusion written by the staff;~~

(9) ~~(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;~~

(10) ~~(8) "Election certification and training board" means that board created pursuant to the provisions of RCW 29.60.010 which is responsible for hearing and ruling on any appeals made by a county auditor or any member of the county canvassing board following the conduct of an election review;~~

(11) ~~(9) "County auditor designee" is that person designated by the county auditor to participate in the review pro-~~

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cess, pursuant to the provisions of RCW 29.60.080. Such a designee must be certified (~~as qualified~~) as required by chapter 29.60 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of RCW 29.62.015;

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29.60.010;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than (~~March~~) July 1, any county auditor may request that the secretary of state designate his or her county for (~~a scheduled~~) an election review (~~during that calendar year~~). The secretary of state shall, whenever practical, honor that request. (~~In the event the secretary is unable to schedule a county that has requested review, he or she shall, not later than March 15, notify the county of his or her decision and the reasons for that decision.~~)

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-040 (~~Scheduled~~) Election reviews—Secretary of state to designate. Not later than (~~March 15~~) August 1 the secretary of state shall (~~designate~~) notify, in writing, the counties selected for (~~a scheduled~~) an election review (~~during that calendar year~~). The (~~designation~~) notification may include tentative dates for the conduct of the reviews. Whenever possible, (~~scheduled~~) election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating

counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29.60.070 (1)(b).

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-050 Notice of review. Whenever any (~~scheduled~~) election review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty days in advance of the review. Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone or by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-060 Notification of review process. At least five days prior to (~~a scheduled~~) an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as (~~a scheduled~~) an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last (~~scheduled~~) election review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29.60.070 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;

(5) Any media stories or reports alleging election irregularities with respect to the election in question;

(6) The date on which the determination is made that a special review is required.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any (~~scheduled~~) election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist shall be provided to every county auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-120 Adoption of election review checklist. The election administration and certification (~~and training~~) board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-130 Preliminary (~~scheduled~~) review report of findings and recommendations. As soon as practical, but in any event not later than (~~January 15 of the year~~) sixty days following (~~a scheduled review~~) the certification of the election, the review staff shall issue a preliminary (~~scheduled~~) review report of a findings and recommendations. The report shall be made to the county auditor (~~and the county canvassing board only, and shall include, but not be limited to, the following:~~

- (1) ~~A copy of the completed election review checklist;~~
- (2) ~~A narrative description of recommendations made by the review staff;~~
- (3) ~~Any other information the review staff deems pertinent;~~
- (4) ~~A preliminary conclusion/evaluation of the county's election procedures).~~

The preliminary (~~scheduled~~) review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.17.310.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-140 (~~Response from county auditor/canvassing board~~) Draft election review report. (~~The county auditor or the county canvassing board may respond, in writing, to the preliminary report issued by the review staff. Such a response shall be provided to the review~~

~~staff not later than thirty days following the issuance of the preliminary report, and may take issue with any aspect of the preliminary report or may detail what action is being taken by the county in response to any recommendations made by the review staff.~~) As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in RCW 29.62.015, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;
- (3) A preliminary conclusion/evaluation of the county's election procedures.

The draft election review report is exempt from public inspection and copying, as provided by RCW 42.17.310.

NEW SECTION

WAC 434-260-145 Response to draft election review report. The county auditor and/or county canvassing board shall have the right to respond, in writing, to the draft election review report. Such response shall be submitted to the review staff not later than ten days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor. In the event the review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-150 Final (~~scheduled~~) election review report. As soon as practicable, but in any event not later than (~~March 1 of the year following a scheduled review~~) forty-five days after the issuance of the draft election review report, the review staff shall issue a final (~~scheduled~~) election review report. The report shall be made to (~~the county auditor and~~) the county canvassing board, and shall include, but not be limited to, the following:

- (1) (~~A copy of the completed review checklist;~~
- (2)) A narrative description of any general observations by the review staff;
- (~~3~~) 2) A narrative description of any recommendations made by the review staff;
- (~~4~~) 3) A response by the county auditor or the county canvassing board, if any;

~~((5))~~ (4) A ~~((conclusive/evaluation))~~ conclusion by the review staff. A copy of the final ~~((scheduled))~~ review report shall be provided to the chairperson of the election administration and certification ~~((and training))~~ board and a copy shall also be kept on file by the secretary of state.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-160 Special review recommendations. After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations ~~((shall be in writing and))~~ shall be made orally to the county auditor not later than ~~((five days following the certification of the election returns or))~~ twenty-four hours in advance of the conduct of a mandatory recount ~~((; whichever occurs first. The county auditor and/or the canvassing board may respond in writing to any recommendations, and such response shall become part of the official record of the special review))~~. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten working days after the completion of the mandatory recount.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-170 Distribution of special review recommendations and response. ~~((In addition to those persons specified in WAC 434-60-160 as receiving a copy of the special review recommendations,))~~ The county auditor and the county canvassing board may respond in writing to any recommendations made by the review staff. Such response shall not be made later than fifteen working days after the completion of the mandatory recount. The review staff shall, after the county auditor and county canvassing board ~~((has))~~ have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within sixteen working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election administration and certification ~~((and training))~~ board and a copy shall also be kept on file by the secretary of state.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-190 Processing of appeal. Within thirty days of an appeal being filed, the election administration and certification ~~((and training))~~ board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary ~~((scheduled))~~ election review report and draft review report. The board, by majority vote, may accept the ~~((final))~~ draft report, may modify all or part of the ~~((final))~~ draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-200 Standards for evaluating appeals. In determining whether or not an appeal filed pursuant to RCW 29.60.070 and WAC ~~((434-60-160))~~ 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification ~~((and training))~~ board shall consider the following factors:

- (1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;
- (2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;
- (3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;
- (4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-220 Certification of election administrators ~~((and deputy election administrators))~~. Election administrators ~~((and deputy election administrators may not))~~ shall become certified ~~((under this section until they have been involved in the administration of an even-year general election and an odd-year general election. For initial certification, an accumulation of fifteen credits is required which must include as a minimum))~~ upon completion of the following:

(1) ~~Completion of the secretary of state's mandatory orientation ((two credits))~~ course;

(2) Two years' service ~~((in))~~ as an election ~~((administration (up to five credits)))~~ administrator;

(3) Taking and passing ~~((an))~~ the open book written test ~~((on Title 29 RCW, Title 434 WAC, and applicable state and federal election laws (two credits)))~~ described in WAC 434-60-260;

(4) A minimum of forty hours participation in conferences and workshops involving elections related subjects or subjects approved by the election administration and certification board and sponsored by: ((Five credits minimum including two from (a) and/or (b) of this subsection))

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The Elections Center;

(d) ~~((The International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT)))~~ Visiting other county election departments for training and/or orientation purposes (maximum four hours);

(e) The Federal Election Commission;

(f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or

(g) Other conferences or courses approved by the Election Administration and Certification Board.

(5) ~~((Any combination of the following:~~

(a) ~~Formal education (up to five credits);~~

(b) ~~Participation in other education activities (up to five credits);)~~ A high school diploma or its equivalent.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-240 Mandatory orientation. (1) All election administrators and ~~((deputy))~~ assistant election administrators shall, within eighteen months of undertaking those responsibilities ~~((or by July 1, 1994, whichever is later)),~~ attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of twelve hours of training in election-related subjects. ~~((The twelve hours will be worth two credits;))~~

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-260 Open book written test. The ~~((secretary of state elections division))~~ certification and training program will prepare an open book written test on Title 29 RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to ~~((election administrators at the completion of the mandatory orientation session. Taking and passing the test will be worth two credits for initial certification))~~ candidates for certification as election administrators or assistant election administrators.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-300 Maintaining certification as an election administrator. After attaining initial certification the election administrator is responsible for ~~((maintenance of))~~ maintaining his or her certification ~~((on an ongoing basis)).~~ Maintenance of certification shall consist of:

(1) ~~((Election administration: The continued conduct of elections as an elections administrator or deputy elections administrator;))~~ Continuous service as an election administrator during the year for which maintenance is required;

(2) ~~((Continuing education: It is the position of the election administration and certification board that attendance at the annual election administrator's conference is of critical importance in maintaining certification as an election administrator. In addition to the annual election conference, continuing education shall consist of training programs which emphasize the duties and functions of administering elections;))~~ Participation in ~~((an))~~ an annual minimum of eighteen hours of continuing education ~~((shall be required each year to maintain certification. These training programs may include the following:~~

(a) ~~Public administration;~~

(b) ~~Public and media relations;~~

(c) ~~Election and voter registration law;~~

(d) ~~Personnel management;~~

(e) ~~Organizational management;~~

(f) ~~Information systems management;~~

(g) ~~Voting systems and equipment;~~

(h) ~~Budget or fiscal management;~~

(i) ~~Stress management;~~

(j) ~~Visiting other county election departments for training and/or orientation purposes;~~

(k) ~~Additional professional or academic degrees;~~

(l) ~~Any election oriented training offered by the organizations listed in WAC 434-60-220 (4)(a) through (g)).~~ This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-310 ((Certification of minimum requirements;)) Application for initial certification and maintenance of certification. The secretary of state shall ~~((distribute applications for certification annually to the county auditors, or equivalent. The county auditors shall, before December 1 of each year, certify to the election administration and certification board the completion of the requirements for initial certification for members of his or her staff),~~ not later than July 1 of each year, distribute certification application forms to the county auditors. The county auditor in each county shall, not later than December 1 of

each year, submit an application for certification for each employee for whom certification is requested.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-320 Training program for county canvassing board members. The secretary of state (~~(elections division)~~) shall prepare a training program for county canvassing board members (~~(or their designated representatives)~~). The training (~~(program)~~) shall be made available (~~(to county canvassing board members annually at their respective conferences sponsored by the Washington Association of County Officials. Upon completion of the training program, county canvassing board members shall receive a certificate of completion. The training program for county canvassing board members or their designated representatives may include the following:~~

- (1) Election law (Title 29 RCW; Title 434 WAC);
- (2) Voting systems;
- (3) ~~Canvassing board policies and procedures)~~ on an annual basis.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-330 Training program for election observers. The secretary of state elections division shall prepare a training program for officially designated political party election observers. The training shall be made available (~~(regionally on an annual basis. Upon completion of the training, election observers shall receive a certificate from the office of the secretary of state. The training for election observers may include the following:~~

- (1) Election law (Title 29 RCW; Title 434 WAC);
- (2) Voting systems;
- (3) Logic and accuracy test procedures) upon receipt of a request, in writing, from the chair of the state central committee of any major political party. The training offered by this section does not replace the mandatory training for political party observers required by RCW 29.33.340.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-340 Training video tapes available. (~~An election administrator, canvassing board member, or election observer who is unable to travel to training programs conducted under this chapter may request audio or video recordings of the training programs and shall receive a certificate of completion by the secretary of state, county auditor or equivalent.)~~ The secretary of state shall make copies of any available training videos to any person eligible for certification. Persons requesting videos may request full or partial certification credit from the administration and certification board.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-260-350 Approval of training programs. All training (~~(and orientation)~~) programs referenced in these rules (~~(shall)~~) may be subject to review (~~(and approval of)~~) by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-260-070	Frequency of scheduled reviews.
WAC 434-260-180	Appeal from scheduled review report.
WAC 434-260-210	Intent.
WAC 434-260-215	Definitions.
WAC 434-260-230	Certification credit system.
WAC 434-260-250	Experience as an election administrator, or as a deputy election administrator.
WAC 434-260-270	Participation in conferences and workshops.
WAC 434-260-280	Formal education.
WAC 434-260-290	Participation in other educational activities.

NEW SECTION

WAC 434-260-225 Certification of assistant election administrators. Assistant election administrators shall become certified upon completion of the following:

- (1) The secretary of state's mandatory orientation course;
- (2) Two years service in election administration;
- (3) Passing the open book test described in WAC 434-260-260;
- (4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4);
- (5) A high school diploma or equivalent.

NEW SECTION

WAC 434-260-235 Recertification of assistant election administrators as election administrators. Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

- (1) Two years service in an election management position, as defined by the county auditor or the state director of elections;

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(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

purposes and any other training approved by the elections administration and certification board.

NEW SECTION

WAC 434-260-305 Maintaining certification as an assistant election administrator. After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of participation in an annual minimum of six hours of continuing education. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for workshops and conferences, election administrators may also receive credit for visiting other county election departments for training

WSR 99-12-006
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed May 19, 1999, 4:12 p.m., effective May 19, 1999]

Date of Adoption: May 19, 1999.
 Purpose: Establish minimum licensing requirements for cherry harvest camps.
 Statutory Authority for Adoption: RCW 70.54.110.
 Other Authority: RCW 43.20.050(3).
 Adopted under notice filed as WSR 99-08-098 on April 6, 1999.
 Changes Other than Editing from Proposed to Adopted Version:

WAC Section	Change	Reason for Change
WAC 246-358-600	No change.	N/A
WAC 246-358-610	Included submission of "proof of nitrate analysis" with application.	Consistent with changes made to WAC 246-358-020, emergency rule filed May 5, 1999.
(1)(b)	Changed "WAC 246-358-055(2)" to "WAC 246-358-055(3)."	Incorrect reference.
(1)(b)	Replaced "housing" with "camp site."	Changed for consistency.
(2)(b)	Replaced "is necessary" with "would serve."	Grammatical change.
(3)(d)	Replaced "housing" with "camp site."	Changed for consistency.
(4)	DELETED "246-08 or"	Incorrect reference to rules.
WAC 246-358-620	No change.	N/A
WAC 246-358-630	ADDED "WAC 246-358-140" to list of exemptions.	The department overlooked this section when creating these rules. This section addresses tents used for cherry harvest camps.
(5)	ADDED: "(c) The tent has fifty square feet per occupant."	This language was suggested in comments to the proposed rules and introduced at the public hearing held May 11, 1999. No objections to this amendment were received at that time.
WAC 246-358-640	No change.	N/A
WAC 246-358-650	Changed WAC 246-358-380 to WAC 246-358-680.	Typographical error.
(1)(b)	Amended language from "kept clean and sanitary" to "kept in a clean and sanitary condition," and ADDED: "cleaned at least daily."	This amendment was in response to comments received on the proposed rules. This change is also supported by the Epidemiological report in "Common Sense and Science."
(12)	DELETED original language addressing off-camp showers.	This amendment was in response to comments received on the proposed rules.
(15)	ADDED new language "Provide handwashing sinks in or adjacent to toileting areas."	This language was added to clarify enforcement provisions. It is the department's expectation that handwashing sinks be in toilet rooms or adjacent to toilet rooms, and is enforced as such, but this provision was not specifically stated in rule.
WAC 246-358-660	No change.	N/A

PERMANENT

WAC Section	Change	Reason for Change
WAC 246-358-670	No change.	N/A
WAC 246-358-680 (1)(d)(e)	Combined (1)(d) with (1)(e). DELETED "with warm water within one hundred feet of food preparation areas" from (1)(d).	Amended in response to comments on proposed rules.
(1)(f)	Becomes (1)(e) with the above change.	Changes automatically with combination of (1)(d) and (e).
(1)(g)	Becomes (1)(f) with above change.	Changes automatically with combination of (1)(d) and (e).
(2)(b)	DELETED "hot plate or camp stove" and ADDED "means of cooking."	Changed for consistency.

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 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Washington State Department of Health finds that the Cherry Harvest Rules, WAC 246-358-600 through 246-358-680, should become effective immediately pursuant to RCW 34.05.380 (3)(c). The department finds that without an immediate effective date, imminent peril to public health, safety or welfare would result.

At the January 13, 1999, meeting of the State Board of Health, the board delegated rule-making authority for 1999 cherry harvest to the Department of Health. The department immediately initiated the rule-making process. The department's intent was to develop a set of rules that provides campsites with basic health protections. As a part of the rule-making process, public comment was received and considered.

The cherry harvest begins approximately the last week of May in Grant and parts of Benton and Franklin counties. The department has documented (1996 report to the Legislature) that approximately 16,000 migrants pick cherries in our state. There is currently little alternative housing available for migrant workers in cherry growing communities outside of the cherry camps. Without camps available, workers often live "on the river bank," that is, in isolated rural areas without safe sources of drinking water or any sanitation facilities. The health risks both to workers and to the larger community associated with such conditions include the spread of infectious disease. Workers camping in isolated areas may also be the targets of violence, vandalism and theft.

A number of cherry growers have camps that could be equipped for licensure with respect to basic safety and health standards. Some cherry growers may continue to seek licensure if rules could be implemented in time for the 1999 cherry harvest season. Licensed camps would provide additional housing for migrant workers.

The above-described conditions constitute good cause to find threat to the public health, safety, or welfare. Because the cherry harvest is imminent, observing the thirty-one day wait period for the effective date of the rules would be contrary to the public interest.

See significant analysis in rule-making file for further support.

Effective Date of Rule: May 19, 1999.

May 19, 1999
Mary Selecky
Secretary

NEW SECTION

WAC 246-358-600 Cherry harvest camps—Applicability. (1) WAC 246-358-600 through 246-358-680 apply only to operators of cherry harvest camps during the cherry harvest season; and

(2) WAC 246-358-600 through 246-358-680 apply to:

(a) Cherry harvest camps that consist of five or more dwelling units, or any combination of dwelling units or spaces that house ten or more occupants; and

(b) Operators of cherry harvest camps who must comply with substantive state health and safety standards to qualify for MSPA.

(3) WAC 246-358-010, 246-358-030 through 246-358-175, and WAC 246-358-990 apply to cherry harvest camps, unless a specific exemption is provided in WAC 246-358-600 through 246-358-650.

(4) WAC 246-358-600 through 246-358-680 do not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.

(5) The department will periodically review WAC 246-358-600 through 246-358-680.

PERMANENT

NEW SECTION

WAC 246-358-610 Cherry harvest camps—Licensing. A cherry tent camp license is limited to twenty-one days.

(1) An operator must apply for an operating license prior to the use of the camp by submitting to the department:

(a) A completed application on a form provided by the department;

(b) Proof of a nitrate analysis, and proof of satisfactory results of a bacteriological water quality test as required by WAC 246-358-055(3); alternatively proof camp site is connected to a community water system; and

(c) A fee as specified in WAC 246-358-990.

(2) An operator may receive a license extension from the department for up to seven days when:

(a) The operator requests an extension for additional days at least three days before the license expiration date;

(b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.

(3) An operator must:

(a) Post the operating license in a place readily accessible to workers;

(b) Notify the department in the event of a transfer of ownership;

(c) Cooperate with the department during on-site inspections;

(d) Follow the plan of correction established with the department when existing camp site fails to meet the requirements in WAC 246-358-600 through 246-358-680; and

(e) Meet the transitional compliance schedule requirements in WAC 246-358-620 when applicable.

(4) An operator may appeal decisions of the department in accordance with chapter 34.05 RCW and chapter 246-10 WAC.

NEW SECTION

WAC 246-358-620 Cherry harvest camps—Transitional compliance schedule. A transitional compliance schedule may be approved for cherry harvest camps failing to meet a specific requirement or requirements in WAC 246-358-640, 246-358-660, 246-358-670 and 246-358-680. A transitional compliance schedule:

(1) Is a written plan of compliance developed between the department and the operator that includes a timeline for making incremental improvements for meeting specific requirements in the sections identified above.

(2) Will not exceed three years. **EXCEPTION:** The secretary of the department may approve a transitional compliance schedule for up to five years for operators who face extraordinary circumstances and demonstrate a good faith effort to achieve compliance.

(3) Applies to licensed operators. If an operator does not continue to be licensed to operate a cherry harvest camp and at any time thereafter again seeks licensure, the operator will resume compliance with the transitional compliance schedule as it applied at the time last licensed.

(4) Will be approved when the operator:

(a) Identifies the specific WAC section or subsection for which the transitional compliance schedule is being requested;

(b) Provides justification for the request; and

(c) Provides a description of how the intent of the requirement(s) will be met during the transitional compliance phase.

(5) Will be approved when the department determines that the transitional compliance schedule will not:

(a) Negate the purpose and intent of these rules;

(b) Place the safety or health of the camp residents in jeopardy; and

(c) Reduce the effectiveness of any fire and life safety or infection control provision in other codes or regulations.

NEW SECTION

WAC 246-358-630 Cherry harvest camps—Location of camp area and camp management plan. Licensed operators are exempted from the requirements of WAC 246-358-045, 246-358-075, 246-358-135 and 246-358-140 when meeting the requirements of this section. A licensed operator:

(1) Must locate the camp area:

(a) To prevent a health or safety hazard;

(b) On well-drained sites to prevent standing water from becoming a nuisance;

(c) Five hundred feet or more from a livestock operation unless the department determines that no health risk exists;

(d) More than two hundred feet from swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes; and

(e) On sites sufficient in size to prevent overcrowding of necessary structures.

(2) Must ensure that the housing site is maintained at all times in a sanitary condition free from garbage and other refuse.

(3) Must develop and implement a camp management plan and camp rules to assure that the camp is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

(a) Inform camp residents of the camp rules, in a language the resident understands by providing individual copies of the rules to each camp resident or posting the rules in the camp area;

(b) Restrict the number of occupants in the camp to the camp capacity as determined by the department. The camp capacity will be determined by the number of tents and the number of persons per tent, area of the site and the ratio of occupants to the number of sinks, showers, and toilets.

(4) Must meet the following requirements for all tents within the camp, including tents provided by employees. The operator will:

(a) Provide a vapor barrier for all tents that are not on asphalt, concrete, or wooden platform; and

(b) Limit the number of occupants who can sleep in the tent to the number for which it was designed.

(5) May provide a tent for employee use when the following requirements are met:

- (a) The tent has screened flaps over windows and doors with a means of fastening the flaps shut;
- (b) The tent has a sewn-in floor; and
- (c) The tent has fifty square feet per occupant.
- (6) May allow an employee to provide his or her own trailer, recreational vehicle, camper or van if designed for sleeping. These vehicles are subject to the same occupancy requirements as a tent. Employees may use their own tents if the tents meet the following requirements:
 - (a) The tents are store-purchased; and
 - (b) The tents have a sewn-in floor.

NEW SECTION

WAC 246-358-640 Cherry harvest camps—Adequate lighting, electricity and alternative power. Licensed operators are exempted from the lighting requirements of WAC 246-358-075, 246-358-090, 246-358-095, 246-358-100 and 246-358-125 when meeting the requirements of this section. A licensed operator must:

- (1) Provide adequate lighting:
 - (a) To allow for safe passage of the camp residents from the tent area to the toilets and sinks twenty-four hours per day;
 - (b) In cooking and food handling areas as needed for safe food preparation;
 - (c) In shower rooms during hours of operation; and
 - (d) In toilets with water flush toilets twenty-four hours per day. The lighting may be natural or artificial.
- (2) Provide adequate electricity or alternate power source to:
 - (a) Provide adequate lighting as required by subsection (1) of this section; and
 - (b) Power one cubic foot of mechanical refrigeration per person per day.
- (3) Ensure wiring and fixtures are installed in accordance with department of labor and industries regulations, RCW 19.28.070 and local ordinances, and maintained in a safe condition.
- (4) Ensure heating, cooking, water heating, and other electrical equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installation.

NEW SECTION

WAC 246-358-650 Cherry harvest camps—Bathing, toilet and handwashing areas. Licensed providers are exempt from the requirements of WAC 246-358-095 and 246-358-100 when meeting the requirements of this section. To meet the bathing, toileting and handwashing needs of camp residents, a licensed operator must:

- (1) Provide hot and cold running water under pressure adequate to:
 - (a) Meet the needs of occupants as determined by the department; and
 - (b) Meet the requirements of WAC 246-358-680(1);
- (2) Provide facilities that are kept clean and sanitary;
- (3) Provide sloped, coved floors of nonslip impervious materials;

- (4) Provide floor drains;
- (5) Provide smooth, water impervious walls and partitions to the height of splash;
- (6) Provide cleanable, nonabsorbent waste containers in or near shower rooms and toileting areas;
- (7) Provide sinks and bathing facilities connected through properly trapped floor drains to an approved disposal system that complies with local ordinances;
- (8) Provide water flush toilets unless privies or other methods are specifically approved by the department or local health officer according to requirements in chapter 246-272 WAC;
- (9) Have a service contract for sewage pumping with a licensed waste disposal company at least weekly if vault privies or chemical toilets are approved for use. Vault privies or chemical toilets must be located at least fifty feet from any dwelling unit, space, or food handling facility;
- (10) Provide an adequate supply of toilet paper in each toilet room, privy, and chemical toilet compartment;
- (11) Provide clearly marked toilet rooms or chemical toilets for "men" and for "women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily-understood pictures or symbols when both men and women occupy the camp;
- (12) Ensure that toilet facilities are kept in a clean and sanitary condition, cleaned at least daily;
- (13) Request occupants to maintain toilet facilities in a clean and sanitary condition;
- (14) Provide adequate numbers of toilets, handwashing sinks and showerheads. The department will determine the number of handwashing sinks and shower heads according to the following ratios:
 - HANDWASHING SINKS**—One per each six to ten camp occupants or fraction thereof.
 - SHOWER HEADS**—One per each ten to fifteen camp occupants or fraction thereof.
 - TOILETS**—One per each ten to fifteen camp occupants of each sex with a minimum of two toilets for any facility shared by men and women; and
- (15) Provide handwashing sinks in or adjacent to toileting areas.

NEW SECTION

WAC 246-358-660 Cherry harvest camps—Personal storage. Licensed operators must provide storage facilities for clothing and personal articles for each camp occupant.

NEW SECTION

WAC 246-358-670 Cherry harvest camps—Cold food storage areas. Licensed operators are exempt from cold storage requirements of WAC 246-358-125 when meeting the requirements of this section.

Licensed operators must provide mechanical refrigeration which:

- (1) Allows for one cubic foot of storage per person; and
- (2) Is capable of maintaining a temperature of forty-five degrees Fahrenheit.

NEW SECTION

WAC 246-358-680 Cherry harvest camps—Food storage and preparation areas. Licensed operators are exempt from food storage and preparation requirements of WAC 246-358-125 when meeting the requirements of this section.

(1) The licensed operator must provide:

- (a) Covered food preparation and cooking areas to protect the food from the elements, including dust;
- (b) Food storage areas adequate to protect food from attracting rodents and insects;
- (c) Easily cleanable food preparation areas;
- (d) Handwashing facilities and dishwashing facilities with hot water within one hundred feet of food preparation areas;
- (e) Adequate tables and chairs or benches for the camp residents; and

(f) An operable hot plate or camp stove with a minimum of one cooking surface for every four adult occupants or one family group. The department may determine that a metal or stone barbecue, with fuel provided, may be substituted for one-half of the required number of hot plates or camp stoves.

(2) At their own option, occupants may provide their own means of cooking in lieu of having a hot plate or camp stove provided by the licensed operator when:

- (a) The means of cooking meets applicable safety standards; and
- (b) The licensed operator documents that a camp occupant chose not to use the means of cooking provided by the licensed operator.

WSR 99-12-007
PERMANENT RULES
SECRETARY OF STATE
[Filed May 20, 1999, 2:35 p.m.]

Date of Adoption: May 20, 1999.

Purpose: Amending WAC 434-130-090 to lower the fees for change and resignation of registered agent for limited liability companies.

Citation of Existing Rules Affected by this Order: Amending WAC 434-130-090.

Statutory Authority for Adoption: RCW 25.15.805, 25.15.810, 23B.01.220.

Adopted under notice filed as WSR 99-05-039 on February 11, 1999.

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.

May 20, 1999

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-005, filed 9/8/94, effective 10/1/94)

WAC 434-130-090 Fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred seventy-five dollars;
 - (2) Annual license renewal, fifty dollars plus the department of licensing's handling fee of nine dollars;
 - (3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;
 - (4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars plus the department of licensing's handling fee of nine dollars;
 - (5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;
 - (6) Articles of merger, twenty dollars for each listed company;
 - (7) Certificate of change of registered agent, registered office address, (~~resignation of registered agent~~) or designation of new registered agent, (~~thirty~~) ten dollars per entity name;
 - (8) Resignation of registered agent, twenty dollars per entity name;
 - (9) An initial report or amended annual report, ten dollars;
 - (~~(9)~~) (10) Registration, reservation, or transfer of name, thirty dollars;
 - (~~(10)~~) (11) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;
 - (~~(11)~~) (12) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and
 - (~~(12)~~) (13) Other statement or report filed, ten dollars.
- Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

WSR 99-12-008
PERMANENT RULES
SECRETARY OF STATE
[Filed May 20, 1999, 2:36 p.m.]

Date of Adoption: May 20, 1999.

Purpose: To lower fees for service under the Limited Partnership Act.

Citation of Existing Rules Affected by this Order: Amending WAC 434-55-060 and 434-55-065.

Statutory Authority for Adoption: RCW 25.10.600, 25.10.610, 23B.01.220, 43.07.120.

Adopted under notice filed as WSR 99-05-038 on February 11, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 20, 1999

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-003, filed 9/8/94, effective 10/9/94)

WAC 434-55-060 Document filing fees—Limited partnerships. The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic limited partnership: One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: One hundred seventy-five dollars.

(3) Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: ~~((Thirty))~~ **Twenty-five** dollars.

(6) Filing a certificate of restatement: Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: ~~((Thirty))~~ **Ten** dollars.

(8) Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(9) Articles of merger: Twenty dollars for each listed company.

(10) Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For ~~((each))~~ certified ~~((copy))~~ **copies** of any document the fee is ~~((ten dollars plus the copy fee))~~ **five dollars plus a photocopy fee of twenty cents for each additional page.**

(13) For certificates of existence ~~((fees are as follows: (a) With complete or specific historical data, under embossed seal, thirty dollars;~~

~~(b) Computer generated, under embossed seal, twenty dollars;~~

~~(c) Duplicate certificate, under gold or embossed seal, twenty dollars))~~ **the fee is ten dollars per certificate.**

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership ~~((or any single document)), ((ten))~~ **five** dollars;

(b) ~~((Amendments to certificates and mergers, twenty dollars;~~

~~(c) All charter documents, thirty dollars;~~

~~(d))~~ **Any single document, other than a certificate of limited partnership, one dollar plus twenty cents for each additional page.**

(c) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: Fifty dollars.

AMENDATORY SECTION (Amending WSR 95-16-130, filed 8/2/95, effective 9/2/95)

WAC 434-55-065 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

(a) Charter document review and filing;

(b) Name reservation review and filing;

(c) Document certification;

(d) Document copying and status certificates;

(e) Status change filings;

(f) Service of process;

(g) International student exchange agency registration.

(2) The fee for same-day service is ~~((twenty))~~ **ten** dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

(a) Reinstatements;

(b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;

(c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

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(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

WSR 99-12-014
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed May 21, 1999, 11:43 a.m.]

Date of Adoption: May 5, 1999.

Purpose: These rules recommend that colleges/universities and other agencies establishing vocational-technical teacher preparation programs use the criteria developed by the Vocational-Technical Education Council as guidelines. They also establish an advisory committee for vocational-technical teacher educator programs.

Citation of Existing Rules Affected by this Order: Amending WAC 180-77A-028 and 180-77A-029.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) and (2).

Adopted under notice filed as WSR 99-07-049 on March 15, 1999.

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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 20, 1999

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-087, filed 2/5/97, effective 3/8/97)

WAC 180-77A-028 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-031. Using the criteria developed by the vocational-technical professional education council as a guideline. each college or university desiring to establish a vocational-technical teacher preparation program shall comply with the following in addition to all approval standards in chapter 180-78A WAC:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program.

(2) Establish and maintain a representative program advisory committee including vocational teachers from the discipline, at least one first-year teacher (if applicable) who has completed the respective program, vocational administrators, and industry and/or community representatives.

The purpose of the program advisory committee is to advise, validate, and review the integrity of the respective vocational-technical teacher education program.

(3) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165 and relevant subsections of WAC 180-77A-170, including, where appropriate, evidence related to positive impact on student learning.

((3)) (4) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

((4)) (5) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding program approval to the state board of education.

AMENDATORY SECTION (Amending WSR 97-04-087, filed 2/5/97, effective 3/8/97)

WAC 180-77A-029 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041. Using the criteria developed by the vocational-technical professional education council as a guideline. each program provider, which shall be a college or university, community or technical college, school district, educational service district, or any combination of the above, desiring to establish a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041 shall comply with the following:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program, identifying the agencies involved and the administrator of the program.

(2) Establish and maintain a representative program advisory committee including vocational teachers from the discipline, at least one first-year teacher (if applicable) who has completed the respective program, vocational administrators, and industry and/or community representatives.

The purpose of the program advisory committee is to advise, validate, and review the integrity of the respective vocational-technical teacher education program.

(3) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165, including, where appropriate, evidence related to positive impact on student learning.

((3)) (4) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

((4)) (5) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding approval to the state board of education.

NEW SECTION

WAC 180-77A-080 Substitute pay for members of program advisory committees. Service on program advisory committees by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

WSR 99-12-020

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 24, 1999, 9:13 a.m.]

Date of Adoption: May 24, 1999.

Purpose: To update adoption of federal regulation covering processing and production of food to the most current editions. This includes warning labels for bottled fresh fruit and vegetable juices on recommendation of Food Safety Advisory Committee.

Citation of Existing Rules Affected by this Order: Amending 5 [WAC 16-167-010, 16-167-020, 16-167-030, 16-167-040, and 16-167-050].

Statutory Authority for Adoption: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.07.020, and 69.10.055.

Adopted under notice filed as WSR 99-07-117 on March 24, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-167-050(2) page reference in Federal Register correction from "page 37029-37056" to "page 37030-37056."

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 5, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, 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 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 24, 1999

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 98-09-048, filed 4/15/98, effective 5/16/98)

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of ((April 1, 1997)) the dates stated in the rule.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

AMENDATORY SECTION (Amending WSR 98-09-048, filed 4/15/98, effective 5/16/98)

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, ((1997)) 1998.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

(2) Part 185 - Tolerances for Pesticides in Food.

(3) Part 186 - Tolerances for Pesticides in Animal Feeds.

PERMANENT

AMENDATORY SECTION (Amending WSR 98-09-048, filed 4/15/98, effective 5/16/98)

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 CFR Chapter 1 Revised as of April 1, ((1997)) 1998.

- (1) Part 170 - Food Additives.
- (2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.
- (3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.
- (4) Part 174 - Indirect Food Additives: General.
- (5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.
- (6) Part 176 - Indirect Food Additives: Paper and Paper-board Components.
- (7) Part 177 - Indirect Food Additives: Polymers.
- (8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.
- (9) Part 179 - Irradiation in the Production, Processing and Handling of Food.
- (10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.
- (11) Part 181 - Prior-Sanctioned Food Ingredients.
- (12) Part 182 - Substances Generally Recognized as Safe.
- (13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.
- (14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.
- (15) Part 189 - Substances Prohibited From Use in Human Food.

AMENDATORY SECTION (Amending WSR 98-09-048, filed 4/15/98, effective 5/16/98)

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, ((1997)) 1998.

- (1) Part 70 - Color Additives.
- (2) Part 73 - Listing of Color Additives Exempt From Certification.
- (3) Part 74 - Listing of Color Additives Subject to Certification.
- (4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.
- (5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

AMENDATORY SECTION (Amending WSR 98-09-048, filed 4/15/98, effective 5/16/98)

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Wash-

ington requirements for regulating food in intrastate commerce.

(1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, ((1997)) 1998.

- (a) Part 1 - General Enforcement Regulations.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B General Labeling Requirements.
- (b) Part 2 - General Administrative Rulings and Decisions.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B Human and Animal Foods.
- (c) Part 7 - Enforcement Policy.
- (2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption, Revised as of Federal Register: July 8, 1998. (Volume 63, Number 130) Page 37030-37056.
 - (a) Part 100 - General.
 - (b) Part 101 - Food Labeling.
 - (c) Part 102 - Common or Usual Name for Nonstandardized Foods.
 - (d) Part 104 - Nutritional Quality Guidelines for Foods.
 - (e) Part 105 - Foods for Special Dietary Use.
 - (f) Part 106 - Infant Formal Quality Control Procedures.
 - (g) Part 107 - Infant Formula.
 - (h) Part 108 - Emergency Permit Control.
 - (i) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.
 - (j) Part 110 - Current Good Manufacturing Practice in Manufacturing, Packing and Holding Human Food.
 - (k) Part 111 - Current Good Manufacturing Practices for Dietary Supplements.
 - (l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.
 - (m) Part 114 - Acidified Foods.
 - (n) Part 123 - Fish and Fishery Products.
 - (o) Part 129 - Processing and Bottling Bottled Drinking Water.
 - (p) Part 130 - Food Standards: General.
 - (q) Part 131 - Milk and Cream.
 - (r) Part 133 - Cheeses and Related Cheese Products.
 - (s) Part 135 - Frozen Desserts.
 - (t) Part 136 - Bakery Products.
 - (u) Part 137 - Cereal Flours and Related Products.
 - (v) Part 139 - Macaroni and Noodle Products.
 - (w) Part 145 - Canned Fruits.
 - (x) Part 146 - Canned Fruit Juices.
 - (y) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.
 - (z) Part 152 - Fruit Pies.
 - (aa) Part 155 - Canned Vegetables.
 - (bb) Part 156 - Vegetable Juices.
 - (cc) Part 158 - Frozen Vegetables.
 - (dd) Part 160 - Eggs and Egg Products.
 - (ee) Part 161 - Fish and Shellfish.
 - (ff) Part 163 - Cacao Products.
 - (gg) Part 164 - Tree Nut and Peanut Products.
 - (hh) Part 165 - Beverages.
 - (ii) Part 166 - Margarine.
 - (jj) Part 168 - Sweeteners and Table Syrups.
 - (kk) Part 169 - Food Dressings and Flavorings.

WSR 99-12-021
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 24, 1999, 9:16 a.m.]

Date of Adoption: May 24, 1999.

Purpose: Chapters 16-20, 16-21, 16-22, and 16-23 WAC were reviewed. Redundant and unnecessary provisions were removed and the remaining were combined into one new rule chapter with improved clarity.

Statutory Authority for Adoption: RCW 16.49.680.

Adopted under notice filed as WSR 99-07-116 on March 24, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 16-19-015(6) reference to chapter 16.74 RCW deleted because that law was repealed by 1999 legislature. WAC 16-19-110(2) first line typo "or" changed to "at" and "except the point of sale" deleted because its meaning is not clear. These changes were discussed with attendees at rule hearings.

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 15, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 15, 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 15, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 24, 1999

Jim Jesernig

Director

Chapter 16-19 WAC

**CUSTOM FARM SLAUGHTERERS, CUSTOM
 SLAUGHTERING ESTABLISHMENTS, AND CUSTOM
 MEAT FACILITIES**

**PART 1
 GENERAL PROVISIONS**

NEW SECTION

WAC 16-19-010 Definitions. Definitions in chapter 16.49 RCW, Custom slaughtering, apply to this chapter.

NEW SECTION

WAC 16-19-015 Further definitions. The following definitions apply in this chapter.

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food.

(2) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and around a custom slaughtering or meat handling establishment, and vehicles used to transport meat.

(3) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals.

(4) "Meat by-product" means any edible part other than meat that has been derived from one or more meat food animals.

(5) "Meat food bird" for the purposes of processing the carcass shall mean a ratite weighing over one hundred pounds live weight. Ratites weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird."

(6) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared.

(7) "Identifying" means marking, stamping or tagging each half, quarter, and edible part of slaughtered food animal carcasses in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering.

(8) "Operator" includes any owner, lessee, or manager of a custom slaughtering or meat handling establishment.

(9) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

(10) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under a federal meat inspection act and packaged and sealed in a container or wrapping bearing the mark of federal inspection.

(11) "Unwholesome" includes meat products that may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for slaughter for any reason that would make them unfit for human food.

(12) "Sanitize" means use of an effective bactericidal treatment process that provides enough accumulated heat or concentration of chemicals for a period of time sufficient to reduce the bacterial count, including pathogens, to a safe level.

NEW SECTION

WAC 16-19-020 Requirements for sanitary operations. Requirements for sanitary operations of custom farm slaughtering, custom slaughtering establishments, and custom meat facilities are found in Title 21 CFR Part 110-Current good manufacturing practice in manufacturing, packing or holding human food. These rules have been adopted in WAC 16-167-050 (2)(k) and are available from the department on request.

NEW SECTION

WAC 16-19-030 Licensing expiration date-late fee. Licenses for custom farm slaughterers, custom slaughtering

establishments, and custom meat facilities issued under RCW 16.49.440 shall expire on June 30 of each year. A late fee will be charged if the application for renewal is not received prior to July 1 of each year.

PART 2 CUSTOM FARM SLAUGHTERING

NEW SECTION

WAC 16-19-100 Additional requirements for sanitary operations of custom farm slaughtering. Mobile custom farm slaughtering units must have:

(1) A van body completely covering the unit, but which may exclude the driver's cab and the hoist. The van body must be made of material that is nonporous and impervious to moisture. Wood may be used only as internal framing or spacing material between double nonwooden walls. The van body must be constructed so that it excludes dust, dirt and insects. The construction must be smooth, durable and easily cleanable inside and out.

(a) All vans must have the joints at junctions of internal facing surfaces and panels sealed and waterproof. Metal joints must be smooth and splatter free. If metal is used, only stainless steel, galvanized steel, aluminum in good condition or other materials approved by the director may be used. Any insulation used must be of a type that does not absorb water.

(b) Minimum interior dimensions of the van, exclusive of room taken up by tanks and other mounted equipment must be:

(i) Height - six feet.

(ii) Length - six feet.

(iii) Width - (when using single center rail for hanging carcass) four feet.

(iv) Width - (when using two rails for hanging carcasses) six feet.

(2) A hoist of 2,000 pound capacity, capable of lifting a beef carcass to a height that enables the carcass to clear the ground for bleeding and evisceration. This hoist must extend outward from the truck body. If a beef spreader is included as part of the equipment it must be of suitable construction.

(3) A sterilizing tank constructed of smooth, cleanable, impervious and durable material, large enough to allow complete sanitizing of tools used in the slaughter operation. This sterilizing unit must be filled during all slaughter operations, with potable water maintained at a temperature of at least 180°F. An approved cold sterilant may be used if sufficient hot water is available for preliminary cleaning of contaminated equipment prior to sterilizing.

(4) A water tank built into the vehicle constructed of smooth, cleanable, impervious and durable material with a minimum capacity of forty gallons. No slaughtering operation may be commenced unless at least twenty gallons is available. Water must be delivered to the outlets at a pressure of at least forty pounds per square inch. One hose connection from tank and hose with nozzle must be provided to wash down carcasses. The water system must be maintained to a sanitary condition and be used only for potable water.

(5) Soap and paper towels must be available for washing hands and equipment.

(6) Outer garments worn by persons handling meat must be clean.

(7) All tools and equipment must be thoroughly washed and sanitized after each day's operation. They must be washed and sanitized if contaminated with viscera contents, abscesses, or foreign material during slaughtering operations.

(8) Meat food animals or meat food bird carcasses must not be transported in the mobile slaughter unit unless each carcass is hung so that it does not touch the floor except for beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Carcasses with the hide on must be secured and placed in the mobile unit in a manner that prevents contact of hide with bare meat surfaces. Surfaces of the mobile unit that have been contaminated by contact with the hide must be cleaned and sanitized before subsequent carcasses are hauled.

(9) Edible offal must be transported in clean, covered, properly identified containers constructed of approved materials.

(10) No animals other than scalded and dehaired hogs, and defeathered meat food birds, and carcasses exempted under subsection (8) of this section may be dressed and transported with the hide on.

(11) Viscera of all meat food animals and meat food birds must be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet must be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where it is slaughtered. Feet and metatarsus must be removed from meat food birds.

(12) All material produced through the slaughter activity, such as inedible offal and hide that may cause the slaughter area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a sanitary manner. This is the licensee's responsibility.

(13) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

(14) Inedible offal may be only transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed of smooth, cleanable, nonpervious material and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment must be metal lined. There must be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, must be tightly covered and made of smooth, cleanable and nonpervious materials.

(15) A custom farm slaughterer may slaughter his or her own animal for his or her own consumption on any premises, farm or ranch, owned, rented or in any way controlled by him or her. No other animal may be slaughtered by the licensee

on the premises, farm or ranch, owned, rented or in any way controlled by him or her or by members of his or her immediate family. Licensees under this section may slaughter more than one animal only if the animals have been in his or her possession more than sixty days.

(16) Whenever a licensee has reason to believe that a meat food animal or meat food product is unwholesome as defined in these rules, he or she must require an examination and declaration of wholesomeness by a licensed veterinarian before proceeding with slaughter or with processing of the carcass.

(17) Meat food birds must be slaughtered in a custom farm slaughterer mobile unit unless they are delivered to a custom slaughtering establishment.

NEW SECTION

WAC 16-19-110 Custom farm slaughtering—Special slaughter conditions. A custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of such animal, except as follows:

(1) An animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons.

(2) Animals purchased for custom slaughter at any 4-H and FFA market stock sales and open class carcass contests where ownership of the carcass is retained by the entrant may be slaughtered by a custom farm slaughterer on any premise. The premises must be approved in advance by the local health district/department and the department. The fair representative must request approval for each operator they plan on using by submitting an application for special slaughter conditions to the department at least thirty days before any such slaughter is to be done.

NEW SECTION

WAC 16-19-120 Custom farm slaughtering—Signs. Each custom farm slaughterer's mobile unit must be conspicuously identified with letters and numbers at least three inches high by the words Washington license or abbreviation Wa. Lic. and bear the license number issued by the department to the licensee.

NEW SECTION

WAC 16-19-130 Custom farm slaughtering—Identification of carcass and parts of carcasses. Carcasses or parts of carcasses processed by a custom farm slaughterer must be identified in the following manner:

(1) Each operator must obtain from the department prior to slaughtering an animal, an approved tagging device for identifying each carcass slaughtered.

(2) Each carcass slaughtered by the licensee must have affixed to each quarter, or side, prior to departure from the slaughtering site, the department approved identifying tag. At the time of tagging the licensee must complete the attached "custom slaughter report certificate of permit," giving the name and address of the owner; the signature of the owner or agent; name of consignee if applicable; the date of

slaughter and the slaughterer's license number; the species of animal slaughtered and the brand, if any; and the license number of the custom farm slaughtering unit if the meat is to be delivered for processing. Edible offal delivered to a custom meat facility must be stamped "not for sale" upon arrival.

NEW SECTION

WAC 16-19-140 Custom farm slaughtering—Reporting of activities. (1) Each custom farm slaughterer must send the department a completed custom slaughter certificate of permit report for each animal processed the previous month no later than the 20th of each month.

(2) Custom slaughter certificate of permit reports accumulated between reporting periods must be kept on file at the licensee's principal place of business and be made available to the department on request.

(3) Failure to maintain or submit reports as required, or the making of fraudulent reports, constitutes grounds for suspension or revocation of an establishment's or slaughterer's license.

PART 3

CUSTOM SLAUGHTERING ESTABLISHMENTS

NEW SECTION

WAC 16-19-200 Additional requirements for sanitary operation of custom slaughtering establishments. Custom slaughtering establishments must have:

(1) Hot water of sufficient temperature in sufficient quantity to thoroughly clean and sanitize all equipment subject to contamination from dressing or handling of diseased carcasses. For the purpose of this section "sufficient temperature" means at least 160°F for cleaning purposes and 180°F for purposes of sanitizing. If an approved chemical sanitizing agent is used in the sanitizing step, a temperature of 160°F is considered adequate.

(2) Properly located sanitizing facilities of approved construction and of sufficient size for complete immersion of butcher tools, and other implements must be provided in the slaughter room and at any other place where the operation is likely to result in the contamination of such equipment and utensils. Such receptacles must have means of heating the water contained therein to 180°F and maintaining it at that temperature during the entire operation. The sanitizers must be designed so that they can be drained after each day's use.

(3) Inedible and condemned storage and handling facilities.

(a) Adequate facilities for sanitary handling and storage of inedible offal and for sanitizing equipment in which inedible materials were transported must be provided, including one or more properly located enclosed rooms. Hot and cold water must be provided at outlets in or adjacent to the inedible handling room. The necessary doors connecting inedible storage rooms with rooms where edible products are handled must be metal clad, self-closing and tight fitting.

(b) A separate refrigerated room capable of maintaining a temperature of 45°F or less must be provided for the storage

of inedible material at plants that store such material for a period longer than twenty-four hours. Such rooms must be of sanitary construction and must have impervious floors, walls and ceilings. The floors must be watertight, properly sloped and provided with drains leading to the plant sewage disposal system.

(c) All tanks and equipment used for rendering or preparing inedible meat must be in rooms or compartments separate from those used for rendering or preparing edible products.

(4) The slaughter floor must be kept reasonably free of blood, fat, scraps, etc. Water must not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed must be reasonably clean before the carcass is lowered. Clean watertight metal containers in good repair and free from objectionable odors must be provided at convenient locations for the reception of feet, tails, ears, pizles, or other inedible material. Evisceration must be performed so as to avoid contamination of the carcass with ingesta or fecal material.

(5) Carcasses must be washed with water under pressure from a spray nozzle. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers must not be used. Metal drums or containers of water must not be used for washing hands, tools, or parts of carcasses, or for flushing the floor. A carcass that has been contaminated by manure or by pus must have the contaminated portion removed by trimming before being washed.

(6) Inedible material must not be placed on the slaughter room floor and must be kept in suitable watertight containers or vehicles until removed from the slaughter room.

(7) Skinned beef, calf and vealer heads must not be permitted to come in contact with the floor. The horns, horn-butts, muzzles, and all pieces of hide must be removed before the head is washed. If the meat from the head is to be saved, the head must be thoroughly washed individually, and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position.

(8) In removing the front feet of cattle and calves, care should be taken to expose as little of the flesh of the fore-shank as possible.

(9) Calves of such size that there is not a clearance of at least eight inches above the floor, or whose viscera cannot be transported manually and unaided to the inedible room, must be skinned and eviscerated as cattle.

(10) Calves dressed hide-on must be thoroughly washed and cleaned prior to making any incision into the carcass other than the sticking wound, except the heads of calves and vealers slaughtered in the "Kosher" method should be skinned prior to washing the carcasses.

(11) In slaughtering lambs and sheep, the pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate care must be taken to prevent soilage of the carcass when removing the pelt.

(12) Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt and toenails on the slaughtering floor before any incision is made other than the sticking wound. The forefeet need not be cleaned if discarded in the slaughtering room. Hog heads

left on the carcass or saved intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

(13) Paunches must not be opened in the slaughtering room, except when a power operated paunch lift table is provided for this purpose.

(14) Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses must not be brought into the coolers.

NEW SECTION

WAC 16-19-210 Requirements for assignment, stamping, recordkeeping and condemnation of meat. The operator of any custom slaughtering establishment must have in his or her possession certificates of permit or other satisfactory proof of ownership of carcasses or parts thereof in his establishment. Such proof of ownership must be kept on file for a period of six months after receipt of the carcass or part of the carcass.

PART 4

CUSTOM MEAT FACILITIES

NEW SECTION

WAC 16-19-300 Additional requirements for sanitary operations of custom meat facilities. (1) **Refrigerated facilities.**

(a) Adequate refrigerated facilities must be provided for the chilling and storage of products. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. The clearance between a hanging carcass and the floor must be sufficient to avoid contact with or contamination from the floor.

(b) Meat food product storage and display facilities must not be loaded to exceed their intended capacity and must maintain fresh and cured products stored in them below 45°F internal temperature and frozen meat food products below 0°F internal temperature.

(i) Such refrigeration facilities must be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

(ii) Uninspected meat food products must not be stored in display cases used for displaying inspected meat held for sale.

(2) **Clean and sanitary operations and procedures.** Operations and procedures involving the preparation, storing or handling of any meat must be strictly in accord with clean and sanitary methods.

(a) Receptacles used for inedible meat in rooms where edible products are handled must be in good repair and be properly sanitized before usage.

(b) Carcasses or parts of carcasses of uninspected meat not returned to their owner must be properly denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

(c) Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Sufficient space must be provided so that carcasses do not touch.

(3) **Employee health.** Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities is encouraged to obtain and place on file with the operator, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

NEW SECTION

WAC 16-19-310 Proof of ownership of uninspected carcasses or parts of carcasses. (1) The operator of any custom meat facility must have in his or her possession certificates of permit as provided by chapter 16-620 WAC (Brand Inspection) or other satisfactory proof of ownership of all uninspected carcasses or parts of carcasses received in his or her establishment. Such proof of ownership must be kept on file for six months after receipt of such carcass or part of carcass.

(2) While in possession of the operator all uninspected cattle carcasses or parts of carcasses must be identified by a department-approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identification must conform to the requirements of chapter 16.57 RCW (Livestock identification).

(3) All uninspected meat food animal carcasses or parts of carcasses other than cattle must be identified on a tag available from the department as to name and address of owner, name and address of the slaughterer if different from the owner, and the slaughter date while in possession of the operator.

(4) The operator must give each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparation a written record stating the gross weight received for preparation. The operator must maintain a duplicate copy of this record at his or her principal place of business for six months.

(5) Operators making sales of prepackaged inspected meat to other than household users must maintain written records of all such transactions, including the buyer, type of product sold and total net weight of each exchange.

NEW SECTION

WAC 16-19-320 Labeling and packaging requirements. (1) All inspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, must be marked "NOT FOR SALE" in letters three-eighths of an inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to requirements of chapter 19.94 RCW, the Weights and Measures Act and chapter 69.04 RCW, Intrastate Commerce in Food, Drugs, and Cosmetics, now in effect or as amended, and rules adopted under those chapters.

NEW SECTION

WAC 16-19-330 Requirements for preparation and storage of meat and meat food products. (1) Inspected meat and uninspected meat must be stored and prepared separately at all times. Separate meat storage areas must be designated for inspected and uninspected meat and meat food products. There must be no physical contact between inspected and uninspected meat.

(2) There must be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat food products offered for sale as fully cooked must be heated in all parts to the following minimum temperatures before delivery to a household user:

(a) Beef 145°F for three minutes or, comminuted (ground) beef products 155°F for fifteen seconds.

(b) Pork 145°F for three minutes or 150°F for one minute.

(c) Any products containing poultry or meat food birds must be cooked to an internal temperature of at least 165°F for fifteen seconds.

(4) Any cooked or partially cooked meat food product not delivered to a household user within two hours of heating must be placed in a cooler allowing adequate air circulation that is maintained at an ambient temperature of 45°F or less within two hours after removal from the heating source (smoker).

(5) Any processing of food other than meat must be done at different times from processing of meat. Any common equipment, utensils, or food contact surfaces used in the preparation of meat, meat food products, and other food products must be sanitized between periods of processing. Processing food, other than meat food animals or meat food birds, whether for the owner or for wholesale distribution, requires obtaining a food processing license from the department. Specific requirements and information on food processing plant licensing may be obtained from the department.

WSR 99-12-022
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed May 24, 1999, 4:07 p.m.]

Date of Adoption: May 15, 1999.

Purpose: The purpose of the fee increases is to provide revenue that will assist the Division of Drinking Water, the Division on Radiation, the Office of Toxics Substance, and the shellfish program to meet operation costs to fulfill public health protection. The total revenue that the program obtains from the current fees is less than its expenditures from providing the services.

Citation of Existing Rules Affected by this Order: Amending WAC 246-290-990, 246-282-990, 246-292-160, 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-205-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 99-07-120 on March 24, 1999.

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 8, 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.

May 22, 1999
 Mary Selecky
 Secretary

AMENDATORY SECTION (Amending Order 125SB, filed 1/24/91, effective 4/1/91)

WAC 246-205-990 Fees. (1) The department shall charge fees for issuance and renewal of certificates. The department shall set the fees by rule.

(2) The fees shall cover the cost of issuing certificates, filing papers and notices, and administering this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

(3) Fees are nonrefundable and shall be in the form of check or money order made payable to the department.

(4) The department shall require payment of the following fees upon receipt of application:

(a) (~~Twenty-five~~) Twenty-six dollars shall be assessed for each initial, renewal, or reciprocal worker certificate application.

(b) (~~Twenty-five~~) Twenty-six dollars shall be assessed for each initial, renewal, or reciprocal supervisor certificate application.

(c) Five hundred twenty dollars shall be assessed for each initial, renewal, or reciprocal authorized contractor certificate application. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under the provisions of chapter 18.27 RCW.

(d) Two hundred five dollars shall be assessed for each initial application and fifty dollars shall be assessed for each renewal application for illegal drug manufacturing or storage site decontamination training course approval.

AMENDATORY SECTION (Amending WSR 98-11-068, filed 5/19/98, effective 6/19/98)

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, 246-290-105, 246-291-140, 246-293-220, (~~and~~) 246-293-230, and 246-294-060.

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)	(\$113.00) \$117	\$396.00 \$412	\$966.00 \$1,006	\$1,825.00 \$1,901	\$2,966.00 \$3,089	\$4,389.00) \$4,572
Minor water system plan alteration	(\$28.00) \$29	\$95.00 \$98	\$238.00 \$247	\$455.00 \$474	\$738.00 \$768	\$1,081.00) \$1,126

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

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Project Type	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)	(\$396.00) \$412	\$966.00 \$1,006	\$1,825.00 \$1,901	\$2,966.00 \$3,089	\$4,389.00 \$4,572
SMA approval amendment	((\$84.00)) \$87 per hour or appropriate fee from category above, whichever is less				
SMA plan for operation only (New and Updated)	(\$966.00) \$1,006	\$966.00 \$1,006	\$966.00 \$1,006	\$966.00 \$1,006	\$966.00 \$1,006

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, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, 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-four~~)) eighty-seven 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.

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	(\$281.00) \$292	\$570.00 \$593	\$885.00 \$921	\$1,281.00 \$1,334	\$1,765.00 \$1,838	\$2,341.00 \$2,438
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	(\$84.00) \$87	\$167.00 \$173	\$281.00 \$292	\$423.00 \$440	\$597.00 \$621	\$798.00 \$831
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	(\$167.00) \$173	\$396.00 \$412	\$624.00 \$650	\$912.00 \$950	\$1,254.00 \$1,306	\$1,651.00 \$1,720
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)	(\$113.00) \$117	\$281.00 \$292	\$455.00 \$474	\$684.00 \$712	\$966.00 \$1,006	\$1,303.00 \$1,357

(e) Special reports or plans required under WAC ((~~246-290-115;~~)) 246-290-230, ((~~246-291-230~~)) 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, ((~~and~~)) 246-290-676, 246-291-230 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; or
- (ix) GWI determination reports, 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-four~~)) eighty-seven dollars per hour.

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(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

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	(\$281.00) \$292	\$570.00 \$593	\$885.00 \$921	\$1,281.00 \$1,334	\$1,765.00 \$1,838	\$2,341.00) \$2,438
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	(\$ 84.00) \$87	\$167.00 \$173	\$281.00 \$292	\$423.00 \$440	\$597.00 \$621	\$798.00) \$831
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	(\$227.00) \$236	\$509.00 \$530	\$738.00 \$768	\$1,026.00 \$1,068	\$1,369.00 \$1,426	\$1,765.00) \$1,838
New source only (an additional fee shall be assessed for review of treatment facility, if any)	(\$167.00) \$173	\$309.00 \$321	\$423.00 \$440	\$570.00 \$593	\$738.00 \$768	\$939.00) \$978
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)	(\$113.00) \$117	\$195.00 \$203	\$309.00 \$321	\$455.00 \$474	\$624.00 \$650	\$825.00) \$859
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.	(\$ 54.00) \$56	\$ 97.00 \$101	\$162.00 \$168	\$227.00 \$236	\$314.00 \$327	\$412.00) \$429

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(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 B	Group A				
		<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	(\$216.00) \$225	\$433.00 \$451	\$651.00 \$678	\$868.00 \$904	\$1,086.00 \$1,131	\$1,303.00 \$1,357
NONEXPANDING system requiring a detailed evaluation as determined by the department	(\$325.00) \$338	\$651.00 \$678	\$978.00 \$1,018	\$1,303.00 \$1,357	\$1,629.00 \$1,697	\$1,956.00 \$2,037
EXPANDING system not requiring a detailed evaluation by the department	(\$433.00) \$451	\$868.00 \$904	\$1,303.00 \$1,357	\$1,738.00 \$1,810	\$2,173.00 \$2,263	\$2,607.00 \$2,715
EXPANDING system requiring a detailed evaluation as determined by the department	(\$543.00) \$565	\$1,086.00 \$1,131	\$1,629.00 \$1,697	\$2,173.00 \$2,263	\$2,716.00 \$2,822	\$3,259.00 \$3,395

(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	(\$75.00) \$78 per source	(\$103.00) \$107 per source	(\$130.00) \$135 per source	(\$157.00) \$163 per source	(\$184.00) \$191 per source
Organic chemical monitoring waiver	Not applicable	(\$135.00) \$140 per source	(\$189.00) \$196 per source	(\$244.00) \$254 per source	(\$298.00) \$310 per source	(\$352.00) \$366 per source
Use waiver	Not applicable	(\$162.00) \$168 per source	(\$216.00) \$225 per source	(\$276.00) \$287 per source	(\$325.00) \$338 per source	(\$379.00) \$394 per source
Area wide waiver renewal	Not applicable	(\$216.00) \$168 per source	(\$298.00) \$208 per source	(\$379.00) \$247 per source	(\$460.00) \$287 per source	(\$543.00) \$316 per source
Inorganic chemical monitoring waiver renewal	Not applicable	(\$42.00) \$43 per source	(\$54.00) \$56 per source	(\$64.00) \$66 per source	(\$75.00) \$78 per source	(\$86.00) \$89 per source
Organic chemical monitoring waiver renewal	Not applicable	(\$81.00) \$84 per source	(\$113.00) \$117 per source	(\$146.00) \$152 per source	(\$178.00) \$185 per source	(\$211.00) \$219 per source
Use waiver renewal	Not applicable	(\$113.00) \$117 per source	(\$151.00) \$157 per source	(\$189.00) \$196 per source	(\$227.00) \$236 per source	(\$265.00) \$276 per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	(\$342.00) \$356	\$423.00 \$440	\$537.00 \$559	\$684.00 \$712	Not applicable

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Project Type	Group B	Group A					10,000 or more Services
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services	
Coliform monitoring waiver with third-party inspection report	Not applicable	(\$108.00) \$112	\$108.00 \$112	\$108.00 \$112	\$108.00 \$112	\$108.00 \$112	Not applicable

(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					10,000 or more Services
		<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.		(\$167.00) \$173	\$249.00 \$259	\$293.00 \$305	\$363.00 \$378	\$455.00 \$474	\$570.00) \$593
Regulatory monitoring plan ¹	No plan required	(\$162.00) \$168	\$216.00 \$225	\$271.00 \$282	\$325.00 \$338	\$379.00) \$394	
Unfiltered system annual comprehensive report	Not applicable	(\$325.00) \$338	\$543.00 \$565	\$760.00 \$791	\$978.00 \$1,018	\$1,194.00) \$1,243	

1A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300 ~~((2)(b), (3)(b), and (7)(c))~~.

Water system compliance report		(\$95.00) \$98	\$95.00 \$98	\$95.00 \$98	\$95.00 \$98	\$95.00 \$98	\$95.00) \$98
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(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-four))~~ eighty-seven 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-four))~~ eighty-seven 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;
- (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 WAC 246-290-690(3) to assess watershed control and disinfection treatment;
- (v) Well field designations; or
- (vi) Transfers of ownership under WAC 246-290-035 or 246-294-060.

(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.

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(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.

AMENDATORY SECTION (Amending WSR 98-12-015, filed 5/22/98, effective 6/22/98)

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	(\$52.00) \$54.00	(\$26.00) \$27.00	(\$26.00*) \$27.00*	(\$26.00*) \$27.00*
WDM	(\$52.00) \$54.00	(\$26.00) \$27.00	(\$26.00*) \$27.00*	(\$26.00*) \$27.00*
WDS	(\$52.00) \$54.00	(\$26.00) \$27.00	(\$26.00*) \$27.00*	(\$26.00*) \$27.00*
CCS	(\$31.00) \$32.00	(\$26.00) \$27.00	(\$26.00*) \$27.00*	(\$26.00*) \$27.00*
BAT	(\$31.00) \$32.00	(\$26.00) \$27.00	(\$26.00) \$27.00	(\$26.00) \$27.00
BTO	(\$31.00) \$32.00	(\$26.00) \$27.00	(\$26.00) \$27.00	(\$26.00) \$27.00

* The annual renewal fee and late fee for a WTPO, WDM, WDS and CCS certification shall be ~~((twenty-six))~~ twenty-seven 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))~~ eight 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	(\$78.00) \$81.00
601 through 6,000 Services	(\$234.00) \$243.00
6,001 through 20,000 Services	(\$312.00) \$325.00
More than 20,000 Services	(\$468.00) \$487.00

* 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-six))~~ twenty-seven dollars, whichever is greater.

(d) The system fee for issuance of a temporary certificate shall be ~~((fifty-two))~~ fifty-four 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.

AMENDATORY SECTION (Amending WSR 98-12-068, filed 6/1/98, effective 7/2/98)

WAC 246-282-990 Shellfish program certification fees. (1) Annual certificate fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	(\$260.00) \$270.
50 or greater Acres	(\$415.00) \$430.
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	(\$470.00) \$485.
Plants with floor space > 2000 sq. ft. and < 5000 sq. ft.	(\$570.00) \$590.
Plants with floor space > 5000 sq. ft.	(\$1,040.00) \$1,080.

(2) Type of operations are defined as follows:

(a) "Shellstock shipper" ~~((shall))~~ means shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(b) "Shucker-packer" ~~((shall))~~ means shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer.

(c) "Harvester" means a commercial shellfish operation with activities limited to harvesting shellstock, and shipping and selling it within Washington state to shellfish dealers licensed by the department. Harvesters do not shuck shellfish; repack shucked shellfish; repack shellstock; or store shellstock in any location other than the approved growing area where the shellstock was harvested.

(3) "Export certificate" means a certificate issued by the department to a licensed shucker-packer or shellstock shipper

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for use in the foreign export of a lot or shipment of shellfish. The fee for each export certificate shall be \$10.

AMENDATORY SECTION (Amending WSR 98-11-067, filed 5/19/98, effective 6/19/98)

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 (~~(five hundred forty-five)~~) six hundred ninety dollars for operation of a single nuclear pharmacy.

(b) (~~(Seven)~~) Eight thousand (~~(seven hundred fifty-five)~~) dollars for operation of a single nuclear laundry.

(c) (~~(Seven)~~) Eight thousand (~~(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 (~~(seven)~~) eight hundred (~~(twenty-five)~~) ten 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) Seven hundred (~~(five)~~) thirty 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)~~) three hundred seventy dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand (~~(four)~~) five hundred (~~(sixty-five)~~) forty-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 one hundred thirty-five 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) Two thousand (~~(fifty-five)~~) one hundred twenty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand (~~(two)~~) three hundred (~~(ninety)~~) thirty dollars for a civil defense license.

(k) (~~(Three)~~) Four hundred (~~(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) Fifteen thousand (~~(three)~~) eight hundred (~~(ninety)~~) eighty 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) Seven thousand (~~(one)~~) three hundred (~~(ten)~~) forty dollars for a license authorizing possession of atomic num-

bers 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 (~~(seven)~~) nine 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 98-11-067, filed 5/19/98, effective 6/19/98)

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 (~~(eight)~~) nine hundred (~~(forty-five)~~) seventy dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand eight hundred (~~(five)~~) ninety-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 (~~(four)~~) five hundred (~~(thirty)~~) forty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand (~~(eight)~~) nine hundred (~~(sixty-five)~~) ninety 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.

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(e) Two thousand (~~eighty~~) one hundred forty-five dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand (~~two~~) three hundred (~~ninety~~) thirty dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) (~~One~~) Two thousand (~~nine hundred fifty-five~~) twenty 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~~) six hundred (~~sixty~~) ten 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 (~~fifty~~) eighty-five 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) One thousand (~~fifteen~~) forty-five 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 (~~thirty~~) fifty 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 98-11-067, filed 5/19/98, effective 6/19/98)

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 (~~five~~) six hundred (~~thirty~~) seventy-five dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Six thousand (~~seventy~~) two hundred sixty-five dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) (~~Two~~) Three thousand (~~nine hundred seventy-five~~) seventy dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Six hundred (~~forty-five~~) sixty-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) Seven hundred (~~five~~) thirty 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 (~~forty-five~~) sixty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand two hundred (~~twenty-five~~) sixty-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 (~~four~~) seven hundred (~~ninety~~) dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Five thousand (~~six~~) eight hundred (~~fifty-five~~) thirty-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 eight hundred (~~ten~~) seventy 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~~) Three hundred (~~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 98-11-067, filed 5/19/98, effective 6/19/98)

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) Three thousand one hundred 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.

(b) One thousand five hundred (~~thirty-five~~) eighty-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~~) three hundred (~~ninety~~) thirty 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 (~~forty-five~~) sixty 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~~) Six hundred (~~ninety-five~~) fifteen 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 99-12-024

PERMANENT RULES

THE EVERGREEN STATE COLLEGE

[Filed May 25, 1999, 10:05 a.m.]

Date of Adoption: May 17, 1999.

Purpose: The section regarding release of student disciplinary records was revised and some sections were amended to be consistent with federal rule and statute changes.

Citation of Existing Rules Affected by this Order:
Amending WAC 174-280-015 Definitions and 174-280-030 Release of personally identifiable records.

Statutory Authority for Adoption: RCW 28B.40.120(12).

Adopted under notice filed as WSR 99-08-030 on March 30, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 18, 1999

D. Lee Hoemann
Executive Associate
to the President

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-280-015 Definitions. For the purposes of WAC 174-280-010 through 174-280-045, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been registered at Evergreen, with respect to whom Evergreen maintains educational records or other information personally-identifiable by name, identification number, or other names of recognition.

(2) The term "educational records" means those records, files, documents and other materials maintained by Evergreen which contain information directly related to the individual student.

(3) The term "directory information" means the student's name, address, telephone number, dates of attendance, date and place of birth, major field of study, participation in officially recognized activities and sports, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) The term "crime of violence" means:

(a) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(b) Any other offense that is a felony and that, by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(5) "Sex offense" is any sexual act directed against another individual, forcibly and/or against their will; or non-forcibly and/or against their will where the individual is incapable of giving consent.

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-280-030 Release of personally identifiable records. (1) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) Evergreen staff, faculty, and student employees when the information is specifically required for a legitimate educational interest within the performance of their assigned responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those assigned responsibilities;

(b) Federal and state officials requiring access to educational records in connection with the audit and evaluation of a federally- or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the

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information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements;

(c) Agencies or organizations requesting information specifically required as a part of a student's application for, or receipt of, financial aid, with the understanding that its use will be strictly limited to that purpose;

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it was provided;

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for educational records should also immediately notify the assistant attorney general assigned to Evergreen;

(g) A collection agency under contract to Evergreen when necessary to collect past due accounts the student owes to Evergreen upon the condition that the student is forwarded a notice at least ten days in advance of the date the account is transferred;

(h) Results of campus disciplinary action(s) involving a crime of violence and/or sex offense(s) will be disclosed to the accuser upon request. Results will be disclosed only after a finding has been made and appeal options have been exhausted under The Evergreen State College's student conduct code.

(2) Where the consent of a student is obtained for the issuance of education records, it shall be in writing, signed and dated by the student giving the release, and the names of the parties to whom such records will be released, and may include the reasons for such release, except that transcripts may be issued to other colleges or universities for admission as a result of telephone requests from the student.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e), (f), and (g) of this section, the appropriate Evergreen official shall maintain a record, which will be made available to the student upon request kept with the education record, which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

(5) Students may request that the college not release directory information by written notice to the registrar.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is clearly necessary to protect the health or safety of a student or other person(s).

(7) Student information in computer files may be released only by the Evergreen individual or office which maintains the respective files.

WSR 99-12-025

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 25, 1999, 10:05 a.m.]

Date of Adoption: May 25, 1999.

Purpose: To comply with new grapevine standards developed by the North American Plant Pest Organization (NAPPO), to reflect changes in industry and program practices, and to comply with legislative mandates such as regulatory reform and the use of clear and readable format.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-462-045 and 16-462-060; and amending WAC 16-462-010, 16-462-015, 16-462-020, 16-462-025, 16-462-030, 16-462-035, 16-462-050, and 16-462-055.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Adopted under notice filed as WSR 99-07-127 on March 24, 1999.

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 2, Amended 8, Repealed 2.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 8, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 8, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

May 25, 1999

Jim Jesernig

Director

Chapter 16-462 WAC

GRAPE(VINES) PLANTING STOCK—REGISTRATION AND CERTIFICATION

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-010 ((Certified) Grape ((nursery) planting stock program—General. (1) ~~((Vines may be registered as sources for the propagation of certified grape nursery stock when)) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in rule and found to be ((true to name and apparently free from virus and virus-like diseases)) in compliance with all standards and requirements established in this chapter.~~

(2) The issuance of a ~~((certified)) state of Washington plant tag ((or)), stamp, or other document under this chapter ((affirms solely)) means only that the tagged ((or)), stamped ((rootstock)) or otherwise documented planting stock has been subjected to ((certification)) standards and procedures ((by the department)) described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.~~

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. 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 this chapter.

(4) Participation in the ~~((certified)) grape ((nursery) planting stock certification program ((shall be)) is voluntary.~~

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-015 Definitions. The definitions ~~((set forth)) in this section ((shall)) apply throughout this chapter unless the context ((otherwise)) clearly requires otherwise:~~

(1) ~~((“Department” means the department of agriculture of the state of Washington.~~

(2) ~~“Director” means the director of the department of agriculture or a duly appointed representative.~~

(3) ~~“Virus infected (affected)” means presence of a virus(es) in a plant or plant part.~~

(4) ~~“Virus-like” means a disorder of genetic or nontransmissible origin.~~

(5) ~~“Off-type” means not true to name.~~

(6) ~~“Indicator plant” means any herbaceous or woody plant used to index or determine virus infection.~~

(7) ~~“Index or indexing” means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.~~

(8) ~~“Registered vine” means any vine propagated from the foundation block that has been inspected and indexed virus-free in accordance with recommendations of Washington State University, and is identified by the number assigned to the original vines in the foundation from which it was propagated.~~

(9) ~~“Foundation block” means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true to name. Cuttings to establish mother blocks shall be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material shall be received by the department of agriculture before December 1 of each year.~~

(10) ~~“Mother block” means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks shall be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.~~

(11) ~~“Washington certified grape nursery stock” means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this chapter. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants.)~~ “Aseptic shoot tip propagation” means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

(2) “Certified grape planting stock” means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified plants grown in a green house for one year and certified in compliance with the provisions of this chapter.

(3) “Department” means the department of agriculture of the state of Washington.

(4) “Director” means the director of the department of agriculture or the director’s designee.

(5) “Foundation block” means a planting of grapevines established, operated and maintained by Washington State University, that are indexed and found free from viruses designated in this chapter and that are not off-type.

(6) “Index” means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

(7) “Indicator plant” means any herbaceous or woody plant used to index or determine virus infection.

(8) “Off-type” means appearing under visual examination to be different from the variety listed on the application for registration or certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(9) “Registered block” means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

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(10) "Registered vine" means any vine propagated from the foundation block, identified by the number assigned to the original vine in the foundation block from which it was propagated, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

(11) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

~~WAC 16-462-020 ((Certified grape nursery stock—))~~
Requirements for participation in the grape planting stock program. (1) ~~((Applicant:~~

~~((a)))~~ The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of ~~((mother))~~ registered blocks and ~~((nursery))~~ planting stock.

~~(2)~~ The applicant ~~((shall be responsible for maintaining))~~ must maintain the identity of ~~((all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests))~~ registered vines. The applicant must maintain records identifying the source of certified planting stock.

~~((b)))~~ ~~(3)~~ The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting~~((s))~~ stock entered ~~((under))~~ in this program. The applicant shall keep all ~~((areas))~~ registered blocks and certified planting stock clean cultivated except for cover crops.

~~((c)))~~ ~~(4)~~ Following notification by the department the applicant shall remove and destroy immediately~~((, following notification by the department;))~~ any registered vine or ~~((nursery plant))~~ certified planting stock found to be off-type or affected by a virus or virus-like ~~((disease or is off-type))~~ disease or a quarantined pest.

~~((d))~~ The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy five percent of certified cuttings or plants of each variety available each year.

~~(2)~~ ~~Location:~~ ~~(5)~~ The foundation block, ~~((all mother))~~ registered blocks and ~~((nursery))~~ certified planting stock ~~((shall))~~ must be located at least one hundred feet from any land on which noncertified or nonregistered grape vines have been grown within the past ten years.

~~((3))~~ ~~General:~~

~~(a)~~ Plants of different varieties in the mother blocks shall be separated by a minimum of twelve feet in the row. The distance between rows of different varieties shall be a minimum of eight feet.

~~(b)~~ Cuttings from each mother block variety and selection number shall be identified and kept separate during the growing season:

~~(c)~~ Treatment to eliminate soil-borne pests may be required.

~~(d)~~ All nursery stock other than greenhouse-grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the section for grades and standards.

~~(e)~~ Certified stock shall remain in the nursery no more than two growing seasons.

~~(f)~~ An inspection tag shall be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in the section on tolerances. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected at the Department of Agriculture, Seed Branch, 2015 South 1st Street, Yakima, Washington.))

NEW SECTION

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the original grapevine in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) and (4) of this section, registered plants must be propagated directly from cuttings taken from the foundation block.

(3) Plants propagated from the foundation block by aseptic shoot tip propagation and grown entirely under greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grape vines.

(5) Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.

NEW SECTION

WAC 16-462-022 Requirements for certified planting stock. (1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on visual inspection of grape planting stock that is found to meet requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-025 Foundation, registered, and certified grape ((nursery)) planting stock—Inspections. ~~((The))~~ (1) Inspections ((shall)) of foundation, registered and certified planting stock will be ((made)) performed by the department ((and shall be conducted in a manner and)) at times ((determined as)) it determines to be suitable for the detection of virus and virus-like disease symptoms.

(2) The foundation block and registered blocks must be indexed and reindexed periodically, as required to comply with the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures - requirements for the importation of grapevines into a NAPPO member country.

~~((1))~~ Foundation block.

~~((a))~~ (3) Two inspections ((shall be made)) of foundation and registered planting stock must be performed by the department during each growing season.

~~((b))~~ (4) Except for varieties to be used solely as root-stock, foundation and registered grape vines ((shall)) used for the production of certified planting stock must be pruned to allow some fruiting.

~~((2))~~ Mother block.

~~((a))~~ Two inspections shall be made during each growing season.

~~((b))~~ Mother block vines shall be pruned to allow some fruiting.

~~((3))~~ Nursery stock.

~~((a))~~ Two inspections shall be made during each growing season.

~~((b))~~ The stock shall also be inspected during or after digging and grading and shall be apparently free of rootknot nematode, crown gall and other visible diseases and serious pest injury.

(5) Certified planting stock must be inspected three times per growing season by the department, twice during the growing season and once during or after harvest.

(6) Certification or registration will be refused or withdrawn for any planting stock which is infested or infected with any quarantine pest.

AMENDATORY SECTION (Amending Order 5001, filed 8/11/93, effective 9/11/93)

WAC 16-462-030 Certified grape nursery stock—Application and fees. (1) ~~((Application-~~

~~((a))~~) The applicant shall furnish all information requested on the application form and shall give ~~((his))~~ consent to the department to take plants or plant parts from any planting stock enrolled in the program as registered for inspection ((or testing purposes)) or indexing.

~~((b))~~ (2) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

~~((c))~~ (3) Inspection, phytosanitary certification, indexing and testing fees ((established shall be payable upon completion of the work to be done and shall be for the sole pur-

pose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

~~((d))~~ Payment for inspection of mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the applicant to be made by the chemical and plant division, seed branch.

(2) Inspection fees.

~~((a))~~ The inspection tags shall be furnished by the department of agriculture) are due upon completion of services.

~~((b))~~ The mother block and nursery stock) (4) Fees for inspection ((fee)), phytosanitary certification, and testing shall be ((twenty five dollars per hour, and)) assessed at the appropriate rate established in WAC 16-401-025 and 16-470-910. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-035 Certified grape nursery stock—Tagging and identity. (1) ~~((Tagging. The department requires the use of official))~~ Certification tags ((for the identification of nursery stock such as rooted)) issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings ((and)), cuttings ((that meet the requirements of this chapter)) and grafted plants.

(2) ~~((Identity.))~~ Any person selling Washington certified grape nursery stock ~~((shall be))~~ is responsible for the identity of such nursery stock. Persons issued tags authorized by this chapter ~~((shall))~~ must account by variety for stock produced and sold ~~((and)),~~ They must keep ((such other)) and allow the department to inspect and copy records ((as may be)) necessary to verify this.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-050 Certified grape ((nursery)) planting stock—((Tolerances)) Requirements. Specific requirements for grape ~~((nursery))~~ planting stock ~~((inspection tolerances))~~ are based solely on visual inspections ~~((of sample plants))~~ conducted according to WAC 16-462-025~~((:))~~. Certified plants must be apparently free of grape fanleaf virus, grape leafroll virus, grape corky bark virus, rupestris stem pitting virus, grape phylloxera, rootknot nematode, crown gall and other visible diseases or serious pest injuries.

~~((Percentage tolerance for: Registered mother blocks~~

<u>Pest and diseases</u>	<u>First Inspection</u>	<u>Second Inspection</u>
Fanleaf virus	0%	0%
Leafroll virus	0%	0%
Grape phylloxera	0%	0%

PERMANENT

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-055 Certified grape ((nursery)) planting stock—Grades and standards. All certified stock offered for sale ((shall)) **must** be bundled in accordance with commercial practice and ((shall be)) correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings(=) are as follows:

(a) Grade No. 1 ((shall)) **must** have one live cane at least nine inches long and ((shall)) **must** be well rooted.

(b) Grade No. 2 ((shall)) **must** have one live cane at least six inches long and ((shall)) **must** be well rooted.

(2) Cuttings ((shall)) **must** have at least three buds and ((shall not)) be ((less than)) at least nine inches long ((and at least one-fourth inch caliper at top end)). ((Top bud shall not be more than two inches from tip of cutting.)) **The basal bud ((shall)) must be within one-((fourth)) half inch ((from)) of the basal end.**

(3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot ((shall)) **may** fail to meet the requirements of the ((above)) grades **set forth in this section.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--|
| WAC 16-462-045 | Effective date. |
| WAC 16-462-060 | Certified grape nursery stock—Aseptic shoot tip propagation. |

**WSR 99-12-027
PERMANENT RULES
BOARD OF**

PILOTAGE COMMISSIONERS

[Filed May 25, 1999, 1:14 p.m., effective July 1, 1999]

Date of Adoption: May 13, 1999.

Purpose: To establish a Puget Sound pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 99-08-075 on April 6, 1999.

Changes Other than Editing from Proposed to Adopted Version: The adopted tariff is an increase of 0.01% more than was proposed, resulting in an increase of 5.56% in all tariff categories except transportation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 1999.

May 24, 1999
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 98-12-008, filed 5/22/98, effective 7/1/98)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ((+998)) 1999, through 2400 hours June 30, ((+999)) 2000.

CLASSIFICATION **RATE**

Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	((\$35.00)) <u>\$37.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug+ LOA of tow+ beam of tow	Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of ((~~\$185.00~~)) \$195.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma

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waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ~~((\\$88.00))~~ \$93.00 per bridge.

Ships 90' beam and/or over:

A charge of ~~((\\$248.00))~~ \$262.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ~~((\\$174.00))~~ \$184.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	((\\$247.00)) <u>\$261.00</u>
Radio direction finder calibration	((\\$247.00)) <u>\$261.00</u>
Launching vessels	((\\$372.00)) <u>\$393.00</u>
Trial trips, 6 hours ((ef)) or less (Minimum ((\\$696.00)) <u>\$732.00</u>)	((\\$116.00)) <u>\$122.00</u> per hr.
Trial trips, over 6 hours (two pilots)	((\\$233.00)) <u>\$244.00</u> per hr.
Shilshole Bay – Salmon Bay	((\\$145.00)) <u>\$153.00</u>
Salmon Bay – Lake Union	((\\$113.00)) <u>\$119.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	((\\$145.00)) <u>\$153.00</u>
Cancellation charge	LOA Zone I

Cancellation charge— Port Angeles

(when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)

LOA Zone II

Docking delay after anchoring: ~~((\\$116.00))~~
\$122.00 per hr.

Applicable harbor shift rate to apply, plus ~~((\\$116.00))~~ \$122.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~((\\$116.00))~~ \$122.00 for every hour or fraction thereof.

Sailing delay: ~~((\\$116.00))~~
\$122.00 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~((\\$116.00))~~ \$122.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: ~~((\\$116.00))~~
\$122.00 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~((\\$116.00))~~ \$122.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
Additional charge to LOA zone mileage of ~~((\\$0.0059))~~ \$0.0062 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of ~~((\\$0.0604))~~ \$0.0634 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be ~~((\\$0.0719))~~ \$0.0759 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ~~((\\$116.00))~~
\$122.00 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~((\\$116.00))~~ \$122.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00

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Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

((LOA	ZONE					
	I	II	III	IV	V	VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	174	272	472	707	955	1241
450-459	180	278	475	718	970	1247
460-469	184	282	482	729	984	1252
470-479	189	290	489	745	987	1255
480-489	194	296	491	759	993	1261
490-499	197	299	497	772	1005	1266
500-509	207	304	505	782	1012	1275
510-519	209	310	510	793	1023	1279
520-529	212	321	518	797	1032	1291
530-539	220	326	525	806	1049	1304
540-549	223	331	536	815	1066	1316
550-559	227	341	540	827	1073	1329
560-569	236	355	550	834	1084	1342
570-579	241	359	554	837	1095	1351
580-589	252	366	566	845	1103	1365
590-599	263	372	569	849	1118	1380
600-609	272	384	577	851	1131	1387
610-619	289	388	588	855	1143	1399
620-629	300	393	594	865	1156	1416
630-639	315	400	601	867	1165	1428
640-649	328	409	607	870	1177	1439
650-659	351	417	618	877	1191	1454
660-669	358	421	623	881	1203	1465
670-679	370	432	629	896	1217	1473
680-689	376	441	638	907	1228	1489
690-699	388	448	647	922	1241	1519
700-719	405	462	659	931	1265	1536
720-739	430	475	676	945	1291	1563
740-759	448	497	690	955	1316	1590
760-779	465	515	705	970	1342	1612
780-799	489	537	718	984	1365	1640
800-819	508	554	732	989	1387	1664
820-839	525	572	750	1005	1416	1684
840-859	548	597	763	1016	1439	1714
860-879	567	618	778	1043	1465	1737
880-899	588	636	793	1068	1489	1763
900-919	605	656	807	1093	1519	1789
920-939	624	676	827	1118	1536	1811
940-959	647	694	838	1143	1563	1835
960-979	662	715	853	1165	1590	1862
980-999	686	732	868	1191	1612	1885

(a) Intraharbor transportation for the Port Angeles port area -transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

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1000 & over))	705	757	882	1217	1640	1911
LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 449	184	287	498	746	1008	1310
450 - 459	190	293	501	758	1024	1316
460 - 469	194	298	509	770	1039	1322
470 - 479	200	306	516	786	1042	1325
480 - 489	205	312	518	801	1048	1331
490 - 499	208	316	525	815	1061	1336
500 - 509	219	321	533	825	1068	1346
510 - 519	221	327	538	837	1080	1350
520 - 529	224	339	547	841	1089	1363
530 - 539	232	344	554	851	1107	1377
540 - 549	235	349	566	860	1125	1389
550 - 559	240	360	570	873	1133	1403
560 - 569	249	375	581	880	1144	1417
570 - 579	254	379	585	884	1156	1426
580 - 589	266	386	597	892	1164	1441
590 - 599	278	393	601	896	1180	1457
600 - 609	287	405	609	898	1194	1464
610 - 619	305	410	621	903	1207	1477
620 - 629	317	415	627	913	1220	1495
630 - 639	333	422	634	915	1230	1507
640 - 649	346	432	641	918	1242	1519
650 - 659	371	440	652	926	1257	1535
660 - 669	378	444	658	930	1270	1546
670 - 679	391	456	664	946	1285	1555
680 - 689	397	465	673	957	1296	1572
690 - 699	410	473	683	973	1310	1603
700 - 719	428	488	696	983	1335	1621
720 - 739	454	501	714	998	1363	1650
740 - 759	473	525	728	1008	1389	1678
760 - 779	491	544	744	1024	1417	1702
780 - 799	516	567	758	1039	1441	1731
800 - 819	536	585	773	1044	1464	1757
820 - 839	554	604	792	1061	1495	1778
840 - 859	578	630	805	1072	1519	1809
860 - 879	599	652	821	1101	1546	1834
880 - 899	621	671	837	1127	1572	1861
900 - 919	639	692	852	1154	1603	1888
920 - 939	659	714	873	1180	1621	1912
940 - 959	683	733	885	1207	1650	1937

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
960 - 979	699	755	900	1230	1678	1966
980 - 999	724	773	916	1257	1702	1990
1000 & over	744	799	931	1285	1731	2017

WSR 99-12-031
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed May 25, 1999, 4:01 p.m.]

Date of Adoption: May 22, 1999.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-145 Special mailing and 308-56A-205 Release of interest; and amending WAC 308-56A-140 Department temporary permit, 308-56A-160 Model year—How determined, 308-56A-200 Lost title, and 308-56A-215 Erasures and alterations and incorrect information.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.040, 46.16.216.

Adopted under notice filed as WSR 99-07-016 on March 9, 1999.

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 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, 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.

May 25, 1999

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 93-14-084, filed 6/30/93, effective 7/31/93)

WAC 308-56A-140 ((Departmental)) Department temporary permit. ((When proper vehicle ownership documentation is not immediately available, the department may;

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at its option, issue a temporary permit. Department temporary permits are valid for no longer than sixty days and authorize operation of the vehicle upon the roadways of this state. Temporary permits are available at all vehicle licensing offices.

Application for a temporary permit shall be on forms provided by the department and must be completed in accordance with the instructions issued by the department. The temporary permit fee and all title and licensing fees, except any fee for license plates, must be paid at the time the temporary permit is issued.

The license plate fee will be collected when the license plates are issued. If license fees are being paid monthly in accordance with RCW 46.16.135, the license fees paid must be for at least the entire term of the temporary permit being issued.

The hard copy of the temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.)) (1) **What is a department temporary permit? A department temporary permit is a permit issued in lieu of registration and license plates when:**

(a) The vehicle is not sold by a licensed Washington dealer;

(b) The vehicle is not currently licensed in Washington; and

(c) Proper vehicle documentation is not available but is likely to be available within sixty days.

(2) **If I am unable to obtain proper documentation within sixty days, what options are available to me? When documents are not expected to be received within sixty days, you may choose to:**

(a) Not obtain the department temporary permit and wait to register until all documents are received to register your vehicle; or

(b) Obtain the department temporary permit and if you do not receive the documentation within sixty days, you will be unable to use the vehicle after the department temporary permit expires.

(3) **Where do I obtain a department temporary permit? Department temporary permits are available at all Washington vehicle license agencies.**

(4) **What fees are required to be paid when applying for a department temporary permit? In addition to other fees prescribed by law, the department temporary permit fee, title application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.**

(5) **How do I display the department temporary permit? The hard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.**

(6) **How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight? If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220 for gross weight license already purchased.**

(7) **How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit? You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license agency.**

(8) **What fees are required to be paid when clearing a department temporary permit? In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.**

(9) **How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit, if the original is not available? If the department temporary permit was issued at a vehicle licensing agency/subagency:**

(a) You may obtain a photocopy of the certificate portion of the department temporary permit only at the county's auditor/agent office in the same county you obtained the original department temporary permit.

(b) If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

(10) **How do I obtain a replacement for the department temporary permit placard which is displayed in the vehicle window? You may obtain a replacement department temporary permit placard at any vehicle services office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.**

(11) **How do I obtain a replacement department permit if both the application/registration certificate and the display placard are lost, stolen, or destroyed? You may obtain a photocopy of the vehicle title application/registration certificate portion of the department temporary permit only at the issuing county's auditor/agent office. If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit placard may also be obtained at these locations.**

AMENDATORY SECTION (Amending WSR 97-07-014, filed 3/11/97, effective 4/11/97)

WAC 308-56A-160 Model year—How determined. ((Model year is the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced so long as the actual production period is less than two years.

(1) The model year for a vehicle, including kit vehicles defined in RCW 46.04.251, is the model year assigned by the manufacturer. The manufacturer shall adopt a standard for assigning model year based on either the date of manufacture or features of the vehicle. The standard must be such that all vehicles assigned a model year which are manufactured on the same date with the same features are assigned the same

model year. The model year shall be designated on the manufacturer's certificate of origin (MCO) or similar documents provided by the completing vehicle manufacturer. The model year of a kit vehicle shall not be the model year of the vehicle the kit replicates.

(2) Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles shall assign the model years as provided in subsection (1) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(3) In the event an original manufacturer has not assigned a model year or the vehicle is rebuilt, home made, street rod assembled, or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the vehicle most closely resembles.

(4) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar document.

(b) "Incomplete vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operation, other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.) (1) **How is a model year assigned to a vehicle?** The model year for a vehicle, as defined in RCW 46.04.251 is the model year assigned by the manufacturer.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers shall adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards

shall be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers shall designate the model year on the manufacturer's certificate of origin (MCO) or similar documents.

(3) How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles? Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles shall assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(4) How will a model year be assigned to my vehicle if the manufacturer did not assign one? If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, is a street rod, assembled or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections shall use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the vehicle most closely resembles.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 shall not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactured vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

(i) Frame and chassis structure;

(ii) Power train;

(iii) Steering system;

(iv) Suspension system; and

(v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-200 (~~Lost title~~) Replacement Washington certificate of ownership. ((If the last issued certificate of title has been lost or destroyed:

(1) An application for a duplicate certificate of title must be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the legal owner.

(2) An application for transfer or reissue of title may be accepted if accompanied by

(a) An affidavit of loss or destruction in a form approved by the department signed by the legal owner of record; and

(b) A proper release of interest.

(3) And the title is from a foreign state or jurisdiction;

(a) The owner of record in that foreign state must apply for a duplicate title from the state issuing the certificate of title or registration and that duplicate certificate must be attached to the application for a Washington certificate of title.

(b) If undue hardship would result from the necessity of obtaining a duplicate certificate, a letter verifying the ownership of the vehicle from the issuing state will be accepted in lieu of a foreign certificate if that letter of verification is no more than 30 days old.

(c) If the foreign certificate or letter of verification shows a person other than the person making the application for Washington certificate of title, the person or persons shown must release his/her or their interest either by endorsement on the certificate or on a release of interest form.)) (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

(a) Lost;

(b) Mutilated;

(c) Stolen; or

(d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certificate of ownership?** You need to provide an explanation of the disposition of the certificate of ownership that you are replacing and a vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. This information may be presented to the department on a notarized or certified:

(a) Approved affidavit of loss form, letter of request from the owner of record; or

(b) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records shall sign the request for the replacement

certificate of ownership. Their signatures must be certified or notarized in accordance with WAC 308-56A-275.

(4) **What do I do if I find my certificate of ownership after I receive a replacement?** Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-215 (~~Incorrect endorsements or~~) Erasures and alterations and incorrect information. (1) ((If a title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.)) **Will the department accept a certificate of ownership application for certificate of ownership or supporting documents if it has been altered?** The department may refuse to accept any certificate of ownership when ownership or vehicle information has been altered. A replacement ownership document may be required.

(2) **What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vehicle dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a release of interest.

(d) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-56A-145 Special mailing.
- WAC 308-56A-205 Release of interest.

**WSR 99-12-033
PERMANENT RULES
HEALTH CARE AUTHORITY**

(Basic Health Plan)

[Order 99-01—Filed May 26, 1999, 8:28 a.m.]

Date of Adoption: May 26, 1999.

Purpose: Creates new WAC 182-25-085 for recoupment of subsidy overpayments or assessing penalties for failure to report income or income changes correctly. Revises WAC 182-25-090 to incorporate changes related to recoupment and penalties and to remove duplication or unnecessary language, as required by Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-090.

Statutory Authority for Adoption: RCW 70.47.050, 70.47.060, and 70.47.090.

Adopted under notice filed as WSR 99-08-106 on April 7, 1999.

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 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 1, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
May 26, 1999

Elin Meyer
Rules Coordinator

NEW SECTION

WAC 182-25-085 Enrollees' failure to report correct income. (1) If the HCA determines that the enrollee has received a subsidy overpayment due to failure to report income correctly, the HCA may:

- (a) Bill the enrollee for the amount of subsidy overpaid by the state; or
- (b) Impose civil penalties of up to two hundred percent of the subsidy overpayment.

(2) Any HCA determination under subsection (1) of this section is subject to the enrollee appeal provisions in WAC 182-25-105.

(3) When a decision under subsection (1)(a) of this section is final, the HCA may establish a payment schedule and collect the amount owed through future premium statements. The payment schedule will be for a period of no more than six months, unless the HCA approves an alternative payment schedule requested by the enrollee. When a payment schedule is established, the HCA will send the enrollee advance written notice of the schedule and the total amount due. The total amount due each month will include the regular monthly premium plus charges for subsidy overpayment. If an enrollee does not pay the amount due, including charges for subsidy overpayment, the enrollee and all family members enrolled on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(b).

(4) When a decision under subsection (1)(b) of this section becomes final, the HCA will send the enrollee notice that payment of the civil penalty is due within thirty days after the decision becomes final, unless the HCA approves a different due date at the enrollee's request. If the enrollee does not pay the civil penalty by the due date, the enrollee and all family members on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(c).

(5) Individuals who are disenrolled from BHP may not reenroll until charges for subsidy overpayments or civil penalties imposed under subsection (1) of this section have been paid or the HCA has approved a payment schedule.

(6) The HCA will take all necessary and appropriate administrative and legal actions to collect the unpaid amount of any subsidy overpayment or civil penalty.

(7) Enrollees under employer group or financial sponsor group coverage who do not follow the income reporting procedures established by BHP and their employer or financial sponsor may be billed directly by the HCA for subsidy overpayments or civil penalties assessed under subsection (1) of this section. Enrollees who do not pay the amount due will be disenrolled under WAC 182-25-090 (2)(b) or (c). Enrollees who are disenrolled for nonpayment of a subsidy overpayment or civil penalties will be excluded from the minimum participation calculation for employer groups under WAC 182-25-050(2).

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

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))~~ includes:

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(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)))~~ under the provisions of subsection (5) of this section;

(c) Nonpayment of civil penalties assessed under WAC 182-25-085;

(d) Repeated failure to pay co-payments in full on a timely basis;

~~((d))~~ (e) Fraud, failure to provide requested verification of eligibility, or knowingly providing false information;

~~((e))~~ (f) Abuse or intentional misconduct;

~~((f-Risk))~~ (g) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

~~((g))~~ (h) 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)) when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally accepted 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 (g) of this section may not reenroll for a period of twelve months from the effective date of disenrollment. Enrollees 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 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 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 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 suspend coverage. Such notice shall specify an effective date of suspension, which shall be at least ten days from the date of the notice. 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.~~

~~(5)) MHCS.~~

~~In addition to being disenrolled, 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.~~

~~(3) At least ten days prior to the effective date of disenrollment under subsection (2) of this section, BHP will send enrollees written notice of disenrollment.~~

~~(a) The notice of disenrollment will:~~

~~(i) State the reason for the disenrollment;~~

~~(ii) State the effective date of the disenrollment;~~

~~(iii) Describe the procedures for disenrollment; and~~

~~(iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.~~

~~(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered coverage under individual accounts. Coverage under individual accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.~~

~~(4) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members~~

WSR 99-12-034

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 26, 1999, 9:18 a.m.]

Date of Adoption: May 26, 1999.

Purpose: Increase nursery inspection and license fees within the fiscal growth factors for both fiscal year 1999 and 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 16-401-019, 16-401-020, 16-401-023, 16-401-025, 16-401-030, 16-401-040, and 16-401-050.

Statutory Authority for Adoption: Chapters 15.13 and 15.14 RCW.

Adopted under notice filed as WSR 99-07-126 on March 24, 1999.

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 3, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 7, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-019 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 15.13 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service for established accounts. Accounts not paid-in-full within thirty days of billing (~~shall be~~) are considered delinquent.

(2) All delinquent accounts (~~shall be~~) are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system (~~shall be~~) is twenty dollars. All billable services of less than twenty dollars (~~shall be~~) are due and payable-in-full at the time that service is rendered.

(4) No person with an account ninety days or more in arrears (~~shall~~) will receive service except on the basis of payment in full at the time service is rendered. Such accounts

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lose BHP coverage, as long as they are still eligible for those programs.

(5) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for subsidy overpayment. Partial payment or payment by check which cannot be processed or is returned due to nonsufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a delinquency due date and a notice that BHP coverage will lapse unless payment is received by the delinquency due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the delinquency due date. BHP will send written notice of suspension to the subscriber, stating:

(i) The effective date of the suspension;

(ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) The subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) The enrollee's right to appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment as provided in subsection (3)(a) of this section.

(6)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection and who has been waiting on a reservation list for subsidized BHP may not reenroll prior to the end of the required twelve-month wait. If the enrollee 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.

~~((shall))~~ will not be restored to monthly billing status until all past due accounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement ~~((to payment-in-full))~~ for payment in full at the time service is provided.

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-020 Schedule of fees and charges—Facility inspection—Effective June 30, 1999.

(1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW ~~((shall be))~~ is subject to regulatory inspections. A nursery inspection ~~((certificate shall))~~ report will be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location ~~((shall be))~~ is subject to no more than two paid inspections each license period. Fees ~~((shall be))~~ are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in WAC 16-401-025.

NEW SECTION

WAC 16-401-021 Schedule of fees and charges—Facility inspection—Effective July 1, 1999.

(1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW is subject to regulatory inspections. A nursery inspection report will be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: Provided, That the license location is subject to no more than two paid inspections each license period. Fees are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in WAC 16-401-026.

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-023 Schedule of fees and charges—Establishing hourly rates.

(1) Requested services ~~((shall be))~~ are provided at ~~((an))~~ the applicable hourly rate ~~((and an overtime rate))~~. The ~~((overtime))~~ nonbusiness hourly rate ~~((shall apply))~~ applies for service provided before 8:00 a.m. or after 5:00 p.m. during the work day and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays ~~((shall))~~ mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The ~~((minimum))~~ hourly charge is assessed ~~((shall be one hour. Additional charges shall be))~~ in one-half hour increments ~~((prospectively))~~.

(4) Persons requesting service with less than twenty-four hours notice ~~((on a weekend or holiday, or before 8:00 a.m. or after 5:00 p.m.))~~ during nonbusiness hours may be subject to a ~~((call-back))~~ charge of two additional hours at the ~~((overtime))~~ nonbusiness hourly rate, ~~((in addition to all other charges,))~~ if the department is ~~((actually))~~ required to pay call back to the employee(s) providing the requested service.

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-025 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 1999.

The following rates for requested inspection services shall apply:

- (1) Hourly rate ~~((, per hour))~~ \$ ~~25.00~~ 25.00
- (2) Overtime rate, per hour \$ ~~32.00~~ 32.00
- (3) (a) Business hours \$ ~~26.05~~ 26.05
- (b) Nonbusiness hours (see WAC 16-401-023) \$ ~~33.34~~ 33.34

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be pro-rated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

~~((4))~~ (3) Inspections for phytosanitary certification, including growing season field inspections, ~~((shall be))~~ are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry ~~((organization))~~ entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-040 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-040 (1)(c) or (2)(b), ~~((shall be))~~ are without charge.

(a) There ~~((shall be))~~ is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate

- \$ ~~((12.00))~~ 12.50
- (c) Additional phytosanitary certificates \$ ~~((4.00))~~ 4.10 ea.

~~((5))~~ (4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) ~~((shall be performed))~~ is charged at the applicable hourly rate.

(a) ~~((All certificates must be issued at the time of inspection:))~~

~~((b) For the first certificate,))~~ There is no additional charge for the first certificate.

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~~((e))~~ (b) Additional certificates

..... \$ ~~((4.00))~~ 4.10 ea.
~~((6))~~ (5) Inspections for garden brown snail certification or other miscellaneous inspection certification (~~(shall be)~~) are charged at the applicable hourly rate.

- (a) For the first certificate no additional charge
- (b) For additional certificates \$ ~~((4.00))~~ 4.10 ea.

~~((7))~~ (6) Witnessing and certification of fumigation (~~(shall be)~~) is charged at the applicable hourly rate, plus a per lot or container fee of \$ ~~((10.00))~~ 10.42

~~((8))~~ (7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$ ~~((5.00))~~ 5.21

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate, per WAC 16-401-025(~~(shall be applied))~~ applies. One certificate for one service (~~(shall be)~~) is issued at no charge. Additional certificates (~~(will be)~~) are issued at the \$~~((4.00))~~ 4.10 rate.

NEW SECTION

WAC 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective July 1, 1999. The following rates apply for requested inspection services:

- (1) Hourly rate
 - (a) Business hours \$ 26.90
 - (b) Nonbusiness hours (see WAC 16-401-023) . \$ 34.40
- (2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

- (a) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.
- (b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate \$ 12.90
- (c) Additional phytosanitary certificates. \$ 4.20 ea.
- (4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

- (a) There is no additional charge for the first certificate.
- (b) Additional certificates \$ 4.20 ea.
- (5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.

- (a) For the first certificate no charge
- (b) For additional certificates \$ 4.20 ea.
- (6) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee of \$ 10.75

(7) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$ 5.35

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate, per WAC 16-401-026, applies. One certificate for one service is issued at no charge. Additional certificates are issued at the \$4.20 rate.

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-030 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 1999. The following rates for miscellaneous charges on requested inspections (~~(shall)~~) apply.

(1) Postage, special handling services and other miscellaneous costs (~~(shall be)~~) exceeding five dollars are charged (~~(back)~~) at the actual cost.

(2) (~~(Fee for special handling service (i.e., federal express, air parcel post or air freight) \$3.50~~)

(3) ~~(Fee for facsimile transmission of documents, per document \$3.50~~

(4) ~~(Additional copies of certificates, per copy \$.20~~

~~(5))~~ Other requested office services, not specifically provided (~~(shall be)~~) for, are charged a fee based on the portion of an hour at the applicable hourly rate in WAC 16-401-025 ((necessary to perform the service)).

~~((6))~~ (3) Nursery stickers and nursery stock inspection(~~(:))~~—certificate tags:

(a) In lots of 250 \$ ~~((5.00))~~ 5.21 per lot

(b) Less than 250 (minimum 10) ... \$ ~~((.25))~~ .26 each

~~((7))~~ (4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal . \$ ~~((25.00))~~ 26.05

NEW SECTION

WAC 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective July 1, 1999. The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in WAC 16-401-026.

PERMANENT

(3) Nursery stickers and nursery stock inspection certificate tags:

- (a) In lots of 250 \$ 5.35 per lot
- (b) Less than 250 (minimum 10) \$ 0.26 each

(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$ 26.90

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-040 Nursery dealer license fees—Effective June 30, 1999. (~~As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of~~) Annual license fees (~~which shall~~), as established below, must accompany (~~the~~) an application for nursery dealer license(~~s~~):

(1) Retail nursery dealer license fee:

(a) (~~For~~) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars(~~, the license fee shall be thirty-five dollars.~~) \$ 36.46

(b) (~~For~~) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars(~~, the license fee shall be seventy-five dollars.~~) \$ 78.14

(c) (~~For~~) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more(~~, the license fee shall be one hundred fifty dollars.~~) \$156.30

(~~(d) Retail nursery dealer license fee increases shall become effective January 1, 1993.~~)

(2) Wholesale nursery dealer license fee:

(a) (~~For~~) Gross business sales of horticultural plants and turf less than fifteen thousand dollars(~~, the license fee shall be seventy-five dollars.~~) \$ 78.14

(b) (~~For~~) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more(~~, the license fee shall be one hundred fifty dollars.~~) \$156.30

(~~(c) Wholesale nursery dealer license fee increases shall become effective January 1, 1993.~~)

(3) As provided in RCW (~~15.13.280 there is hereby established~~) 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section (~~to be used solely to support research projects recommended by the nursery advisory committee and of general benefit to the nursery industry~~), is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit \$ ~~(5.00)~~ 5.21

NEW SECTION

WAC 16-401-041 Nursery dealer license fees—Effective July 1, 1999. Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$ 37.67

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$ 80.72

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$ 80.72

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45

(3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit \$ 5.35

AMENDATORY SECTION (Amending Order 4016, filed 12/1/92, effective 1/1/93)

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, (~~the director of agriculture hereby establishes~~) an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

WSR 99-12-035

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 26, 1999, 9:20 a.m.]

Date of Adoption: May 26, 1999.

Purpose: Increase plant pest detection, testing, and inspection fees within the fiscal growth factors for both fiscal year 1999 and 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-900, 16-470-905, 16-470-910, 16-470-915, and 16-470-920.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Adopted under notice filed as WSR 99-07-125 on March 24, 1999.

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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

PERMANENT

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 3, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Jim Jesernig
Director

AMENDATORY SECTION (Amending WSR 92-07-023, filed 3/10/92, effective 4/10/92)

WAC 16-470-900 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 17.24 RCW are due and payable upon billing by the department.

(2) All delinquent accounts ((shall be) are assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system ((shall be) is twenty dollars.

(4) No person with an account ninety days or more in arrears ((shall) will receive service except on the basis of payment in full at the time service is rendered.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

AMENDATORY SECTION (Amending WSR 92-07-023, filed 3/10/92, effective 4/10/92)

WAC 16-470-905 Schedule of fees and charges—Establishing hourly rates. (1) Requested services ((shall be) are provided at ((am) the applicable hourly rate ((and an overtime rate)) except as provided in WAC 16-470-905(5).

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) ((The minimum hourly) Charges are assessed ((shall be one hour. Additional charges shall be)) in one-half hour increments ((prospectively)).

(4) Persons requesting service with less than twenty-four hours notice ((on a weekend or holiday, or before 8:00 a.m. or after 5:00 p.m.)) during nonbusiness hours, may be subject to a ((call back) charge of two additional hours at the ((overtime)) nonbusiness hourly rate ((in addition to all other charges)) if the department is ((actually)) required to pay call back to the employee(s) providing the requested service.

(5) For ((larger) large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated ((hourly)) rate.

AMENDATORY SECTION (Amending WSR 92-07-023, filed 3/10/92, effective 4/10/92)

WAC 16-470-910 Schedule of fees and charges—Applicable fees and charges—Effective June 30, 1999.

- (1) Hourly rate((.....)\$25.00
(2) Overtime rate.....\$32.00
(3)) (a) Business hours\$26.05
(b) Nonbusiness hours (see WAC 16-407-905) . \$33.34

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, ((shall be)) are charged at the applicable hourly rate plus materials.

((4)) (3) Plant pathology laboratory diagnostic fees ((shall be)) are as follows:

Table with 6 columns: Identity Determination, 1 sample, 5 samples, 10 samples, 50 samples, 100+ samples. Rows include virus, bacteria, fungus, nematode.

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

NEW SECTION

WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective July 1, 1999.

- (1) Hourly rate
(a) Business hours\$26.90
(b) Nonbusiness hours (see WAC 16-407-905) . \$34.40
(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

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(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus	\$80.70 ea	\$59.20 ea	\$45.20 ea	\$17.20 ea	\$ 2.65 ea
bacteria	37.65 ea	34.40 ea	32.25 ea	31.20 ea	31.20 ea
fungus	37.65 ea	32.25 ea	31.20 ea	30.10 ea	27.90 ea
nematode	27.90 ea	25.80 ea	23.65 ea	23.65 ea	21.50 ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

AMENDATORY SECTION (Amending WSR 92-07-023, filed 3/10/92, effective 4/10/92)

WAC 16-470-915 Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 1999.

- (1) Site inspection and/or permit review and approval ~~\$(50.00)~~ **\$2.09**
- (2) Subsequent inspections of post entry plant materials ~~((shall be))~~ are provided at the applicable hourly rate.
- (3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.
- ~~((4) Fees for post entry inspection services shall be effective May 1, 1992.))~~

NEW SECTION

WAC 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective July 1, 1999.

- (1) Site inspection and/or permit review and approval \$53.80
- (2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.
- (3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

AMENDATORY SECTION (Amending WSR 92-07-023, filed 3/10/92, effective 4/10/92)

WAC 16-470-920 Schedule of fees and charges—Miscellaneous fees—Effective June 30, 1999. (1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate ~~((may be))~~ are assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a work day or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs ~~((shall be))~~ exceeding five dollars are charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents ~~((shall be))~~ are provided subject to the charges and conditions established in WAC 16-401-025.

~~((4) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or Air Freight) \$3.50~~

~~(5) Fee for facsimile transmission of documents, per document \$3.50))~~

NEW SECTION

WAC 16-470-921 Schedule of fees and charges—Miscellaneous fees—Effective July 1, 1999. (1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents are provided subject to the charges and conditions established in WAC 16-401-026.

WSR 99-12-036

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Registration for

Professional Engineers and Land Surveyors)

[Filed May 26, 1999, 10:45 a.m., effective July 1, 1999]

Date of Adoption: May 13, 1999.

Purpose: To amend WAC 196-26-020 to reflect a reduction in fee to take the land surveyor exam from \$100 to \$40; deleting the Western States Structural Examination; adding the NCEES structural I and II exams and professional land surveyor exam and the costs (charges) for those exams; increases in the charges by NCEES for grading the professional engineer, structural engineer I and II, fundamentals of engineering and the professional land surveyor examinations; rewording and rearranging the text of the rule to improve clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 196-26-020.

Statutory Authority for Adoption: RCW 43.24.086, 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]130, and [18.43.]160.

Adopted under notice filed as WSR 99-08-132 on April 7, 1999.

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

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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: July 1, 1999.

May 24, 1999

Alan E. Rathbun

Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 98-12-046, filed 5/29/98, effective 7/1/98)

WAC 196-26-020 Engineer and land surveyor fees and charges. The following fees and charges shall be assessed by the business and professions division of the department of licensing: Examination and/or vendor charges shall be collected from examination candidates for examinations ordered from the national vendor on their behalf. The charges ~~((recovered))~~ collected by the department shall be refunded to the vendor for the costs of purchasing and grading exams. Charges for exam rescors of national examinations is based upon the number of items rescored and the charge assessed by the examination vendor. The examination vendor for national examinations is the National Council of Examiners for Engineering and Surveying (NCEES).

Title of Fee and/or Charge	Amount (\$)
((Engineers*)) <u>PROFESSIONAL ENGINEERS:</u> Professional engineer application, examination, and <u>wall</u> certificate (\$75 exam charge; \$40 agency fee. Expires April 1, 2000)	((*)) 115.00
<u>Professional engineer application, examination, and wall certificate</u> <u>(\$100 exam charge; \$40 agency fee. Effective April 1, 2000)</u>	140.00
Professional engineer examination retake (\$75 exam charge; \$30 agency fee. Expires April 1, 2000)	105.00
<u>Professional engineer examination retake</u> <u>(\$100 exam charge; \$30 agency fee. Effective April 1, 2000)</u>	130.00
<u>Professional engineer rescors, per national exam question rescored, payable to the examination vendor.</u>	50.00
<u>Professional engineer exam rescors per locally prepared examination</u>	50.00

Title of Fee and/or Charge	Amount (\$)
Structural engineer application, examination, and certificate (Western states)	175.00
Structural engineer application and examination (NCEES Structural I) (\$75 exam charge; \$30 agency fee. Expires April 1, 2000)	105.00
<u>Structural engineer application and examination (NCEES Structural I)</u> <u>(\$100 exam charge; \$30 agency fee. Effective April 1, 2000)</u>	130.00
Structural engineer application, examination and <u>wall</u> certificate (NCEES Structural II) (\$((150)) 300 exam charge; \$55 agency fee. Expires April 1, 2000)	((205.00)) 355.00
<u>Structural engineer application, examination and wall certificate (NCEES Structural II)</u> (\$400 exam charge; \$55 agency fee. Effective April 1, 2000)	455.00
Structural engineer examination retake: ((*))NCEES Structural I((*))exam retake (\$75 exam charge; \$30 exam fee. Expires April 1, 2000)	105.00
<u>NCEES Structural I exam retake</u> <u>(\$100 exam charge; \$30 agency fee. Effective April 1, 2000)</u>	130.00
((*))NCEES Structural II((*)) exam retake (\$((150)) 300 exam charge; \$30 agency fee. Expires April 1, 2000)	180.00 330.00
<u>NCEES Structural II exam retake</u> <u>(\$400 exam charge; \$30 agency fee. Effective April 1, 2000)</u>	430.00
<u>NCEES structural examination rescors, per examination question rescored, payable to the examination vendor</u>	50.00
Structural engineer ((addendum)) III-WA examination ((taken after Structural I & II examinations)) (\$0.00 exam charge; \$50 agency fee)	50.00
Structural engineer ((addendum)) III-WA ((retake)) examination <u>retake</u> (\$0.00 exam charge; \$50 agency fee)	50.00
<u>Structural engineer III-WA exam rescors</u>	50.00
Comity <u>licensure for professional engineer</u> ((Replacement certificate ((Exam (locally prepared) rescors ((Renewal (per year)) ((Late renewal penalty ((Duplicate license	100.00 25.00)) 50.00)) 50.00)) 50.00)) 15.00))
<u>Professional engineer ((F)) temporary permit</u>	100.00

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Title of Fee and/or Charge	Amount (\$)
((Engineer in Training)) ENGINEER IN TRAINING:	
Application, NCEES examination, and wall certificate (\$30 exam charge; \$20 agency fee. <u>Expires April 1, 2000</u>)	50.00
<u>Application, NCEES examination, and wall certificate (\$50 exam charge; \$20 agency fee. Effective April 1, 2000)</u>	<u>70.00</u>
Examination retake (\$30 exam charge; \$20 agency fee. <u>Expires April 1, 2000</u>)	50.00
<u>Examination retake (\$50 exam charge; \$20 agency fee. Effective April 1, 2000)</u>	<u>70.00</u>
((Replacement certificate	25.00))
((Land Surveyor)) PROFESSIONAL LAND SURVEYOR:	
Application, examination, and wall certificate. (<u>Expires October 1, 1999</u>)	100.00
<u>Application, NCEES examination, and wall certificate (\$100 exam charge; \$40 agency fee. Effective October 1, 1999; Expires April 1, 2000)</u>	<u>140.00</u>
<u>Application, NCEES examination, and wall certificate (\$110 exam charge; \$40 agency fee Effective April 1, 2000)</u>	<u>150.00</u>
((PPLS)) Professional land surveyor exam((ination)) retake (<u>Expires October 1, 1999</u>)	60.00
<u>Professional land surveyor NCEES exam retake (\$100 exam charge; \$30 agency fee. Effective October 1, 1999)</u>	<u>130.00</u>
<u>Professional land surveyor NCEES exam retake (\$110 exam charge; \$30 agency fee. Effective April 1, 2000)</u>	<u>140.00</u>
<u>Comity licensure for professional land surveyor (application, exam and wall certificate)</u>	100.00
<u>Comity licensure exam retake</u>	60.00
((PPLS)) Professional land surveyor exam rescore	50.00
<u>Professional land surveyor exam rescore: Effective with the April, 2000 exam administration, this examination will be all multiple-choice questions and will not be rescored.</u>	
((Renewal (per year)	50.00))
((Late renewal penalty	50.00))
((Replacement certificate	25.00))
((Duplicate license	15.00))

Title of Fee and/or Charge	Amount (\$)
((Land surveyor in training (effective April 1, 1996)) LAND SURVEYOR IN TRAINING:	
Application, NCEES examination, and wall certificate (\$65 exam charge; \$10 agency fee)	75.00
<u>NCEES ((E))examination retake (\$65 exam charge; \$10 agency fee)</u>	<u>75.00</u>
((Replacement certificate	25.00))
((Engineer corporation, joint stock association and limited liability company:))	
<u>ENGINEER CORPORATION, JOINT STOCK ASSOCIATION AND LIMITED LIABILITY COMPANY:</u>	
Certificate of authorization (<u>application and wall certificate</u>)	150.00
Renewal (per year)	100.00
((Duplicate license	15.00))
((Replacement certificate	25.00))
<u>GENERAL FEES:</u>	
<u>License renewal (for two year cycle)</u>	<u>100.00</u>
<u>Late renewal penalty</u>	<u>50.00</u>
<u>Replacement wall certificate</u>	<u>25.00</u>
<u>Duplicate license</u>	<u>15.00</u>

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 99-12-041
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed May 26, 1999, 2:56 p.m.]

Date of Adoption: May 21, 1999.

Purpose: To repeal two rules implementing two statutes that are no longer in existence. The other repealed rule is transitional. The transition period has expired.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-108-671, 415-112-561, and 415-115-070.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under preproposal statement of inquiry filed as WSR 99-08-074 on April 5, 1999.

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.

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Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 17, 1999

John Charles
Director

WSR 99-12-043
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed May 26, 1999, 3:51 p.m., effective July 9, 1999]

Date of Adoption: May 23, 1999.

Purpose: To change language in definitions to conform with industry regulation and in references to rules cited in the two WACs.

Citation of Existing Rules Affected by this Order: Amending WAC 460-21B-060 and 460-22B-090.

Statutory Authority for Adoption: RCW 21.20.450(1).

Adopted under notice filed as WSR 99-07-012 on March 8, 1999.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: 45 days [July 9, 1999].

May 26, 1999

John L. Bley
Director

AMENDATORY SECTION (Amending WSR 97-16-050, filed 7/31/97, effective 8/31/97)

WAC 460-22B-090 Dishonest and unethical business practices-salespersons. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to salespersons, is hereby defined to include any of the following:

(1) Engaging in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

(2) Effecting securities transactions not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transactions are authorized in writing by the broker-dealer prior to execution of the transaction;

(3) Establishing or maintaining an account containing fictitious information in order to execute transactions which would otherwise be prohibited;

(4) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

(5) Dividing or otherwise splitting the agent's commissions, profits or other compensation from the purchase or sale of securities with any person not also registered for the same broker-dealer, or for a broker-dealer under direct or indirect common control;

(6) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(7) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(8) Executing a transaction on behalf of a customer without authorization to do so;

(9) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(10) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(11) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(12) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(13) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and

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substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(14) Guaranteeing a customer against loss in any securities account for such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(15) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation presents a bona fide bid for, or offer of, such security;

(16) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions of any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(17) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(18) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(19) Failing to comply with any applicable provision of the ~~Conduct Rules ((of Fair Practice))~~ of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(20) Any act or practice enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as a forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

AMENDATORY SECTION (Amending WSR 95-16-026, filed 7/21/95, effective 8/21/95)

WAC 460-21B-060 Dishonest or unethical business practices—Broker-dealers. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to broker-dealers is hereby defined to include any of the following:

(1) Engaging in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;

(2) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(3) Recommending to a customer to purchase, sell or exchange any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(4) Executing a transaction on behalf of a customer without authorization to do so;

(5) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(6) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(7) Failing to segregate customers' free securities or securities held in safekeeping;

(8) Hypothecating a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by rules of the securities and exchange commission;

(9) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(10) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(11) Charging unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

(12) Offering to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;

(13) Representing that a security is being offered to a customer "at the market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he/she is acting or with whom he/she is associated in such distribution, or any person con-

trolled by, controlling or under common control with such broker-dealer;

(14) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customer;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(15) Guaranteeing a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(16) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

(17) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(18) Failing to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

(19) Failing to make bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member or from a member participating in the distribution as an underwriter or selling group member;

(20) Failure or refusal to furnish a customer, upon reasonable request, information to which he is entitled, or to respond to a formal written request or complaint;

(21) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(22) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(23) For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account which with respect to all OTC non-NASDAQ equity securities in the account, contains a value for each such security based on the closing market bid on a date certain: *Provided*, That this subsection shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued;

(24) Failing to comply with any applicable provision of the Conduct Rules (~~(of Fair Practice)~~) of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(25) Any acts or practices enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

WSR 99-12-051

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 1:59 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Repeal the designation of a specific form for requesting public documents.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-14-055 Record request form.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-057 on April 19, 1999.

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 1.

Effective Date of Rule: Thirty-one days after filing.
May 25, 1999
Vicki Rippie
Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-14-055 Record request form.

**WSR 99-12-052
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed May 27, 1999, 2:00 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Repeal the designation of the executive director as the person responsible for annually updating the list of elected public officials.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-14-105 List of elected public officials—Responsibility for developing.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-058 on April 19, 1999.

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 1.

Effective Date of Rule: Thirty-one days after filing.
May 25, 1999
Vicki Rippie
Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-14-105 List of elected public officials—Responsibility for developing.

**WSR 99-12-053
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION**

[Filed May 27, 1999, 2:00 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Repeals the rule that requires lobbyists who are acting as an agent for another person when they make a campaign contribution to inform the contribution's recipient of its true source.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-20-023 Contributions to candidates, elected officials, political committees, or public office fund—Identification of source.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-059 on April 19, 1999.

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 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.
May 25, 1999
Vicki Rippie
Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-023 Contributions to candidates, elected officials, political committees, or public office fund—Identification of source.

PERMANENT

WSR 99-12-054
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed May 27, 1999, 2:00 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Repeals a rule originally adopted to address a public concern that no longer appears to exist.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-20-100 Effect of Public Disclosure Act—Freedom of communication—Employer interference.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-060 on April 19, 1999.

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 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

May 25, 1999

Vicki Rippie

Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-100	Effect of Public Disclosure Act—Freedom of communication—Employer interference.
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WSR 99-12-055
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed May 27, 1999, 2:01 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Repeal a rule that implements a statutory provision that was eliminated in 1995.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-20-115 Forms for report of legislative activity by legislators and legislative staff.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-061 on April 19, 1999.

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 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

May 25, 1999

Vicki Rippie

Assistant Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-20-115	Forms for report of legislative activity by legislators and legislative committees.
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WSR 99-12-056
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed May 27, 1999, 2:01 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment implements the uniform procedure and format adopted by the Office of Financial Management for rule-making petitions.

Citation of Existing Rules Affected by this Order: Amending WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-062 on April 19, 1999.

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.

PERMANENT

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 25, 1999
 Vicki Rippie
 Assistant Director

AMENDATORY SECTION (Amending WSR 90-16-083, filed 7/31/90, effective 8/31/90)

WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition. ~~((+))~~ Any person may submit a petition requesting the ~~((promulgation))~~ adoption, amendment or repeal of any rule by the commission, pursuant to RCW 34.05.330 and the uniform rules adopted by the office of financial management that are set forth in chapter 82-05 WAC.

~~((2)) The petition for rule making should contain a draft of any proposed rule and any argument in favor of its adoption, but no particular form is necessary.~~

~~(3) The commission will consider the petition at its next regular meeting after its submission. The petitioner shall be given notice of the time of that meeting.~~

~~(4) Within 60 days after its submission, the commission shall advise the petitioner that the petition has been denied, giving its reasons in detail, or initiate rule making proceedings under RCW 34.05.330.)~~

WSR 99-12-057
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:01 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment identifies the commission's executive director as its public records officer.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-015 Public records officer.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-063 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 25, 1999
 Vicki Rippie
 Assistant Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-015 Public records officer. The ~~executive director is the~~ commission's public records officer (~~(, who is located in the administrative office of the commission))~~. The public records officer is responsible for implementing the commission's administrative rules ((and regulations)) regarding release of public records, coordinating the staff of the commission in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

WSR 99-12-058

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:02 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Specifies the hours during which the public may examine and copy public records maintained by the agency.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-020 Hours for records inspection and copying.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-064 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 25, 1999
 Vicki Rippie
 Executive Director

PERMANENT

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-020 Hours for records inspection and copying. Public records shall be available for inspection and copying ~~((during the customary office hours of the commission))~~ weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m.

WSR 99-12-059

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:02 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment specifies that public records requests may be submitted in person or by letter, telephone or electronic means.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-025 Requests for public records.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-065 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Telephone number: (360) 753-1111. Facsimile number: (360) 753-1112. Electronic mail: pdcc@pdcc.wa.gov.

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

WSR 99-12-060

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:02 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Specifies the amounts the agency will charge for copies of public records.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-030 Copying of public records.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-066 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-025 Requests for public records. (1) In accordance with requirements of chapter 42.17 RCW that agencies ~~((present))~~ ~~[[prevent]]~~ unreasonable invasions of privacy ~~))~~ provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, requests to inspect or copy public records may be ~~((inspected or copied by requesting))~~ made in person, by letter, ~~((or))~~ by telephone ~~((the desired record(s)))~~ or by electronic means.

The commission office is located at 711 Capitol Way, Suite 403, Olympia, Washington. The mailing address is:

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-030 Copying of public records. No fee shall be charged for the inspection of public records. The commission shall charge a fee of:

• Ten cents per page ~~((of copy))~~ for ~~((providing))~~ paper copies of public records maintained on paper ~~((A fee of))~~ or electronically;

• Twenty-five cents per film ~~((shall be charged))~~ for copies of public records maintained on microfiche;

• Twenty cents per diskette for copies of electronically maintained public records; and

• Two dollars per CD ROM for copies of electronically maintained public records.

The commission shall charge persons who use agency equipment to make paper copies from microfiche ten cents per page. These charges are the amounts necessary to reimburse the commission for its actual costs incident to ~~((such))~~ copying, including the use of the commission's ~~((copy))~~ equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

WSR 99-12-061

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:02 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment brings the rule into full compliance with the statutes that it implements.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-035 Exempting records from public inspection.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-067 on April 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: Language was added to specify that information that is exempt from disclosure under any statutory provision, not simply those in chapter 42.17 RCW, is to be deleted before allowing public inspection or copying of the document.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information ~~((the disclosure of which would violate personal privacy or endanger vital government interests from any record~~

~~prior to permitting public inspection or copying)) from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other law.~~ After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests 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 record withheld.

WSR 99-12-062

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:03 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment makes minor changes to the internal review process for denials of access to information maintained by the agency.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-040 Review of denials of public records requests.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-068 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. 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) Immediately after receiving a written request for review of a decision denying a public record, the public records officer (~~(or other staff member denying the request)~~) shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW 42.17.320.

WSR 99-12-063

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:03 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment requires more frequent updating of the agency's indexes of public records.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-045 Records index.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-069 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-14-045 Records index. (1) The commission has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the commission has maintained an index.

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or deci-

sion of substantial importance to the commission in carrying out its duties.

(c) Interpretive and policy statements that were ~~((entered))~~ issued after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the executive director or executive director's designee. Those orders which are determined to have substantial importance shall be ~~((included in the index))~~ indexed.

(3) Final orders shall be indexed by the name of the person against whom the order was issued~~((;))~~ and by citation to the law involved.

(4) Declaratory orders shall be indexed by number, subject matter, phrase describing the issue or holding~~((; or by a))~~ and citation to the law involved.

(5) Interpretive statements and policy statements shall be indexed by number and subject matter~~((; topic, calendar year, or a combination of these, as appropriate))~~.

(6) The ~~((index is))~~ indexes are available for public inspection and copying ~~((during regular business hours))~~ weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m. at the Public Disclosure Commission, ~~((403 Evergreen Plaza))~~ 711 Capitol Way, Suite 403, Olympia, Washington 98504-0908.

(7) The indexes shall be ~~((kept current and))~~ updated ~~((annually))~~ quarterly.

WSR 99-12-064

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:03 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment requires that the list of elected public officials be prepared annually by January 15.

Citation of Existing Rules Affected by this Order: Amending WAC 390-14-100 List of elected public officials.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-070 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 26, 1999
 Vicki Rippie
 Assistant Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-14-100 List of elected public officials. (1) The public disclosure commission shall prepare ~~((collate and make available for public distribution))~~ a list of all state elected officials of the state of Washington. The list shall be ~~((published by the commission and))~~ updated annually by January 15.

(2) ~~((In addition,))~~ The list shall contain the names of those entities ((which) that are reported by ((those)) state elected officials and successful candidates for state office pursuant to RCW 42.17.241 (1)(g).

~~((3)) This list shall contain the most recent information on file with the commission as of February 1 each year.))~~

WSR 99-12-065

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:03 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment rewrites the rule for clarity.

Citation of Existing Rules Affected by this Order:
 Amending WAC 390-14-110 List of elected public officials—Name not on list, impact.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-071 on April 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: Language was added clarifying that the other persons who file pursuant to RCW 42.17.180 (in addition to lobbyist employers) are those who are required to file PDC Form C-7 reports.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 26, 1999
 Vicki Rippie
 Assistant Director

AMENDATORY SECTION (Amending Order 80-05, filed 5/2/80)

WAC 390-14-110 List of elected public officials—Name not on list, impact. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the act would work a ~~((manifest))~~ manifestly unreasonable hardship((-)) and ~~((if it finds that))~~ suspension or modification will not frustrate the purposes of the act.

(2) ~~((Upon a hearing of this nature, the commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter.~~

~~((3))~~ The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer or other person filing PDC Form C-7 pursuant to RCW 42.17.180 to report the compensation paid to a state elected official, a successful candidate for state office, an immediate family member of a state elected official or successful candidate for state office, or a corporation, partnership, joint venture, association, union or other entity in which ((a state elected official or member of his immediate family)) one of these individuals holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such official, candidate, family member or entity does not appear on the most recent list of state elected officials ~~((published))~~ prepared by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer or other filer does not have actual knowledge of ~~((such))~~ compensation being paid to such official, candidate, family member or entity.

WSR 99-12-066

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:04 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Amend the definition of "sample ballots" for purposes of RCW 42.17.640 (14)(a).

Citation of Existing Rules Affected by this Order:
 Amending WAC 390-17-030 Sample ballots.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-072 on April 19, 1999.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language was added to the intent subsection emphasizing the commission's position that expenditures for all candidate listings, whether or not the listings are called

slate cards, remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-17-030 Sample ballots and slate cards. (1) ~~((Sample ballot, as that term is used in RCW 42.17.640 (14)(a), means a printed list that includes a majority of all of the partisan offices on the ballot and that also may include ballot measures and nonpartisan races to be voted on at a particular primary, general or special election; all without promotion of or political advertising for specifically named individual candidates.~~

~~(2) A sample ballot shall not indicate the sponsor's preference for any specific candidate or candidates listed on the ballot.~~

~~(3) A sample ballot may contain a list of candidates, limited to the identification of the candidates (pictures may be used), the office or position currently held, the elective office sought and the party affiliation, as long as the same category of information is given for all candidates listed. The list shall not include additional biographical data on candidates, their positions on political issues or statements on party philosophy.~~

~~(4) A sample ballot which meets the above criteria is not considered a contribution to any of the candidates listed in the ballot.))~~ **Intent.** The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution

limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.640 (14)(a), "sample ballots" means slate cards, or other candidate listings, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the political advertising provisions, RCW 42.17.505 through 42.17.550.

(4)(a) A bona fide political party may use contributions it receives pursuant to RCW 42.17.640(14) to design, print and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) Any person, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) An in-state political committee, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) An out-of-state or federal committee, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due within ten days of the date the sample ballot is received by recipients.

(8) If a lobbyist or lobbyist employer makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) The candidates listed on a sample ballot are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) Qualifying criteria for sample ballots, slate cards and other candidate listings. In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received

pursuant to RCW 42.17.640(14), a sample ballot must satisfy all of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state. That is, identify any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

• The identification of each candidate (pictures may be used);

• The office or position currently held;

• The office sought;

• Party affiliation; and

• Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

WSR 99-12-067

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:04 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment rewrites the rule to make it more easily understood.

Citation of Existing Rules Affected by this Order: Amending WAC 390-18-020 Political advertising—Political party identification.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-073 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

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

WAC 390-18-020 Political advertising—Political party identification. According to RCW 42.17.510, sponsors of political advertising supporting or opposing a candidate for partisan office must clearly identify the candidate's political party in the advertising. To assist sponsors in complying with this requirement, the commission shall publish a ((suggested)) list of abbreviations or symbols ((which may be used by candidates and political committees which the commission finds will)) that clearly identify political party affiliation. These abbreviations may be used by sponsors of political advertising to identify a candidate's political party.

WSR 99-12-068

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:04 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment rewrites the rule to make it more easily understood.

Citation of Existing Rules Affected by this Order: Amending WAC 390-18-050 Commercial advertisers—Public inspection of records.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-074 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending WSR 93-04-072, filed 1/29/93, effective 3/1/93)

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) Pursuant to RCW 42.17.110, any person, without reference to or permission from the public disclosure commission, is entitled to inspect the political advertising records of a commercial advertiser.

(2) No commercial advertiser shall be required to make available for public inspection information regarding political advertising prior to the time when the advertisement has initially received public distribution or broadcast.

(3) The documents and books of account (~~((which))~~ that must be maintained open for public inspection pursuant to RCW 42.17.110 (1)(~~(a), (b) and (c)~~ shall at a minimum include the following information) are:

(a) The name of the candidate or ballot measure supported or opposed;

(b) The name and address of the person who sponsored the advertising;

(c) The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and (~~(how))~~ what method of payment was ((made)) used; and

(d) Date(s) (~~((the services of))~~ the commercial advertiser (~~((was))~~ rendered(~~(;~~

~~(e) RCW 42.17.110 (1)(c) requires the maintenance of records which show the exact nature and extent of services rendered. Sufficient information describing))~~ service.

(4) In addition to subsection (3) of this section and pursuant to RCW 42.17.110 (1)(b), the documents and books of account open for public inspection must include a description of the major work components or tasks ((which)), as specified in (a) through (f) of this subsection, that were required to provide the advertising services ((satisfies this requirement; examples of which include, but are not limited to, the following:))

~~((+))~~ (a) For printers, reproducers and ((similar print commercial advertisers)) other persons who provide commercial duplicating services: Quantity ((of)) of items, ((amount of space;)) item description, design, layout, typesetting, photography, printing, silk screening, ((bindery;)) binding.

~~((+))~~ (b) For mailing services: Quantity of items mailed, ((bindery or)) binding, stuffing, labeling, list or directory services, postage or delivery((;)).

~~((+))~~ (c) For broadcast media: Time ((of)) and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service ((should)) must be available.

~~((+))~~ (d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs((;)).

~~((+))~~ (e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work((;)).

~~((+))~~ (f) For newspapers and other print media: Amount of advertising space and ~~((frequency that advertisement is run))~~ dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services ~~((should))~~ must be available.

WSR 99-12-069

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:04 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Simplify the lobbyist registration process for lobbyists who register during the last calendar quarter of an even-numbered year.

Citation of Existing Rules Affected by this Order: Amending WAC 390-20-014 Registration during last calendar quarter of the biennial registration period.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-075 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie

Assistant Director

AMENDATORY SECTION (Amending Order 87-02, filed 3/25/87)

WAC 390-20-014 Registration during last calendar quarter of the biennial registration period. (1) The registration of a lobbyist who registers during the last calendar quarter of an even-numbered year ((may request in writing that the registration be)) is valid until the second Monday of January three years hence, unless it is terminated or suspended before that day.

(2) The lobbyist ~~((will be))~~ is required to file monthly expense reports (PDC Form L-2) for each month in which

he(~~she~~) or she is registered, even if no reportable lobbying expenditures are made.

(3) The lobbyist employer shall file the employer's report (PDC Form L-3) for each calendar year or portion thereof in which a lobbyist is registered.

WSR 99-12-070
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed May 27, 1999, 2:04 p.m.]

Date of Adoption: May 25, 1999.

Purpose: The amendment clarifies when a lobbyist may terminate his or her registration.

Citation of Existing Rules Affected by this Order: Amending WAC 390-20-015 Lobbyists registration—Termination.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 99-09-076 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 1999

Vicki Rippie
Assistant Director

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-015 Lobbyists registration—Termination. A lobbyist who (~~intends to~~) ceases lobbying activity may terminate his or her registration at any time by filing with the commission a signed statement, consistent with RCW 42.17.150(3), indicating (~~his intention to terminate any further activity as a lobbyist or by so indicating~~) that he or she is not lobbying or being compensated to lobby. This notice of termination may be provided on an L-2 report for the month (~~that~~) in which termination has taken place. A lobbyist who terminates (~~such~~) his or her registration shall file (~~any~~) all reports required (~~under the lobbyist reporting provisions~~) by chapter 42.17 RCW for the period during which he or she was registered as a lobbyist. The employer of (~~any such~~) a lobbyist who terminates his or her registration

shall not be relieved of any duty to file the reports otherwise required by chapter 42.17 RCW ((42.17.180)).

WSR 99-12-072
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed May 27, 1999, 2:14 p.m.]

Date of Adoption: May 27, 1999.

Purpose: The adult day health services WAC will establish client eligibility, care levels, payment rates and criteria for provider eligibility.

Statutory Authority for Adoption: RCW 74.39A.007 and 74.08.090.

Adopted under notice filed as WSR 98-22-101 on November 4, 1998.

Changes Other than Editing from Proposed to Adopted Version: The concern regarding proration of services has been addressed in the final rule by deleting the provision for proration in WAC 388-15-661. WAC 388-15-661 is also changed to accurately reflect the levels of residential programs.

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 13, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 13, 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.

May 27, 1999

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-13 issue of the Register.

WSR 99-12-076
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Filed May 28, 1999, 9:25 a.m.]

Date of Adoption: May 28, 1999.

Purpose: To raise the assessment on shell eggs sold in intrastate commerce to provide a more adequate level of funding to operate the egg inspection program. Level of assessment to increase from \$0.0025 cents per dozen eggs to \$0.0026 cents effective June 30, 1999; \$0.00268 cents effective July 1, 1999, sold in intrastate commerce.

Citation of Existing Rules Affected by this Order: Amending chapter 16-108 WAC.

Statutory Authority for Adoption: RCW 69.25.250.

Adopted under notice filed as WSR 99-07-118 on March 24, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 28, 1999

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 1878, filed 1/29/86)

WAC 16-108-010 Rate. A fee of (~~two and one-half mills~~) \$0.0026 cents effective June 30, 1999; \$0.00268 cents effective July 1, 1999, per dozen eggs is hereby established for every egg handler or dealer who pays assessments monthly in lieu of seals and for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers.

WSR 99-12-079
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 28, 1999, 11:27 a.m.]

Date of Adoption: May 28, 1999.

Purpose: To adopt chapter 296-150T WAC, Factory-built temporary worker housing structures, to cover the alteration, construction, and approval of factory-built temporary worker housing in order to ensure public safety and appropriate housing standards.

Statutory Authority for Adoption: RCW 43.22.480.

Adopted under notice filed as WSR 99-08-130 on April 7, 1999.

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 38, 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.

May 27, 1999

Joel Sacks
for Gary Moore
Director

Chapter 296-150T WAC

**FACTORY-BUILT TEMPORARY
WORKER HOUSING STRUCTURES**

NEW SECTION

WAC 296-150T-0010 Authority, purpose, and scope.

(1) This chapter is authorized by RCW 43.22.420, 43.22.434 and 43.22.450 through 43.22.490 and 43.70.337, covering the construction and approval of factory-built temporary worker housing.

(2) This chapter applies to the approval:

(a) Of factory-built temporary worker housing structures; and

(b) After occupancy of a factory-built temporary worker housing structure, all inspections are done by the department of health.

NEW SECTION

WAC 296-150T-0020 What definitions apply to this chapter? "Approved" is approved by the department of labor and industries. **"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 temporary worker housing construction standard.

"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.

"Department of health" is the state agency responsible for adopting by rule a "temporary worker housing construction standard." You may contact them for copies of the "temporary worker housing construction standards" at: Department of Health, PO Box 47852, Olympia, WA 98504-7852.

"Design option" is a design that a manufacturer may use as an option to its design plan.

"Design plan" is a plan for the construction of factory-built temporary worker housing that includes floor plans, elevation drawings, specifications, engineering data, or test results necessary for a complete evaluation of the design. The design plan expires one year after approval or when a new temporary worker housing construction standard becomes effective or the electrical code as adopted by chapter 296-46 WAC adopts a new code. Electrical code changes if minor may be made by submitting an addendum.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of factory-built temporary worker housing structures.

"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 temporary worker housing structures. (See RCW 43.22.420.)

"Factory-built temporary worker housing" is housing designed and constructed to the requirements in chapter 246-359 WAC, "temporary worker housing construction standard" as promulgated by the department of health for human occupancy. The structure which is entirely or substantially prefabricated or assembled at a place other than a building site. (See RCW 43.22.450(3).)

"Insignia" is a label that we attach to a structure to verify that a factory-built temporary worker housing structure meets the requirements of this chapter.

"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 temporary worker housing.

"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 the department of health with power to enforce regulations governing the installation of factory-built temporary worker housing.

"Manufacturing" is making, fabricating, forming, or assembling a factory-built temporary worker housing structure.

"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.

"Unit" is a factory-built temporary worker structure.

NEW SECTION

WAC 296-150T-0030 How is this chapter enforced? (1) To enforce this chapter, we or another governmental inspection agency will inspect each factory-built temporary worker housing structure that is sited in Washington. Inspections will be conducted during normal work hours or at other reasonable times. (See WAC 296-150T-0070.)

(2) We will inspect each unit as required by the temporary worker housing construction standard and the electrical code. (See WAC 296-150T-0500.)

NEW SECTION

WAC 296-150T-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act (see RCW 42.17.310 (1)(h)) unless we are ordered to do so by a court or otherwise required by law.

NEW SECTION

WAC 296-150T-0050 Can you prohibit the installation of factory-built temporary worker housing structures? (1) We may prohibit the installation of factory-built temporary worker housing structures if they do not conform to the requirements of this chapter. (See RCW 43.22.465.)

(2) If an inspection reveals that a factory-built temporary worker housing structure violates this chapter, we may obtain a temporary injunction enjoining the installation of any non-conforming structure. The injunction may be made permanent at the discretion of the court.

NEW SECTION

WAC 296-150T-0070 Do you have reciprocal agreements with other states to inspect factory-built temporary worker housing structures? (1) We may enter into reciprocal agreements with states who have construction standards that are equal to or greater than our standards for factory-built structures.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects factory-built temporary worker housing structures manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects factory-built structures manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.

(3) Reciprocal agreements shall remain on file.

NEW SECTION

WAC 296-150T-0080 Do you allow a local enforcement agency to inspect factory-built temporary worker housing at the manufacturing location? (1) A local enforcement agency (city or county), under contract with us, can inspect factory-built temporary worker housing. In some cases their contract may be limited to specific portions of an inspection at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia, which indicates the unit has passed inspection.

NEW SECTION

WAC 296-150T-0100 What happens if I disagree with your decision regarding my compliance with this chapter? (1) If we determine you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request. The hearing and proceedings will be conducted according to the Administrative Procedure Act (chapter 34.05 RCW).

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

NEW SECTION

WAC 296-150T-0110 Do you have an advisory board to address factory-built temporary worker housing structure issues? The factory assembled structures (FAS) board advises us on issues relating to structural, plumbing, mechanical, electrical, installation, inspections, and rules for factory-assembled structures. (See RCW 43.22.420.)

NEW SECTION

WAC 296-150T-0120 Where can I obtain technical assistance regarding factory-built temporary worker housing structures? We provide field technical service to factory-built temporary worker housing manufacturers for an hourly fee. Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

NEW SECTION

WAC 296-150T-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 296-150T-3000 and includes the hourly inspection fee, travel costs and other expenses incurred as a result of the inspection.

NEW SECTION

WAC 296-150T-0140 Do you allow the use of alternate materials, alternate design and method of construction? An applicant may apply for the use of alternate materials, alternate design and methods of construction different from the requirements of this chapter by filing a written request with the department.

(1) Responsibilities of applicant. The applicant must submit in writing the following information and sign and date the request.

(a) The applicant's name, address and phone number;

(b) The specific requirement or requirements from which the alternate material, alternate design or method of construction is requested;

(c) Adequate justification that the requirements of this chapter cannot be met without using alternate materials, alternate design or method of construction;

(d) How the use of alternate materials, alternate design or method of construction will achieve the same result as the requirement and any specific alternative measures to be taken to show the alternate provides the same level of protection to life, safety and health as the requirements.

The department has a form that you may use for your request. Contact the department at the address shown in the definition section.

(2) Responsibilities of the department. The department will provide a written response to the applicant within thirty days of receipt of the written request. The written response will state the acceptance or denial of the request, including the reasons for the department's decision. At a minimum the department will base its decision based on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the request;

(c) Expert advice.

(3) Applicant's response to denials. The applicant may appeal the department's decision by following the procedure in WAC 296-150T-0100.

INSIGNIA**NEW SECTION**

WAC 296-150T-0200 Who must purchase factory-built temporary worker housing insignia? (1) You must obtain insignia from us for each factory-built temporary worker housing unit sited in Washington state.

(2) You must have an approved design plan and have passed inspection before an insignia can be attached to your factory-built temporary worker housing structure by us or our authorized agent.

(3) 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 a new insignia from us. The new insignia indicates that the unit was repaired.

NEW SECTION

WAC 296-150T-0210 What are the insignia requirements? (1) If you are applying for insignia for factory-built temporary worker housing structures you must have your design plan approved and your units inspected and approved by us.

(2) We will attach the insignia after:

(a) We receive the required forms and fees from you (see WAC 296-150T-3000); and

(b) Your unit or component has passed final inspection. (See WAC 296-150T-0500.)

NEW SECTION

WAC 296-150T-0220 How do I obtain insignia information and the required forms? Upon request, we will provide you with a packet of information that includes the required forms.

NEW SECTION

WAC 296-150T-0230 What are the insignia application requirements? (1) If you are requesting insignia for units that you intend to manufacture under a *new design plan*, your completed application must include:

(a) A completed design plan approval request form;

(b) One complete set of design plans, specifications, engineering analysis if required, test procedures and results if required, plus one additional set for each manufacturing location where the design plan will be used;

(c) If required, 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; and

(d) A one-time initial filing fee, the design plan fee (if we approve your design plan) and the fee for each insignia. (See WAC 296-150T-3000.)

(2) If you are requesting insignia under an *approved design plan*, your completed application must include:

(a) A completed application for insignia form; and

(b) The fee for each insignia requested. (See WAC 296-150T-3000.)

NEW SECTION

WAC 296-150T-0250 How do I replace lost or damaged insignia? (1) If an insignia is lost or damaged after it is attached to your factory-built temporary worker housing structure you may obtain a replacement insignia.

(2) You should contact us and provide the following information:

(a) Your name, address, and telephone number;

(b) The name of the manufacturer;

(c) The serial number;

(d) The manufacturer number (T#), if available;

(e) The insignia number, if available; and

(f) The required fee. (See WAC 296-150T-3000.)

(3) If we can determine that your unit previously had an insignia, we will attach an insignia to your unit once we receive your insignia fee. (See WAC 296-150T-3000.)

DESIGN PLAN**NEW SECTION**

WAC 296-150T-0300 When is design plan approval required? Design plans for factory-built temporary worker housing structures prior to installation at the building site in Washington must be approved when:

(1) You build a new unit;

(2) You modify an approved design plan through an addendum; or

(3) You add options to an approved design plan through an addendum.

DESIGN-PLAN APPROVAL**NEW SECTION**

WAC 296-150T-0320 What must I provide with my request for design-plan approval by the department? All requests for design-plan approval must include:

(1) A completed design-plan approval request form;

(2) One complete set of design plans, specifications, engineering analysis when required, test procedures and results plus one additional set for each manufacturing location where the design plan will be used (see WAC 296-150T-0340 and 296-150T-0350);

(3) If required, at least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. All new, renewed, and resubmitted plans, specifications, reports and structural calculations prepared by or prepared under his or her direct supervision shall be signed, dated and stamped with their seal. Specifications, reports, and structural calculations may be stamped only on the first sheet, provided this first sheet identifies all of the sheets that follow are included and identified in the same manner. Plans that have not been prepared by or under the engineer's or architect's supervision shall be reviewed by them and they shall prepare a report concerning the plans reviewed. This report shall:

(a) Identify which drawings have been reviewed by drawing number and date;

(b) Include a statement that the plans are in compliance with current Washington state regulations; and

(c) The report shall be stamped and signed by the reviewer.

Any deficiencies shall be corrected on the drawings before submitting to the department or be included in the report and identify as to how they are to be corrected. This report shall be attached to the plan(s) that were reviewed. We will retain the set with the original wet stamp;

(4) A one-time initial filing fee and the design-plan fee (see WAC 296-150T-3000); and

(5) A "key drawing" to show the arrangement of modules if the plan covers three or more modules.

NEW SECTION

WAC 296-150T-0340 What must an engineering analysis for design plans include? (1) The engineering anal-

ysis if required must show that the structural design meets the requirements of this chapter.

(2) An engineering analysis if required must be conducted according to accepted engineering practices and must be signed by a professional engineer or architect licensed in Washington state.

NEW SECTION

WAC 296-150T-0350 What must the test procedures and results for design plans include? (1) Tests to a design for a factory-built temporary worker housing structure must be witnessed by a professional engineer or architect licensed in Washington state.

(2) Test reports must contain the following items:

(a) A description of the methods or standards that applied to the test;

(b) Drawings and a description of the item tested;

(c) A description of the test set-up;

(d) The procedure used to verify the correct load;

(e) The procedure used to measure each condition;

(f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and

(g) Analysis, comments, and conclusion.

(3) The written test procedures, results and conclusions must reference the applicable design plan.

NEW SECTION

WAC 296-150T-0380 What happens if you approve my design plan? (1) Your design plan will be approved if it meets the requirements of this chapter.

(2) We will send you an approved copy of the design plan with the design-plan approval number.

(3) You must keep copies of the approved design plan at each location where a factory-built temporary worker housing structure is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us. (See WAC 296-150T-3000.)

NEW SECTION

WAC 296-150T-0390 If my design plan is not approved, how much time do I have to submit a corrected design plan? (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150T-3000.)

NEW SECTION

WAC 296-150T-0400 What happens after my design plan is approved? Once your design plan is approved, we will inspect each related factory-built temporary worker housing structure.

NEW SECTION

WAC 296-150T-0410 When does my design plan expire? Your factory-built temporary worker housing 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 change to the temporary worker housing construction standard. You may use your design plan to order insignia as long as they comply with the applicable codes.

All National Electrical Code amendments may be incorporated by an addendum to your design plan.

INSPECTIONS PRIOR TO ISSUANCE OF AN INSIGNIA

NEW SECTION

WAC 296-150T-0500 When is an inspection required? (1) Before we issue an insignia, each factory-built temporary worker housing structure must be inspected at the manufacturing location as many times as are required by the temporary worker housing construction standard. (See WAC 296-150T-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 inspection, if installed;

(c) A final inspection after the factory-built temporary worker housing structure is complete;

Note: Each factory-built temporary worker housing structure 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 temporary worker housing structure if it is damaged in transit to the building site or during on-site installation. This is considered a repair inspection. (See WAC 296-150T-0540.)

(4) Approved design plans must be available for all inspections.

(5) Once your unit is inspected and approved we will attach the insignia.

Note: We only inspect factory-built temporary worker housing structures before occupancy. After occupancy, the department of health agency is the inspection agency.

NEW SECTION

WAC 296-150T-0510 How do I request an inspection? (1) You must contact us, and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department.

(2) We must receive in-state inspection requests at least seven calendar days prior to the date that you want the inspection.

(3) We must receive out-of-state inspection requests at least fourteen calendar days prior to the date that you want the inspection.

NEW SECTION

WAC 296-150T-0520 What happens if my factory-built temporary worker housing structure passes inspection? (1) If your factory-built temporary worker housing structure passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

(2) After our final inspection, we will send a notice to the local enforcement agency (NLEA) indicating whether further inspection is necessary. (See WAC 296-150T-0550.)

NEW SECTION

WAC 296-150T-0530 Am I charged if I request an inspection but I am not prepared? (1) If you ask us to inspect a factory-built temporary worker housing structure within Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee and travel. (See WAC 296-150T-3000.)

(2) If you ask us to inspect a factory-built home, commercial structure, or component outside Washington state but you are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses. (See WAC 296-150T-3000.)

NEW SECTION

WAC 296-150T-0540 Who inspects factory-built temporary worker housing structures for installation at the temporary worker housing site? (1) The department of health must approve the installation.

(2) The department of health may also request a set of design plans and specifications for the unit from you.

(3) After the unit is manufactured but before occupancy, we must inspect a factory-built temporary worker housing structure if it is damaged in transit to the temporary worker housing site or during on-site installation. This is considered a repair inspection.

Note: The department of health may not open the concealed construction of a factory-built temporary worker housing structure to inspect if our insignia is attached.

NEW SECTION

WAC 296-150T-0550 Do you notify the department of health after your final inspection of factory-built structures at a manufacturing location? After we perform a final inspection of a factory-built temporary worker housing structure we will send a notice to the department of health that:

(1) Specifies what connections, standards, and incomplete items the department of health must check when the unit is installed; and/or

(2) Estimates the expected time of arrival of the factory-built temporary worker housing structure to the site.

USED FACTORY-BUILT STRUCTURES WITHOUT AN INSIGNIA

NEW SECTION

WAC 296-150T-0580 Must I obtain an insignia for used factory-built structures? All used factory-built housing and commercial structures that are to be for temporary worker housing must have an insignia of approval from us prior to being installed as temporary worker housing.

NEW SECTION

WAC 296-150T-0590 How do I obtain insignia for used factory-built structures? We consider used factory-built housing and commercial structures as new structures for purposes of use as temporary worker housing and an insignia approval as temporary worker housing must be obtained. To obtain insignia, you must:

(1) Have the design plan approved by us (see WAC 296-150T-0300 through 296-150T-0480);

(2) Purchase insignia (see WAC 296-150T-0200 through 296-150T-0230); and

(3) Pass a unit inspection (see WAC 296-150T-0500 through 296-150T-0550).

Note: You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

CODES FOR FACTORY-BUILT TEMPORARY WORKER HOUSING

NEW SECTION

WAC 296-150T-0600 What manufacturing codes apply to factory-built temporary worker housing? (1) All design, construction, installations, and alterations of factory-built temporary worker housing structures must conform with the following codes and the requirements of this chapter:

(a) The temporary worker housing construction code, chapter 246-359 WAC;

(b) The National Electrical Code as referenced in chapter 19.28 RCW and in chapter 296-46 WAC.

(2) All construction methods and installations must comply with chapter 246-359 WAC and use accepted engineering practices when used, provide minimum health and safety to the occupants of factory-built temporary worker housing structures 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 standards, provided the deviation does not result in inferior installation or defeat the purpose and intent of the standard.

Note: The codes, RCW's, and WAC's referenced in this rule are available for reference at the Washington State Library, the Washington State Law Library, and may be available at your local library.

**MANUFACTURER'S NOTICE
TO THE DEPARTMENT**

NEW SECTION

WAC 296-150T-0700 Must manufacturers of factory-built temporary worker housing structures notify you if they manufacture at more than one location? (1) If you are manufacturing factory-built temporary worker housing structures at more than one location, approved design plans must be available at each manufacturing location.

(2) You are required to send us the following information for each manufacturing location:

- (a) Company name;
 - (b) Mailing and physical address; and
 - (c) Phone and FAX number if available.
- (3) You must update this information as it changes.

NEW SECTION

WAC 296-150T-0710 Must manufacturers of factory-built temporary worker housing structures notify you of a change in business name or address? (1) If you are moving, notify us in writing prior to a change of business name or address.

(2) Your notice must include the change of name and address.

NEW SECTION

WAC 296-150T-0720 Must manufacturers of factory-built temporary worker housing structures notify you of a change in business ownership? (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner releases the design plan.

**FACTORY-BUILT TEMPORARY
WORKER HOUSING FEES**

NEW SECTION

WAC 296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 TEMPORARY WORKER HOUSING FEES	
INITIAL FILING FEE	\$39.25
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$112.75
RENEWAL FEE	\$39.25
RESUBMIT FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan)	\$56.25
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$66.50
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$10.75
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$56.25
TRAVEL (Per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$56.25
TRAVEL (Per hour*)	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$158.00
EACH ADDITIONAL SECTION	\$15.50
REISSUED-LOST/DAMAGED	\$39.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$56.25
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$23.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PERMANENT

WSR 99-12-080
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 28, 1999, 11:29 a.m.]

Date of Adoption: May 28, 1999.

Purpose: To adopt a 4.18% general increase in fees for factory-assembled structures (FAS), contractor registration, elevators, and electrical permits, licensing and certification; to adopt new fees for FAS medical gas plan review and for personnel lifts in grain elevators; and to clarify electrical rules and establish lower fees for certain services where appropriate.

Citation of Existing Rules Affected by this Order:

Amending:

- WAC 296-150C-3000 Commercial coaches.
- WAC 296-150F-3000 Factory-built housing and commercial structures.
- WAC 296-150M-3000 Manufactured home fees.
- WAC 296-150P-3000 Recreation park trailer fees.
- WAC 296-150R-3000 Recreational vehicle fees.
- WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration?
- WAC 296-46-910 Inspection fees.
- WAC 296-46-915 Electrical contractor license, administrator certificate and examination, and copy fees.
- WAC 296-401A-700 Fees for certification of competency, examination and reciprocity.
- WAC 296-86A-020 When I apply for my construction, alteration or relocation permit, what permit fees will I have to pay?
- WAC 296-86A-025 When I apply for my material lift installation, alteration or relocation permit, what permit fees will I have to pay?
- WAC 296-86A-028 Are the construction and alteration permit fees that I pay refundable?
- WAC 296-86A-030 What installation permit fees will I have to pay for personnel and material hoists?
- WAC 296-86A-040 Do I need to submit my plans for new installations and alterations to the department for approval?
- WAC 296-86A-060 What annual operating permit fees will I have to pay?
- WAC 296-86A-070 Can I obtain a supplemental inspection from the department?
- WAC 296-86A-073 Can I obtain technical services from the department's elevator section?
- WAC 296-86A-074 Can I request an inspection outside of the department's normal work hours?
- WAC 296-86A-075 Do I pay a fee when my conveyance is inspected?
- WAC 296-86A-080 Is there a fee for inspecting regular elevators used as temporary personnel elevators?

Statutory Authority for Adoption: Chapters 43.22, 18.27, 70.87, and 19.28 RCW.

Adopted under notice filed as WSR 99-08-128 on April 7, 1999.

Changes Other than Editing from Proposed to Adopted Version: Amended WAC 296-86A-060 Hand powered

freight elevator, to include "manlifts"; added a provision to WAC 296-46-910 to allow larger marinas to use electrical inspection fees based on commercial/industrial feeders resulting in substantial savings for marinas with five or more berths; and restored an electrical permit fee refund processing fee in WAC 296-46-910 to original amount to retain consistency with similar fees.

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 20, 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.

May 27, 1999

Joel Sacks

for Gary Moore

Director

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

WAC 296-150C-3000 Commercial coach fees.

INITIAL FILING FEE	\$27.00
DESIGN PLAN FEES:	
INITIAL FEE-MASTER DESIGN	\$84.50
INITIAL FEE-ONE YEAR DESIGN	\$76.75
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

PERMANENT

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***	
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	\$16.00
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	

PERMANENT

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$28.00
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$192.00
INITIAL FEE - ONE YEAR DESIGN	\$78.75
RENEWAL FEE	\$33.75
RESUBMIT FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan)	\$56.25
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	\$56.25
Service/feeder Ampacity:	
0 - 100	\$25.00
101 - 200	\$31.25
201 - 400	\$58.25
401 - 600	\$68.75
601 - 800	\$88.50
801 - 1000	\$108.25
Over 1000	\$117.50
Over 600 volts surcharge	\$18.75
Thermostats:	
First	\$11.25
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$10.25
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, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$66.50
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$54.00
FIRST STATION	\$54.00
EACH ADDITIONAL STATION	\$20.00
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$85.75
INITIAL FEE-ONE YEAR DESIGN	\$52.00
RENEWAL FEE	\$52.00
ADDENDUM	\$52.00
PLANS APPROVED BY PROFESSIONALS	\$39.25
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$10.75

PERMANENT

WAC 296-150C-3000 COMMERCIAL COACH FEES	
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$56.25
TRAVEL (Per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$56.25
TRAVEL (Per hour*)	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$16.50
EACH ADDITIONAL SECTION	\$10.75
ALTERATION	\$28.00
REISSUED-LOST/DAMAGED	\$10.75
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in ½ hour increments	
** Per state guidelines	
*** Actual charges incurred	

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

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	\$27.75
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	\$10.00

PERMANENT

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***	
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.	

PERMANENT

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
INITIAL FILING FEE	\$39.25
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$192.00
INITIAL FEE - ONE YEAR DESIGN	\$112.75
RENEWAL FEE	\$39.25
RESUBMIT FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan.)	\$56.25
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	\$56.25
Service/feeder Ampacity:	
0 - 100	\$25.00
101 - 200	\$31.25
201 - 400	\$58.25
401 - 600	\$68.75
601 - 800	\$88.50
801 - 1000	\$108.25
Over 1000	\$117.50
Over 600 volts surcharge	\$18.75
Thermostats:	
First	\$11.25
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$10.25
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, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$66.50
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$54.00
FIRST STATION	\$54.00
EACH ADDITIONAL STATION	\$20.00
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$85.75
INITIAL FEE-ONE YEAR DESIGN	\$52.00
RENEWAL FEE	\$52.00
ADDENDUM	\$52.00
PLANS APPROVED BY PROFESSIONALS	\$39.25
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$10.75

PERMANENT

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURE FEES	
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$56.25
TRAVEL (Per hour*)	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$56.25
TRAVEL (Per hour*)	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$158.00
EACH ADDITIONAL SECTION	\$15.50
REISSUED-LOST/DAMAGED	\$39.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$56.25
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$23.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/4 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

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* only)	\$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/Responsee (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.	

PERMANENT

WAC 296-150M-3000 MANUFACTURED HOME FEES	
INITIAL FILING FEE	\$28.00
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$112.75
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$78.75
RENEWAL FEE	\$33.75
RESUBMITAL FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan.)	\$56.25
DEPARTMENT INSPECTION FEES:	
INSPECTION (Per hour*)	\$56.25
OTHER REQUIRED INSPECTIONS (Per hour*)	\$56.25
ALL REINSPECTIONS (Per hour*)	\$56.25
INSIGNIA FEES:	
ALTERATION	\$28.00
REISSUED - LOST/DAMAGED	\$16.50
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$25.75
Second and succeeding inspections of unlabelled sections (Per hour*)	\$56.25
OTHER OPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$56.25
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$56.25
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$56.25
Attendance at manufacturers training classes (Per hour* only)	\$56.25
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$56.25
Alterations to a labeled unit (Per hour* plus travel time* and mileage**)	\$56.25
IPIA issues/Responses (Per hour* Plus travel time* and mileage**)	\$56.25
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$56.25
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$56.25
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage per each inspector)	\$56.25
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$56.25
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$56.25
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$56.25
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$56.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$10.75
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in ½ hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

WAC 296-150P-3000 Recreational park trailer fees.

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)*	\$64.00
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.	

PERMANENT

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
INITIAL FILING FEE	\$28.00
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$78.75
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$104.00
RESUBMITAL FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan)	\$56.25
STATE PLAN/MANUAL FEES:	
INITIAL APPROVAL	\$10.75
RESUBMITTAL FEE	\$56.25
ADDENDUM	\$56.25
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$56.25
TRAVEL (per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$56.25
TRAVEL (per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$10.50
ALTERATION	\$28.00
REISSUED-LOST/DAMAGED	\$10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in ½ hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-041, filed 5/29/98, effective 6/30/98)

WAC 296-150R-3000 Recreational vehicle fees.

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.	

PERMANENT

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.	

PERMANENT

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
STATE PLAN	
INITIAL FILING FEE	\$28.00
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$78.75
RESUBMITAL FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan.)	\$56.25
STATE PLAN/MANUAL FEES:	
INITIAL APPROVAL	\$10.75
RESUBMITTAL FEE	\$56.25
ADDENDUM	\$56.25
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$56.25
TRAVEL (per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$56.25
TRAVEL (per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$10.25
ALTERATION	\$28.00
REISSUED-LOST/DAMAGED	\$10.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in ½ hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

PERMANENT

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
SELF CERTIFICATION	
INITIAL FILING FEE	\$28.00
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one-time fee)	\$78.75
RESUBMITAL FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan.)	\$56.25
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$10.75
RESUBMITAL FEE	\$56.25
ADDENDUM	\$56.25
DEPARTMENT AUDIT FEES:	
AUDIT (per hour) *	\$56.25
TRAVEL (per hour) *	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour) *	\$56.25
TRAVEL (per hour) *	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$10.25
ALTERATION	\$28.00
REISSUED-LOST/DAMAGED	\$10.25
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$10.75
* 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 98-12-041, filed 5/29/98, effective 6/30/98)

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's ~~((renews its))~~ registration is **renewed** before it expires.
- (b) A contractor's ~~((reinstates its))~~ registration is **reinstated** 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.
 - (c) A contractor **reregisters** when ~~((it changes its))~~ **his or her** business structure **changes**.
- (2) The department charges the following fees:
- (a) ~~\$(43.25))~~ **45.00** for each issuance, renewal or reregistration of a certificate of registration.
 - (b) ~~\$(50.00))~~ **45.00** for the reinstatement of a certificate of registration.

- (c) ~~\$(10.50)~~ 10.75 for providing a duplicate certificate of registration.
- (d) ~~\$(20.75)~~ 21.50 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.

AMENDATORY SECTION (Amending WSR 98-22-063, filed 11/2/98, effective 12/3/98)

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 ~~\$(64.50)~~ 67.00
Each additional 500 sq. ft. or portion of ~~\$(20.75)~~ 21.50

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)~~) means that a separate service inspection fee is included on the same electrical work permit and "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

- (ii) Each outbuilding or detached garage inspected (~~with the service~~) at the same time as a dwelling unit on the property ~~\$(27.00)~~ 28.00
- (iii) Each outbuilding or detached garage inspected separately ~~\$(42.50)~~ 44.25
- (iv) Each swimming pool - inspected with the service ~~\$(42.50)~~ 44.25
- (v) Each swimming pool - inspected separately ~~\$(64.50)~~ 67.00
- (vi) Each hot tub, spa, or sauna - inspected with the service ~~\$(27.00)~~ 28.00
- (vii) Each hot tub, spa, or sauna - inspected separately ~~\$(42.50)~~ 44.25
- (viii) Each septic pumping system - inspected with the service ~~\$(27.00)~~ 28.00
- (ix) Each septic pumping system - inspected separately ~~\$(42.50)~~ 44.25
- (b) Multi-family residential and miscellaneous (~~multi-family~~) residential structures, services and feeders (new construction)

Each service and/or feeder

(Service)	Ampacity	Service/Feeder	Additional Feeder
0 to 200		\$(69.50) <u>72.25</u>	\$(20.75) <u>21.50</u>
201 to 400		(86.25) <u>89.75</u>	(42.50) <u>44.25</u>

(Service)	Ampacity	Service/Feeder	Additional Feeder
401 to 600		(118.50) <u>123.25</u>	(59.25) <u>61.50</u>
601 to 800		(151.75) <u>158.00</u>	(81.00) <u>84.25</u>
801 and over		(216.25) <u>225.25</u>	(162.25) <u>169.00</u>

- (c) Single family or multi-family altered services including circuits
- (i) Each altered service and/or altered feeder

(Service)	Ampacity	Service or Feeder
0 to 200		\$(59.25) <u>61.50</u>
201 to 600		(86.25) <u>89.75</u>
over 600		(130.00) <u>135.25</u>

- (ii) Maintenance or repair of meter or mast (no alterations to service or feeder) ~~\$(32.25)~~ 33.50
- (d) Single or multi-family residential circuits only (no service inspection)
- (i) 1 to 4 circuits (see note) ~~\$(42.50)~~ 44.25
Except: Water heater load control devices installed in residences as part of an energy conservation program ~~(26.00)~~ 27.00
The ~~\$(26.00)~~ 27.00 permit fee for water heater load control devices will expire on December 31, 2001.

- (ii) Each additional circuit (see note) 5

Note: 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 ~~\$(42.50)~~ 44.25
- (ii) Mobile home service and feeder ~~(69.50)~~ 72.25
- (iii) Mobile home park sites and RV park sites
- (A) First site service or site feeder ~~(42.50)~~ 44.25
- (B) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder ~~(27.00)~~ 28.00

Note: For master service installations, see subsection (2).

- (2) COMMERCIAL/INDUSTRIAL
- (a) New service or feeder and additional new feeders inspected at the same time (includes circuits)

(Service)	Feeder	Service/Feeder	Additional Feeder
Ampacity			inspected at the same time
0 to 100		\$(69.50) <u>72.25</u>	\$(42.50) <u>44.25</u>
101 to 200		(86.25) <u>89.75</u>	(54.00) <u>56.25</u>
201 to 400		(162.25) <u>169.00</u>	(64.50) <u>67.00</u>
401 to 600		(189.25) <u>197.00</u>	(75.75) <u>78.75</u>
601 to 800		(244.50) <u>254.50</u>	(103.00) <u>107.25</u>
801 to 1000		(298.50) <u>310.75</u>	(124.75) <u>129.75</u>
Over 1000		(325.50) <u>339.00</u>	(173.75) <u>181.00</u>

PERMANENT

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	.....	\$ ((54.00)) <u>56.25</u>
(b)	Altered services or feeders (no circuits)		
(i)	((Service))	Service/	
	Ampacity	Feeder	
	0 to 200	\$ ((69.50)) <u>72.25</u>	
	201 to 600	((162.25)) <u>169.00</u>	
	601 to 1000	((244.50)) <u>254.50</u>	
	Over 1000	((271.50)) <u>282.75</u>	

(ii)	Over 600 volts surcharge	.....	\$ ((54.00)) <u>56.25</u>
(iii)	Maintenance or repair of meter or mast (no alteration to the service or feeder)	.....	((59.25)) <u>61.50</u>
(c)	Circuits only		
(i)	First five circuits per branch circuit panel	.....	\$ ((54.00)) <u>56.25</u>
(ii)	Each additional circuit per branch circuit panel	.....	5

Note: 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.

((e))	Residential	.....	\$ <u>37.25</u>
(b)	Commercial/Industrial	Temporary services, temporary stage or concert productions	

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$ <u>38.75</u>	\$ <u>20.00</u>
((0)) 61 to 100	\$ ((42.50)) <u>44.25</u>	((20.75)) <u>21.50</u>
101 to 200	((54.00)) <u>56.25</u>	((27.00)) <u>28.00</u>
201 to 400	((64.50)) <u>67.00</u>	((32.25)) <u>33.50</u>
401 to 600	((86.25)) <u>89.75</u>	((42.50)) <u>44.25</u>
Over 600	((97.75)) <u>101.75</u>	((48.75)) <u>50.75</u>

~~((e))~~ Temporary stage or concert productions

Ampacity	Service or Feeder	Additional Feeder
0 to 100	\$ <u>42.50</u>	\$ <u>20.75</u>
101 to 200	<u>54.00</u>	<u>27.00</u>
201 to 400	<u>64.50</u>	<u>32.25</u>
401 to 600	<u>86.25</u>	<u>42.50</u>
Over 600	<u>97.75</u>	<u>48.75</u>

Note:)) Temporary 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))~~ (n). The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES ~~((e))~~ (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 - one to six towers	.....	((64.50)) <u>67.00</u>
	Each additional tower	.....	5
(5)	MISCELLANEOUS - commercial/industrial and residential		
(a)	Low voltage thermostats		
(i)	First thermostat	.....	\$ ((32.25)) <u>33.50</u>
(ii)	Each additional thermostat inspected at the same time as the first	.....	((40.25)) <u>10.50</u>

~~((Note: Thermostat is defined as:~~

(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, energy management control systems and similar low energy circuits and equipment		
(i)	First 2500 sq. ft. or less	.....	\$ ((37.25)) <u>38.75</u>
(ii)	Each additional 2500 sq. ft. or portion thereof	.....	((40.25)) <u>10.50</u>
(c)	Signs and outline lighting		
(i)	First sign (no service included)	.....	\$ ((32.25)) <u>33.50</u>
(ii)	Each additional sign inspected at the same time on the same bldg. or structure	.....	((15.50)) <u>16.00</u>
(d)	Berth at a marina or dock	.....	\$ ((42.50)) <u>44.25</u>
	Each additional berth inspected at the same time	.....	((27.00)) <u>28.00</u>

Note: Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a)(i) above.

(e)	Yard pole, pedestal, or other meter loops only	.....	\$ ((42.50)) <u>44.25</u>
	Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations	.....	((40.25)) <u>10.50</u>

(f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$ ~~((81.00))~~ 84.25

(g) Generators((:))
 Portable generators: Permanently installed transfer equipment for portable generators \$ 61.50
 Permanently installed generators: Refer to appropriate residential or commercial new service or feeder section

Note: Generator feeders (for permanently installed generators) and normal system feeders to a single panelboard or disconnect (via an automatic or manual transfer switch) shall each be evaluated as an individual feeder.

(h) Annual permit fee for plant location employing regular electrical maintenance staff - each inspection two hour maximum.

PERMANENT

	Fee	Inspections
1 to 3 plant electricians	\$(4,553.25) <u>1,618.00</u>	12
4 to 6 plant electricians	\$(3,107.75) <u>3,237.50</u>	24
7 to 12 plant electricians	\$(4,661.25) <u>4,856.00</u>	36
13 to 25 plant electricians	\$(6,215.75) <u>6,475.50</u>	52
more than 25 plant electricians	\$(7,770.25) <u>8,095.00</u>	52
(i) Carnival inspections		
(i) First field inspection each year		
(A) Each ride and generator truck	\$(45.50) <u>16.00</u>	
(B) Each remote distribution equipment, concession or gaming show	5	
(C) If the calculated fee for first field inspection of (A) and (B) above is less, the minimum inspection fee shall be:	\$(81.00) <u>84.25</u>	
(ii) Subsequent inspections		
(A) First 10 rides, concessions, generators, remote distribution equipment or gaming show	\$(81.00) <u>84.25</u>	
(B) Each additional ride, concession, generator, remote distribution equipment or gaming show	5	
(iii) First field inspection each year	<u>\$ 67.00</u>	
<u>Single concession or ride, not part of a carnival</u>		
(iv) Subsequent inspections	\$(42.50) <u>44.25</u>	
<u>Single concession or ride, not part of a carnival</u>		
(j) Trip fees		
(i) Requests by property owners to inspect existing installations	\$(64.50) <u>67.00</u>	
(ii) Submitter notifies the department that work is ready for inspection when it is not ready	\$(32.25) <u>33.50</u>	
(iii) Additional inspection required because submitter has provided the wrong address	\$(32.25) <u>33.50</u>	
(iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work	\$(32.25) <u>33.50</u>	
(v) Each trip necessary to remove a noncompliance notice	\$(32.25) <u>33.50</u>	
(vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted	\$(32.25) <u>33.50</u>	
(vii) Installations that are covered or concealed before inspection	\$(32.25) <u>33.50</u>	
(k) Progress inspections		
On partial or progress inspections, each one-half hour	\$(32.25) <u>33.50</u>	
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) supported by the permit fee calculated at the rate in (k) above.		
(l) Plan review fee		
(i) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan review submission fee of	\$(54.00) <u>56.25</u>	
(ii) Supplemental submissions of plans per hour or fraction of an hour	\$(64.50) <u>67.00</u>	
(iii) Plan review shipping and handling fee	\$(45.50) <u>16.00</u>	
(m) Out-of-state inspections		

- (i) Permit fees will be charged according to the fees listed in this section.**
- (ii) Travel expenses:**
All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (n) of this subsection.
- (n) Other inspections**
Inspections not covered by above inspection fees shall be charged portal to portal per hour ~~\$(64.50)~~ 67.00
- ((n)) Refund processing fee**
- (o)**
All requests for permit fee refunds will be assessed a processing fee \$ 10.50
- ((o)) Variance request processing fee**
- (p)**
This fee is nonrefundable once the transaction has been made ~~\$(64.50)~~ 67.00

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

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)	<u>\$ 216.25</u>
(2)(a) Administrator certificate examination application (nonrefundable)	<u>\$ 27.00</u>
(b) Administrator first-time examination fee	\$(62.25) <u>64.75</u>
(c) Administrator re-test examination fee	\$(72.75) <u>75.75</u>
(3) Administrator original certificate (submitted with application)	<u>\$ 64.50</u>
(4) Administrator certificate renewal (per twenty-four month period)	<u>\$ 81.00</u>
(5) Late renewal of administrator certificate (per twenty-four month period)	<u>\$ 162.25</u>
(6) Transfer of administrator designation	<u>\$ 32.25</u>
(7) Certified copy of each document (maximum \$ 45.75 per file)	<u>\$ 20.75 first document</u> <u>\$2 each additional document</u>
(8) Reinstatement of a general or specialty contractor's license after a suspension	<u>\$ 43.50</u>
(9) Reinstatement of an administrator's certificate after a suspension	<u>\$ 43.50</u>
(10) Refund processing fee	<u>\$ 10.50</u>

Note: Failure to appear for an examination results in forfeiture of the examination fee.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-401A-700 Fees for certificates of competency, examination and reciprocity. How much do I pay for a journeyman, specialty, or training certificate, competency examination, or reciprocity?

PERMANENT

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)) <u>50.75</u>
(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	\$ 10.50

Note: Failure to appear for an examination results in forfeiture of the examination fee.

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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)) <u>30.50</u>
\$1,001 TO AND INCLUDING \$15,000	
For the first \$1,001	((41.50)) <u>43.00</u>
For each additional \$1,000 or fraction thereof	((8.25)) <u>8.50</u>
\$15,001 TO AND INCLUDING \$100,000	
For first \$15,001	((158.75)) <u>165.25</u>
For each additional \$1,000 or fraction thereof	5.50
OVER \$100,001	
For first \$100,001	((666.75)) <u>694.50</u>

TOTAL COST	FEE
For each additional \$1,000 or fraction thereof	4.50

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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)) <u>28.00</u>
\$1,001 TO AND INCLUDING \$15,000	
For the first \$1,001	((37.75)) <u>39.25</u>
For each additional \$1,000 or fraction thereof	((7.50)) <u>7.75</u>
\$15,001 TO AND INCLUDING \$100,000	
For first \$15,001	((144.25)) <u>150.25</u>
For each additional \$1,000 or fraction thereof	5.00
OVER \$100,001	
For first \$100,001	((606.25)) <u>631.50</u>
For each additional \$1,000 or fraction thereof	4.00

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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))~~six-dollar processing fee for each refund you request.

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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))~~ one hundred one dollars and seventy-five cents.

PERMANENT

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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))~~
22.25

If more than two sets of plans are submitted, the fee for reviewing each additional set ~~((21.50))~~
22.25

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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 CONVEYANCE	ANNUAL OPERATING PERMIT FEE
Each hydraulic elevator	\$ ((75.75)) <u>78.75</u>
Each roped-hydraulic elevator	((97.75)) <u>101.75</u>
plus \$ ((7.50)) <u>7.75</u> for each hoistway opening in excess of two	((7.50)) <u>7.75</u>
Each cable elevator	((97.75)) <u>101.75</u>
plus \$ ((7.50)) <u>7.75</u> for each hoistway opening in excess of two	((7.50)) <u>7.75</u>
Each cable elevator traveling more than 25 feet without an opening- \$((10.50)) <u>10.75</u> for each 25 foot traveled without openings	((10.50)) <u>10.75</u>
Each limited-use/limited-application elevator	((75.75)) <u>78.75</u>

TYPE OF CONVEYANCE	ANNUAL OPERATING PERMIT FEE
Each sidewalk freight elevator	((75.75)) <u>78.75</u>
Each hand-powered <u>manlift</u> or freight elevator	((48.75)) <u>50.75</u>
((Each hand-powered manlift	48.75))
Each incline elevator in other than a private residence	((97.75)) <u>101.75</u>
Each belt manlift	((75.75)) <u>78.75</u>
Each boat launching elevator	((75.75)) <u>78.75</u>
Each auto parking elevator	((75.75)) <u>78.75</u>
Each escalator	((75.75)) <u>78.75</u>
Each moving walk	((75.75)) <u>78.75</u>
Each dumbwaiter in other than a private residence	((48.75)) <u>50.75</u>
Each people mover	((65.00)) <u>67.50</u>
Each stair lift in other than a private residence	((48.75)) <u>50.75</u>
Each wheel chair lift in other than a private residence	((48.75)) <u>50.75</u>
Each special purpose elevator	((75.75)) <u>78.75</u>
Each personnel hoist	((75.75)) <u>78.75</u>
<u>Each grain elevator personnel lift</u>	<u>78.75</u>
Each material hoist	((75.75)) <u>78.75</u>
Each casket lift	((75.75)) <u>78.75</u>
Each material lift	((65.00)) <u>67.50</u>
Each inclined stairway chair lift in private residence	((16.00)) <u>16.50</u>
Each inclined wheel chair lift in a private residence	((21.50)) <u>22.25</u>

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TYPE OF CONVEYANCE	ANNUAL OPERATING PERMIT FEE
Each vertical wheel chair lift in a private residence	((27.00)) <u>28.00</u>
Each inclined elevator at a private residence	((75.75)) <u>78.75</u>
Each dumbwaiter in a private residence	((21.50)) <u>22.25</u>
Each private residence elevator	((48.75)) <u>50.75</u>
Each private residence elevator installed in other than a private residence	((75.75)) <u>78.75</u>

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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~~)) ninety-one dollars and fifty cents per day plus the standard per diem and mileage allowance granted to department inspectors.

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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~~)) six dollars and twenty-five cents 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.**

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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~~)) seventy dollars and seventy-five cents 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.

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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)) <u>78.75</u>
If a third inspection (reinspection) is required, the fee for each conveyance inspected*	((97.75)) <u>101.75</u>

***These "reinspection" fees are in addition to the fees charged under WAC 296-86A-020, 296-86A-025 and 296-86A-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.

AMENDATORY SECTION (Amending WSR 98-12-043, filed 5/29/98, effective 6/30/98)

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~~))seven dollars and fifty cents. This fee is in addition to any other fees required in this chapter.

This sixty-((~~five~~))seven dollar and fifty cent 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.

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WSR 99-12-081
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed May 28, 1999, 1:26 p.m.]

Date of Adoption: May 24, 1999.

Purpose: Establish state paydates for calendar year 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 99-07-128 on March 24, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 42.16.010 requires that state paydates be established six months prior to calendar year end.

Effective Date of Rule: Thirty-one days after filing.

May 28, 1999

Mildred Lund

for Lynne McGuire

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-14-079, filed 6/30/98, effective 6/30/98)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1998)) 1999 and ((1999)) 2000:

((CALENDAR YEAR 1998
 Friday, January 9, 1998
 Monday, January 26, 1998
 Tuesday, February 10, 1998
 Wednesday, February 25, 1998
 Tuesday, March 10, 1998
 Wednesday, March 25, 1998

CALENDAR YEAR 1999
 Monday, January 11, 1999
 Monday, January 25, 1999
 Wednesday, February 10, 1999
 Thursday, February 25, 1999
 Wednesday, March 10, 1999
 Thursday, March 25, 1999

((CALENDAR YEAR 1998
 Friday, April 10, 1998
 Friday, April 24, 1998
 Monday, May 11, 1998
 Friday, May 22, 1998
 Wednesday, June 10, 1998
 Thursday, June 25, 1998
 Friday, July 10, 1998
 Friday, July 24, 1998
 Monday, August 10, 1998
 Tuesday, August 25, 1998
 Thursday, September 10, 1998
 Friday, September 25, 1998
 Friday, October 9, 1998
 Monday, October 26, 1998
 Tuesday, November 10, 1998
 Wednesday, November 25, 1998
 Thursday, December 10, 1998
 Thursday, December 24, 1998

CALENDAR YEAR 1999
Monday, January 11, 1999
Monday, January 25, 1999
Wednesday, February 10, 1999
Thursday, February 25, 1999
Wednesday, March 10, 1999
Thursday, March 25, 1999
Friday, April 9, 1999
Monday, April 26, 1999
Monday, May 10, 1999
Tuesday, May 25, 1999
Thursday, June 10, 1999
Friday, June 25, 1999
Friday, July 9, 1999
Monday, July 26, 1999
Tuesday, August 10, 1999
Wednesday, August 25, 1999
Friday, September 10, 1999
Friday, September 24, 1999
Friday, October 8, 1999
Monday, October 25, 1999
Wednesday, November 10, 1999
Wednesday, November 24, 1999
Friday, December 10, 1999
Thursday, December 23, 1999

CALENDAR YEAR 1999
 Friday, April 9, 1999
 Monday, April 26, 1999
 Monday, May 10, 1999
 Tuesday, May 25, 1999
 Thursday, June 10, 1999
 Friday, June 25, 1999
 Friday, July 9, 1999
 Monday, July 26, 1999
 Tuesday, August 10, 1999
 Wednesday, August 25, 1999
 Friday, September 10, 1999
 Friday, September 24, 1999
 Friday, October 8, 1999
 Monday, October 25, 1999
 Wednesday, November 10, 1999
 Wednesday, November 24, 1999
 Friday, December 10, 1999
 Thursday, December 23, 1999))

CALENDAR YEAR 2000
Monday, January 10, 2000
Tuesday, January 25, 2000
Thursday, February 10, 2000
Friday, February 25, 2000
Friday, March 10, 2000
Friday, March 24, 2000
Monday, April 10, 2000
Tuesday, April 25, 2000
Wednesday, May 10, 2000
Thursday, May 25, 2000
Friday, June 9, 2000
Monday, June 26, 2000
Monday, July 10, 2000
Tuesday, July 25, 2000
Thursday, August 10, 2000
Friday, August 25, 2000
Monday, September 11, 2000
Monday, September 25, 2000
Tuesday, October 10, 2000
Wednesday, October 25, 2000
Thursday, November 9, 2000
Wednesday, November 22, 2000
Monday, December 11, 2000
Friday, December 22, 2000

WSR 99-12-082
PERMANENT RULES
GAMBLING COMMISSION

[Order 372—Filed May 28, 1999, 2:27 p.m., effective July 1, 1999]

Date of Adoption: May 14, 1999.

Purpose: No rules were in place governing payment terms on lease, rental, and license agreements between a manufacturer or distributor and operators. This new rule sets out the procedures for payment terms and restricts the use of

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credit for leasing or renting gambling equipment and licensing of card games. This will bring consistency with rules governing the sale of gambling equipment.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 99-08-093 on April 6, 1999, with a publication of April 21, 1999.

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 1, 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: July 1, 1999.

May 28, 1999

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-12-345 Leases, rentals, and license agreements—Requirements—Restrictions. Manufacturers and distributors may lease or rent gambling equipment, other than punch boards, pull-tabs, bingo paper, bingo supplies, playing cards, and other consumable gambling-related equipment or devices to operators. In addition, manufacturers may enter into license agreements with operators permitting them to use their patented, copyrighted, or trademarked card games. All operating leases, rentals, or license agreements must be transacted on a cash basis only, except as provided in subsection (2) of this section. The following requirements and procedures shall apply:

(1) For purposes of this section, lease, rental, or license fees must be received by the manufacturer or distributor in advance of the period in which the equipment, device, or card game is to be used. Agreements shall be constructed so that regularly scheduled payments comply with this condition: Provided, That fees from electronic bingo equipment may be based on the amount of usage a device receives, as outlined in subsection (2) of this section.

(2) Fee structures for electronic bingo equipment may be based on usage, under the following circumstances:

(a) Fees may be determined by the number of times a device is used or the number of bingo sessions in which devices are utilized;

(b) Fees may not be determined by a percentage of sales, the number of bingo cards sold through the device, or the average amount a player spends on a device;

(c) Fees must be billed at least every thirty days and invoices must be dated within fifteen days from the end of each thirty-day period; and

(d) Fees must be received by the manufacturer or distributor within thirty days of the invoice date.

(3) When an operator fails to pay regularly scheduled payments in accordance with subsection (1) or (2) of this section, the following procedures shall apply:

(a) If payment is not received within ten days of the payment due date, the manufacturer or distributor shall notify the delinquent operator and the commission by the end of the next business day. The following information shall be reported:

(i) Operator's name;

(ii) Delinquent amount and due date; and

(iii) Any relevant information about the account if it is delinquent.

(b) If payment is not received within twenty days, the manufacturer shall notify the operator that it must cease using or operating the equipment, device, or card game immediately.

(c) If payment is still not received within thirty days, the manufacturer or distributor shall remove any equipment, device, or card game materials provided under the agreement from the licensed premises within five days. The commission shall be notified of the date and time removal is to occur.

(d) When a manufacturer or distributor receives an operator's delinquent payment, it shall notify the commission by the end of the next business day.

(4) Any freight, delivery, installation, or other set up fees must be paid within thirty days of the delivery date.

(5) Operators that fail to pay for lease, rental, or license fees by the date due may be deemed to have solicited credit.

(6) Manufacturers or distributors that fail to comply with the procedures noted above may be deemed to have extended credit.

(7) All capital leases for the sale of gambling equipment shall comply with WAC 230-12-340.

WSR 99-12-085
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 1, 1999, 10:15 a.m.]

Date of Adoption: June 1, 1999.

Purpose: Set fees for burning permits and specify other conditions for written burning permits.

Citation of Existing Rules Affected by this Order: Amending WAC 332-24-221.

Statutory Authority for Adoption: RCW 70.94.660 and 76.04.205.

Adopted under notice filed as WSR 99-08-117 on April 7, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 1, 1999

Charlie Baum

Supervisor

AMENDATORY SECTION (Amending WSR 98-13-068, filed 6/15/98, effective 8/1/98)

WAC 332-24-221 Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:

(1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.

(2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be ~~((twenty four dollars seventy five))~~ twenty-five dollars fifty cents for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris	Fee schedule
100 - 500 tons	((123)) <u>\$127</u>
501 - 1,000 tons	((379)) <u>391</u>
1,001 - 1,500 tons	((634)) <u>651</u>
1,501 - 2,000 tons	((885)) <u>914</u>
2,001 - 2,500 tons	((1,138)) <u>1,175</u>
2,501 - 3,000 tons	((1,392)) <u>1,438</u>
3,001 - 3,500 tons	((1,643)) <u>1,697</u>
3,501 - 4,000 tons	((1,897)) <u>1,959</u>
4,001 - 4,500 tons	((2,151)) <u>2,222</u>
4,501 - 5,000 tons	((2,404)) <u>2,483</u>
5,001 - 5,500 tons	((2,658)) <u>2,746</u>
5,501 - 6,000 tons	((2,911)) <u>3,007</u>
6,001 - 6,500 tons	((3,166)) <u>3,271</u>
6,501 - 7,000 tons	((3,419)) <u>3,532</u>
7,001 - 7,500 tons	((3,673)) <u>3,794</u>
7,501 - 8,000 tons	((3,926)) <u>4,056</u>
8,001 - 8,500 tons	((4,180)) <u>4,318</u>
8,501 - 9,000 tons	((4,433)) <u>4,580</u>
9,001 - 9,500 tons	((4,688)) <u>4,843</u>
9,501 - 10,000 tons	((4,939)) <u>5,102</u>
10,001 + tons	((5,193)) <u>5,365</u>

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

WSR 99-12-091

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed June 1, 1999, 2:04 p.m., effective January 1, 2000]

Purpose: Chapters 296-24 and 296-301 WAC, amendments to these previously adopted rules were made to clear rule write the regulation. No new requirements were imposed on employers, and protection for employees is equal to current protection. WISHA planned to develop a users guide to assist small business owners who felt the performance-based standard would be more difficult to comply with. Development of the user guide has taken longer than expected. Because the guide will benefit small business owners by giving them more specific compliance advice, WISHA is extending the effective date of the standard to ensure the user guide is available to employers before the standard becomes effective.

Statutory Authority for Adoption: RCW 49.17.040.

Adopted under notice filed as WSR 98-10-073 on May 20, 1998. **First Correction** to this adoption was adopted under notice filed as WSR 98-24-120 on December 2, 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 19, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 19, Repealed 0.

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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 19, Repealed 0.
Effective Date of Rule: January 1, 2000.

May 28, 1999
Gary Moore
Director

WSR 99-12-104
PERMANENT RULES
WINE COMMISSION
[Filed June 2, 1999, 8:24 a.m.]

Date of Adoption: June 2, 1999.

Purpose: The rule change increases the maximum rate of assessments on vinifera grapes from three dollars per ton to six dollars per ton and the maximum rate on wine from \$0.02 per gallon to \$0.04 per gallon.

Citation of Existing Rules Affected by this Order:
Amending WAC 16-575-015.

Statutory Authority for Adoption: Chapter 15.88 RCW.
Other Authority: Chapter 303, Laws of 1997.

Adopted under notice filed as WSR 99-06-070 on March 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: Language was changed from the proposed version to clarify the intent of the rule to distribute the assessment increase proportionally between wine producers and wine grape growers and eliminate unnecessary and redundant statement regarding procedures to adjust assessments.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 2, 1999
Steve Burns
Executive Director

NEW SECTION

WAC 16-575-015 Rate of assessment—Method of adjustment—Notice. (1) Beginning on July 1, 1999 the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than six dollars

per ton. The assessment rate for wine producers shall not be less than \$0.02 per gallon nor more than \$0.04 per gallon. The Washington Wine Commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. *Provided*, ~~((that no increase in the assessment on grape growers or wine producers becomes effective unless the increase is first referred by the commission to a referendum by the grape growers and wine producers in accordance with RCW 66.24.215 and chapter 15.88 RCW))~~ that any adjustment in the assessment rate by the Commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.

Reviser's note: The unnecessary strike through and underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 99-12-110
PERMANENT RULES
UNIVERSITY OF WASHINGTON
[Filed June 2, 1999, 9:21 a.m.]

Date of Adoption: May 21, 1999.

Purpose: To ensure that the rules governing the disclosure of student records for the University of Washington are in compliance with mandated modifications to the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-140-060; and amending WAC 478-140-010, 478-140-015, 478-140-018, 478-140-021, 478-140-024, 478-140-050, and 478-140-070.

Statutory Authority for Adoption: RCW 28B.20.130.

Adopted under notice filed as WSR 99-08-056 on April 1, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 7, Repealed 1; 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 7, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 7, 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 2, Amended 7, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

May 28, 1999

Rebecca Goodwin Deardorff
Administrative Procedures Officer

Chapter 478-140 WAC

RULES AND REGULATIONS FOR THE UNIVERSITY OF WASHINGTON GOVERNING (~~DISCLOSURE OF~~) STUDENT EDUCATION RECORDS

AMENDATORY SECTION (Amending Order 75-1, filed 3/5/75)

WAC 478-140-010 University policy on student education records. (~~Public Law 93-380;~~) The Family Educational Rights and Privacy Act of 1974, ((requires that the university adopt guidelines concerning)) 20 U.S.C. Sec. 1232g, provides for the right of a student to inspect his or her education records, and guidelines concerning the release of ((personally identifiable information)) those records to third parties. The act further provides that such a student ((has the right to)) may request a hearing in order to ((provide for the correction or deletion of)) correct or delete inaccurate, misleading or otherwise inappropriate data, and that currently registered students be informed annually of their rights under the act. ((The act also provides that students be informed annually of the types of education records maintained by the university that are directly related to students.)) Any student who alleges a failure by the university to comply with the act has the right to file a complaint with the U.S. Department of Education.

Consistent with ~~((that))~~ the act, this policy on student education records is established to ~~((insure))~~ ensure that the education records and the information contained in such records ((is)) are treated in a responsible manner ((with due regard to the personal nature of the information)).

AMENDATORY SECTION (Amending Order 79-1, filed 4/18/79)

WAC 478-140-015 Definition of a student. For the purposes of these rules, a student is defined as any person who is or has been admitted or is or has been officially registered in courses at the University of Washington for at least one day of an academic program and with respect to whom the university maintains education records ((or personally identifiable information)); except that a person who has

applied ((for admission to, but has never been in attendance at, a component unit of the university (i.e., college, school, or department; undergraduate, graduate, or professional program), even if that person is or has been in attendance at another component unit of the university, is not considered to be a student with respect to the component unit to which an application for admission has been made but to which admittance was denied)) to a unit of the university (e.g., college, department, graduate or professional program) is not considered to be a student of that unit, even if he or she is or has been attending another unit of the university, if he or she never attended the unit applied to and/or the application is denied. For most individuals, this means one day of an academic quarter.

AMENDATORY SECTION (Amending Order 79-1, filed 4/18/79)

WAC 478-140-018 Education records—Student's right to inspect. (1) A student has the right to inspect and review his or her education records except where otherwise provided in this chapter.

(a) The term "education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the university.

(b) Types of education records, and the university officials responsible for those records, include, but are not limited to:

(i) Official transcripts of courses taken and grades received~~((;))~~, records relating to prior ~~((educational))~~ education experience, and admission records. The executive director of admissions and records, whose office is located in Schmitz Hall, is ((the official)) responsible for the maintenance of such records. In addition, the director of graduate admissions ((officer)), whose office is located in ((administration building)) Gerberding Hall, is ((the official)) responsible for the maintenance of certain admission~~((s))~~ and current education status records for graduate students, as are the admission directors of the professional schools of dentistry, law, medicine and pharmacy.

(ii) Tuition and fee payment records. The manager of the student accounts office, located in Schmitz Hall, is ~~((the official))~~ responsible for the maintenance of such records.

(iii) Student disciplinary records ~~((are the responsibility of)).~~ The vice president for student affairs, whose office is located in Schmitz Hall, is responsible for the maintenance of such records.

(iv) ~~((Individual))~~ Education records relating to a student's particular field of study may be maintained by the departments and~~((or))~~ colleges throughout the university. Where such education records are so maintained, the respective ~~((chairperson))~~ chair or dean of the department or college is ~~((the university official))~~ responsible for maintenance of the records.

~~((b))~~ (c) The term "education records" does not include:

(i) ~~((Working papers concerning students that are maintained by faculty and graduate student service appointees, such as informal notes, memory aids or other temporary~~

~~records of a similar nature which are in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. A substitute may be defined as:))~~ Any record of instructional, supervisory, administrative or educational personnel which is in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. For the purposes of this subsection, substitute means:

(A) A person who is providing instruction in place of or as assistant to the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction, or

(B) A person who is supervising a student's thesis or research progress in place of or as an assistant to the regularly assigned faculty member during a prolonged absence.

~~(ii) ((If the personnel of the university police department do not have access to education records under WAC 478-140-024(1), the records and documents of the police department which~~

~~(A) Are kept apart from records described in WAC 478-140-018 (1)(a);~~

~~(B) Are maintained solely for law enforcement purposes, and~~

~~(C) Are not made available to persons other than law enforcement officials of the same jurisdiction.))~~ Records created and maintained by the University of Washington police department for the purposes of law enforcement, except that education records created by another university department remain education records while in the possession of the police department.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes ~~((= Provided,));~~ however, ~~((That))~~ records concerning a student who is employed as a result of his or her status as a student (e.g., graduate student service appointments) shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Health care records on a student ((which)) that are created or maintained by a ((physician, psychiatrist, psychologist or other recognized professional or para-professional acting in his professional or para-professional capacity, or assisting in that capacity and which are created, maintained or used only)) health care provider or health care facility in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment((= Provided, however, That such records can be personally reviewed by a physician or other appropriate professional)), the student, or a health care provider of the student's choice (see also chapter 70.02 RCW).

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the university (e.g., information pertaining to the accomplishment((s)) of an ((alumni)) alumnus or alumna).

(2)(a) Confidential recommendations, evaluations or comments concerning a student, ((whether or not provided in confidence, either expressed or implied, as between the author and the recipient,)) shall nonetheless be made available to the student, except as provided in ((paragraphs)) (b), (c) and (d) of this subsection.

(b) The student may specifically ~~((release))~~ waive his or her right to inspect and review education records where the information consists only of confidential recommendations respecting the student's:

(i) Admission to the University of Washington or any other educational institution, or component part thereof, or

(ii) ~~((An))~~ Application for employment, or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right ~~((of access))~~ to inspect and review confidential statements shall ((apply)) be valid only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning ~~((him))~~ the student, the dates of such confidential statements and the purpose or purposes for which the statements were provided, and

(ii) Such confidential statements are used solely for the purpose or purposes for which they were ~~((originally intended))~~ provided, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the university, and

(iv) Such waiver is in writing and signed and dated by the student.

(d) Such a waiver may be revoked, in writing, by the student; however, the revocation will be effective only for confidential statements or records dated after the date of the revocation.

(e) Confidential recommendations, evaluations or comments concerning a student ((that have been provided in confidence, either expressed or implied, as between the author and the recipient,)) prior to January 1, 1975, shall not be subject to release under WAC 478-140-018 (2)(a)((= Provided,)); however, ~~((That))~~ upon request the student ~~((is))~~ shall be notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the ((institution)) university only for the purpose or purposes for which they were ((originally intended)) provided.

(3) Where requested education records ((or data)) include information on more than one student, the student making the request shall be entitled to ((receive)) inspect, review or be informed of only ((that part of the record or data that pertains to)) the specific portion of the record about that student.

(4) A student may not inspect and review education records that are or contain financial records of his or her parents.

(5) Students ((have the right to)) may obtain copies of their education records. Charges for ((the)) copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved ((by regential action)) for certain specified services((, such as transcripts and grade sheets))).

~~((5))~~ (a) The university may refuse to provide copies of education records including transcripts and diplomas in the following circumstances:

(i) If the record is a secure exam as determined by the department that maintains the exam, so that the integrity of such exams may be protected;

(ii) If the student has outstanding debts owed to the university, so that the university may facilitate collection of such debts;

(iii) If disciplinary action is pending or sanctions are not completed.

(b) The university must provide copies of education records, subject to the provisions of (a) of this subsection, in the following circumstances:

(i) If failure to do so would effectively prevent the student from inspecting and reviewing a record;

(ii) When records are released pursuant to a student's consent and the student requests copies; and

(iii) When the records are transferred to another educational agency or institution where the student seeks or intends to enroll and the student requests copies.

(6) The office of the registrar is the ((official custodian of academic records and therefore is the)) only ((official who)) office which may issue ((a)) an official transcript of the student's ((official)) academic record.

((6)) (7) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 478-140-018 ((and)) or 478-140-021 be removed or destroyed prior to providing the student access.

NEW SECTION

WAC 478-140-019 Student records committee. The student records committee is appointed by the president of the university and shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The committee shall also be responsible for hearing appeals as defined in WAC 478-140-021. The committee shall consist of an administrator, a graduate student, an undergraduate student, two faculty and two university staff members. The committee will be advised by a representative of the university's attorney general's division.

AMENDATORY SECTION (Amending Order 79-1, filed 4/18/79)

WAC 478-140-021 Requests and appeal procedures.

(1) A request by a student ~~((for))~~ to inspect and review ((of information)) his or her education records should be made in writing to the university ~~((individual(s)))~~ official(s) or office(s) having custody of the particular records.

(2) ~~((A.))~~ Individual(s) or office(s) must respond to a request for education records, or explanations or interpretations of those records, within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(3)(a) After reviewing his or her records, a student may ~~((challenge the content of))~~ ask the university to amend the records if ((they are felt to be)) the student believes information contained in the records is inaccurate((;) or misleading ((or otherwise in violation of the privacy or other rights of the

student)). In such cases, the student should contact the appropriate dean or director responsible for custody of the record. The responsible party must inform the student of the party's decision within a reasonable period of time.

If the responsible party grants the student's request, the university shall amend the education records and inform the student in writing of the action taken.

~~((In cases where a student has been unable to correct or delete such inaccurate, misleading or otherwise inappropriate data, he or she may request a hearing by the university's student records committee. The student records committee will render its decision within a reasonable period of time following the hearing. The decision of the student records committee shall be final.))~~ If the party receiving a request to amend an education record denies the student's request, the party must, within a reasonable period of time, inform the student of the decision and the student's right to a hearing before the university student records committee. The student must request in writing, addressed to the office of the registrar in Schmitz Hall, a hearing within ninety days of the date of the denial of his or her request by the custodian of the record.

(c) The committee shall hold a hearing within a reasonable period of time after the student files a request for a hearing. The student must receive notice of the hearing's date, time and place reasonably in advance of the hearing. The committee shall give the student a full and fair opportunity to present evidence relevant to the contested part of the education record. The student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney. The student records committee will render its decision in writing within a reasonable period of time following the hearing. The decision must be based on the records relevant to the matter and on any evidence presented to the committee. The decision must include a brief summary of the evidence and a statement of the reasons supporting the decision. The decision of the student records committee shall be the university's final decision.

(i) ~~((, as a result of the hearing,))~~ the university student records committee ((decides that the information the student complained of is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students, it)) grants the student's appeal, the university shall amend the education records of the student accordingly and shall inform the student in writing of the action taken.

(ii) ~~((, as a result of the hearing,))~~ the university student records committee ((decides that the information the student complained of is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student)) denies the student's appeal, the student shall be given the right to place in the education record a statement commenting upon the information in the education record and/or setting forth any reasons for disagreeing with the decision of the university student records committee. The university must maintain the statement with the contested part of the record for as long as the record is maintained and must disclose the statement whenever it discloses the portion of the record to which the statement relates.

~~((e))~~ In no case shall any request for review by a student be considered by the university's student records committee

~~which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record-)~~

(d) The student records committee shall not review any matter regarding the appropriateness of official academic grades ~~(, in that each school or college within the university provides appropriate review procedures in this area).~~

AMENDATORY SECTION (Amending Order 79-1, filed 4/18/79)

WAC 478-140-024 Education records—Release ~~(of personally identifiable records)~~. (1) The university shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information ~~(,)~~" (as defined in ~~(section 5) hereof~~) subsection (5) of this section, without the written consent of the student, to any party other than the following:

(a) University staff ~~(,)~~ and faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest in support of the university's mission of education, research and public service and within the performance of their responsibilities to the university ~~(, with the understanding that its)~~. The use of such information will be strictly limited to the performance of those responsibilities.

(b) ~~(Federal and state officials)~~ Authorized representatives of the comptroller general of the United States, the Secretary of the U.S. Department of Education, or state or local authorities requiring access to education records, in connection with the audit ~~(and)~~ or evaluation of a federally- or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such a program. ~~(In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements-)~~

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid if the information is necessary to determine:

(i)(A) Eligibility for financial aid;

(B) The amount of financial aid; or

(C) The conditions for financial aid;

(ii) Or, enforce the terms and conditions of financial aid.

(d) Organizations conducting studies for or on behalf of the university or educational agencies or institutions for purposes of developing, validating, or ~~(administering predictive tests,)~~ administering student aid programs, ~~(and)~~ or improving instruction or student services, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, or as a consequence of the university initiating legal action against a parent or student, upon condition that the university makes a reasonable effort to notify the student ~~(is notified)~~ of all such orders or subpoenas or of its intent to release records in advance of ~~(the)~~ compliance ~~(therewith)~~ or release, unless directed otherwise by the court issuing the subpoena. Any university individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general's division.

(g) Alleged victims of a crime of violence or a nonforcible sexual offense requesting the final results of disciplinary proceedings conducted by the university under its student conduct code against the alleged perpetrator of such crime with respect to such crime.

(h) To others, the final results of a disciplinary proceeding when, at its discretion the university believes that disclosure will serve a legitimate educational interest, and determines through a disciplinary proceeding conducted under its student conduct code that the alleged student perpetrator committed a crime of violence or a nonforcible sexual offense that is a violation of the university's rules or policies with respect to such crime or offense. For purposes of this subsection, "final results" means the name of the student perpetrator, the violation committed, and any sanction imposed by the university on that student. Names of other students involved in the violation, such as a victim or witness, will be released only with the written consent of that other student or students.

(i) For the purpose of (g) and (h) of this subsection, a "crime of violence" means:

(i) An offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(ii) An offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(j) Victims alleging a sexual offense shall be notified of the outcome of disciplinary proceedings through the student conduct code (chapter 478-120 WAC).

(k) Officials of another institution of postsecondary education where the student seeks to enroll; the university shall provide the student a copy of the records released.

(l) Officials of another postsecondary institution or educational agency in which the student is enrolled or from which the student receives services when there is a legitimate educational interest.

(m) State or local officials or authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities. The university may limit the number and type of officials to whom disclosure will be made under this subsection.

(n) A parent of a minor student or a nonminor dependent student, as defined in the Internal Revenue Code and upon submission of a copy of the most recent Internal Revenue Service annual tax return showing the student as a dependent.

(o) When, at its discretion, it believes that disclosure will serve a legitimate educational interest, the university may

release to a parent or legal guardian of a student, information regarding that student's violation of any federal, state, or local law, or of any rule or policy of the university, governing the use or possession of alcohol or a controlled substance if:

- (i) The student is under the age of twenty-one, and
- (ii) The university determines that the student has committed a disciplinary violation with respect to such use or possession.

(p) Appropriate persons in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual(s).

(q) Appropriate persons for whom information about the student's university-sponsored student health insurance status is necessary to protect the welfare of the student (e.g., to pay premiums, provide medical treatment, process claims).

(r) For deceased students, members of the family or to other persons with the approval of the family or representatives of the estate. The request for education records must be accompanied by a copy of the death certificate or obituary. Absent approval from the family or representative of the estate, directory information only will be released to persons upon request.

(2) Where the consent of ~~((a))~~ the student is obtained for the release of education records, it shall be in writing, signed and dated by the ((person giving such consent)) student, or through the use of computer technology if the identification of the requesting student can be verified by the university, and shall include:

- (a) A specification of the records to be released,
- (b) The reasons for such release, and
- (c) The names of the parties to whom such records ~~((will))~~ may be released.

~~((In cases where records are made available without student release as permitted by WAC 478-140-024 (1)(b), (e), (d), (e) and (f);))~~ The university shall ((maintain a record kept)) keep with the education record released, a log which will indicate the parties which have requested or obtained access to a student's records maintained by the university, including the names of additional parties to whom the receiving party was permitted by the university to disclose the record, and which will indicate the ((legitimate)) interest ((of)) claimed by the ((investigating)) requesting party. ((Releases in accordance with WAC 478-140-024 (1)(a) need not be recorded-)) The university need not maintain a log of releases made to university officials who have been determined to have a legitimate educational interest; releases to the student; releases made pursuant to a student's written consent, or releases of directory information only. The ((records)) log of disclosure may be inspected and reviewed by the student, the university official responsible for the custody of the records, and other authorized parties.

(4) ~~((Personally identifiable))~~ Education records, other than directory information, released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released ((in a personally identifiable form)) to any other parties without obtaining consent of the student and must be destroyed when no longer needed for the purposes for which it was provided. Third parties and their agents may

use such information only for the purposes for which it was released.

(5) The term "directory information" used in WAC 478-140-024(1) is defined as a student's name, street address, e-mail address, telephone numbers, date ((and place)) of birth, major ((field)) and minor field(s) of ((studies;)) study, class, participation in officially-recognized ((sports)) activities and sports, weight and height ((of members of athletic teams)) if the student is a member of an intercollegiate athletic team, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may ((request that the university not)) restrict release of directory information, or remove a previous directory release restriction, by ((so indicating on their registration form or through written notice to the Registration Department of the Registrar's Office, 225 Schmitz Hall, Window 3, 1400 N.E. Campus Parkway)) going to the registration office (225 Schmitz Hall) in person and presenting photo identification, or using STAR online.

~~((6))~~ Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s);)

AMENDATORY SECTION (Amending Order 75-1, filed 3/5/75)

WAC 478-140-050 University records. All university individual(s) or office(s) which have custody of education records will develop procedures in accord with WAC 478-140-010 through ~~((478-140-060))~~ 478-140-024. Any supplementary ~~((regulations))~~ policies and procedures found necessary by departments will be filed with the student records committee, which will be responsible for periodic review of policy and procedures.

~~((1))~~ Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

~~((2))~~ No records shall be kept that reflect a student's political or ideological beliefs or associations;)

AMENDATORY SECTION (Amending Order 79-1, filed 4/18/79)

WAC 478-140-070 Notice of university rules governing student education records ((policy)). ~~((Each year during fall quarter,))~~ The university ((publishes)) will publish in the quarterly *Time Schedule* a notice of students' rights under the Family Educational Rights and Privacy Act of 1974((, and the regulations interpreting that act, and the university rules and regulations governing disclosure of student records implementing the act, in the *University of Washington Daily newspaper*)). Copies of the university rules are ((printed and)) available through the Washington Administrative Code located in the reference stations ~~((throughout))~~ on campus.

~~((In addition, the University of Washington Bulletin, distributed to all new students upon entrance to the university, contains references to the university rules and regulations governing disclosure of student records.))~~ The university shall provide copies of these rules to students upon request.

NEW SECTION

WAC 478-140-080 Appeals to the U.S. Department of Education. Students may file complaints with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of the Family Educational Rights and Privacy Act or its implementing regulations.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-140-060 Student records committee.

**WSR 99-12-129
PERMANENT RULES
LIQUOR CONTROL BOARD**

[Filed June 2, 1999, 11:43 a.m.]

Date of Adoption: June 2, 1999.

Purpose: To simplify the administrative violation process for persons who allegedly violate the liquor laws and rules. The changes include a simplification to the process to inform licensees who allegedly commit first-time violations without aggravating or mitigating circumstances to be informed what the proposed penalty will be upon notice of the violation. Currently, licensees must wait for the process to go through several steps before they are made aware of the proposed penalty.

Citation of Existing Rules Affected by this Order: Amending WAC 314-04-005.

Statutory Authority for Adoption: RCW 66.08.030, 66.44.010, 66.24.010(3).

Adopted under notice filed as WSR 99-08-014 on March 29, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 2, 1999

Eugene Prince

Chair

AMENDATORY SECTION (Amending Order 35, filed 7/2/75)

WAC 314-04-005 ~~((Prehearing summary disposition.))~~ What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation? ~~((Prior to a hearing pursuant to WAC 314-04-010, the licensee may be afforded an alternative under the terms of RCW 34.04.090(3) to waive an opportunity for such a hearing and agree to a proposed summary disposition of the charges. The summary disposition may include suspension or cancellation of a license or imposition of a monetary penalty in lieu of the proposed summary suspension. The proposed summary disposition shall be determined and administered in the following manner:~~

(1) ~~Upon receipt by the board of an investigative report, referred complaint or other information indicating a possible violation on the part of a licensee, such report shall be processed by the enforcement division and be forwarded to the assistant attorney general assigned to the board, hereafter referred to as attorney, to determine if reasonable cause exists to believe that a violation has occurred.~~

(2) ~~If the attorney determines that reasonable cause exists to believe that a violation has occurred, he shall propose a course of action to the board for its consideration, and the board shall determine whether to accept the initial proposal or order another proposed disposition. After review by the board, the board may direct that a written notice of its proposed order of summary disposition, hereafter notice, be served upon the licensee.~~

(3) ~~The notice will be prepared by the hearing division. Such notice shall fully advise the licensee of all charges reasonably believed to have been committed and specify the board's summary disposition. The notice shall also include an explanation that any proposed penalty is not final but will automatically become final if the licensee does not request a hearing within ten days of receipt of the notice.~~

(4) ~~The board may in its discretion offer the licensee an opportunity for payment of a monetary penalty in lieu of suspension. Such an opportunity shall be explained on the notice and the notice will include either the monetary penalty or, by attachment, a certificate of gross profit from liquor sales, hereafter referred to as certificate, to compute the monetary penalty. The certificate must be returned within ten days of receipt of the notice along with payment, unless additional time is requested in writing, or the suspension will not be vacated.~~

(5) ~~The notice shall include by attachment a form upon which a request for a hearing can be made. The notice shall be signed by the board, after which the hearing division shall serve the notice and attachments upon the licensee.~~

(6) ~~If the licensee requests a hearing, written acknowledgment of the request will be sent the licensee by the hear-~~

PERMANENT

~~ing division and the hearing will proceed as described by the terms of WAC 314-04-010.~~

~~(7) The licensee may request in writing, and the hearing division may grant an extension of time, not to exceed ten days, in which to make a determination whether to request a hearing.~~

~~(8) If a licensee fails to request a hearing within the prescribed period and the proposed summary penalty becomes effective, the licensee may petition the board in writing to set aside the penalty for good cause shown. Mere inattention on the part of a licensee is not, by itself, grounds to set aside a penalty.~~

~~(9) The board, in its discretion, may determine to issue letters of caution or admonition in lieu of directing that notice with penalty be served on a licensee or determine that a formal hearing be instituted in lieu of serving a notice with penalty on the licensee.)~~ (1) When an enforcement agent believes that a licensee has violated a board statute or regulation, the agent will prepare an administrative violation notice (AVN), which will include a brief narrative description of the violation(s) the agent is charging and the dates of the violation(s).

(2) The agent will give a copy of this AVN to the licensee and to the supervisor in the board enforcement region where the licensee is located.

(3) After the supervisor reviews and approves the AVN, it will be routed to the headquarters office of the enforcement and education division.

(4) After the headquarters office of the enforcement and education division reviews and concurs with the AVN, it will be routed to the office of the attorney general.

(5) An assistant attorney general will review the proposed charge to make sure it is legally sufficient. Once the assistant attorney general has approved the AVN, it will be sent to the board's hearing coordinator.

(6) The board's hearing coordinator will circulate the AVN to the board members for review.

(7) Once the board members have approved the AVN, the board's hearing coordinator will send a notice of initial board action to the licensee. This notice of initial board action will notify the licensee of the charged violation(s) and the recommended penalty as outlined in WAC 314-12-170 and 314-12-300 through WAC 314-12-340, and will offer the licensee the options outlined in WAC 314-04-007.

NEW SECTION

WAC 314-04-006 Are the notification procedures different for an alleged first-time violation of a board statute or regulation? (1) A board enforcement agent may immediately issue an AVN notice to a licensee without going through the steps outlined in WAC 314-04-005 (2) through (7), under the following conditions:

(a) The charge would be the first time a licensee has violated the specific statute or regulation; and

(b) The agent believes the standard penalty is appropriate.

(2) The AVN will contain the recommended standard penalty and will notify the licensee of the option to request an

administrative hearing in writing within ten days of receipt of the AVN or to request a settlement conference.

(3) No further review will be made of the charge by the board members or by the office of the attorney general.

(4) The AVN will constitute the notice of initial board action in these cases and the remaining steps in the prehearing procedure as outlined in WAC 314-04-007 will be followed.

NEW SECTION

WAC 314-04-007 What options does a licensee have once he/she receives a notice of initial board action? (1) When a licensee receives a notice of initial board action, the licensee has ten days from receipt of the notice to:

(a) Accept the recommended penalty; or

(b) Request a settlement conference; or

(c) Request an administrative hearing in writing.

(2) What are the procedures when a licensee requests a settlement conference?

(a) If the licensee requests a settlement conference, the agent in charge or designee in the enforcement region where the licensee is located will schedule a conference with the licensee.

(b) Both the licensee and the agent in charge or designee will discuss the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

(c) If a compromise is reached, the agent in charge or designee will prepare a proposed settlement agreement and will forward it to the board for approval.

(i) If the board approves the compromise, a copy of the signed settlement agreement will be sent to the licensee, and will conclude the case.

(ii) If the board does not approve the compromise, the board will notify the licensee of the decision. The licensee will be given the option of agreeing to any changes the board has made in the agreement, or of requesting an administrative hearing on the charges in writing within ten days of receipt of the notice of board action.

(d) If the licensee and the agent in charge or designee cannot reach agreement on a settlement proposal, the licensee may:

(i) Request an administrative hearing in writing within ten days of the date of the settlement conference; or

(ii) Agree to accept the originally recommended penalty.

(3) What are the procedures when a licensee requests an administrative hearing?

(a) If the licensee requests an administrative hearing in writing within ten days, it is conducted pursuant to chapter 34.05 RCW and WAC 314-04-010.

(b) The penalty recommendation will be based upon written guidelines.

(c) The penalty recommendation may be a letter of admonition, a license suspension, a license revocation, or a license suspension with a monetary alternative to be paid by the licensee in lieu of suspension.

(4) What will happen during the administrative hearing?

(a) When the licensee requests an administrative hearing, the board's hearing coordinator will notify the assistant attorney general.

(b) The assistant attorney general will draft an administrative complaint and send it to the licensee and to the office of administrative hearings.

(c) The office of administrative hearings will schedule the hearing date, and notify the licensee and their attorney and the assistant attorney general in writing of the hearing date, time, and location.

(d) The hearing will be conducted by an administrative law judge assigned by the office of administrative hearings. Subpoenas may be issued by an attorney for any party, or by the assigned administrative law judge.

(e) At the hearing, the assistant attorney general or a designee will present witnesses and other evidence to prove the charges on behalf of the board's enforcement staff.

(f) At the hearing, the licensee may be represented by an attorney or may choose to represent himself or herself.

(5) What will happen after the administrative hearing?

(a) Following the hearing, the administrative law judge will prepare an initial order and send it to the licensee and the assistant attorney general.

(b) Either the licensee or the assistant attorney general may file a petition for review of the initial order with the liquor control board within twenty days of the date of service of the initial order. The petition for review must:

(i) Specify the portions of the initial order to which exception is taken;

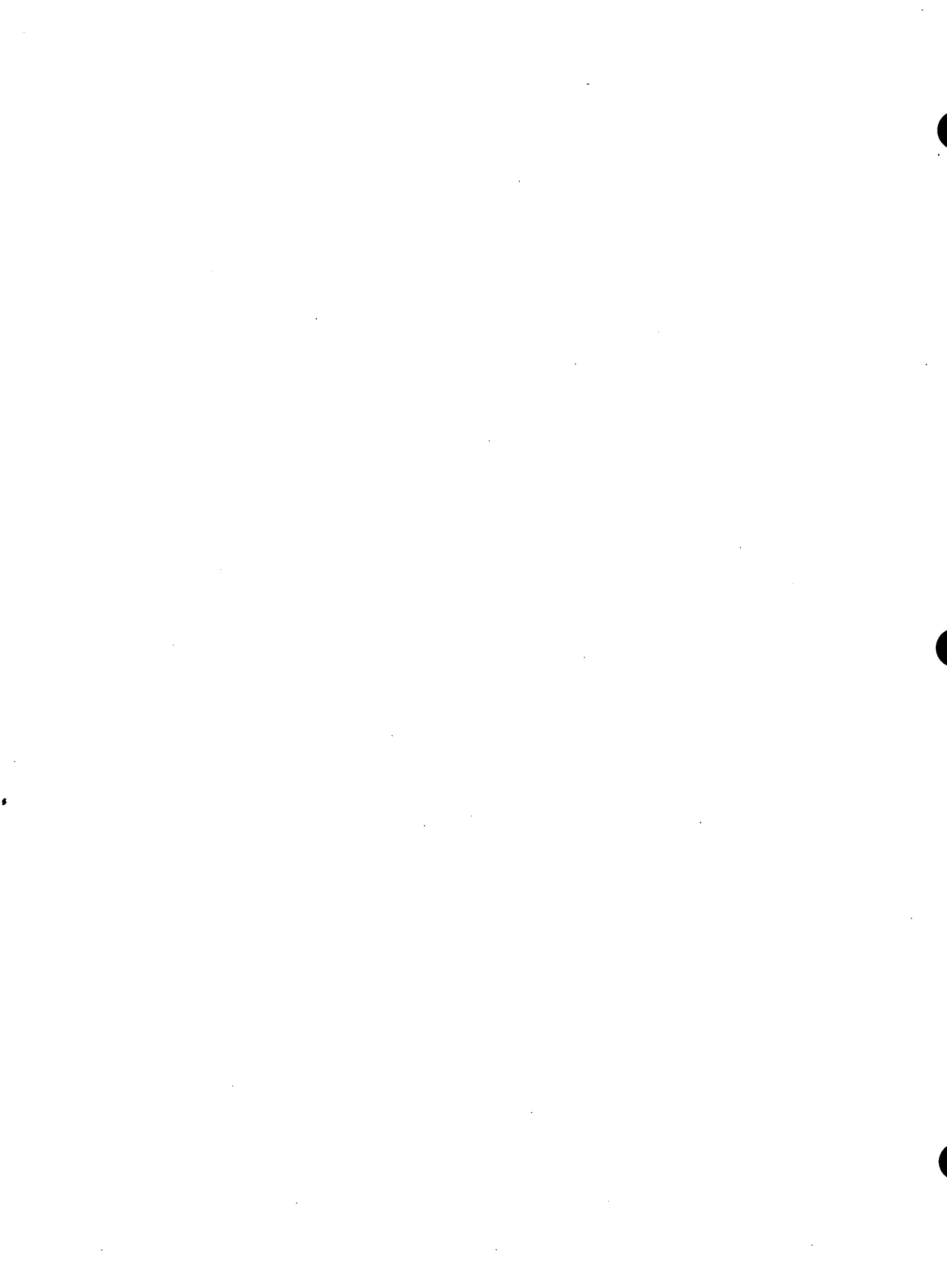
(ii) Refer to the evidence of record which is relied upon to support the petition; and

(iii) Be filed with the liquor control board within twenty days of the date of service of the petition.

(iv) Copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.

(c) The administrative record, the initial order, and any exceptions filed by the parties will be circulated to the board members for review.

(d) Following this review, the board will enter a final order which is appealable under the provisions of RCW 34.05.510 through 34.05.598 (Washington Administrative Procedure Act).



WSR 99-12-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-64—Filed May 19, 1999, 1:35 p.m., effective June 1, 1999, 12:01 a.m.]

Date of Adoption: May 19, 1999.

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: Chain Lake contains a wild, self-sustaining kokanee stock. It may be a unique stock native to the Spokane River and related to historical sockeye stocks that have become extinct in the Columbia and Spokane rivers. Recent development of access to the lake has substantially increased angler effort and harvest this past winter. Continued harvest will threaten spawning escapement and the status of this stock. There is insufficient time to promulgate permanent rules before the opening of the upper river on June 1st.

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: June 1, 1999, 12:01 a.m.

May 19, 1999

Evan Jacoby

for Jeff P. Koenings
 Director

NEW SECTION

WAC 232-28-61900J Exception to statewide rules—Little Spokane River/Chain Lake Notwithstanding the provisions of WAC 232-28-619, effective June 1, 1999, until further notice it is unlawful to retain kokanee taken from those waters of the Little Spokane River (Spokane and Pend Oreille Counties) upstream from Spokane County Bridge Number 4901, approximately 1/10 mile northwest of Elk, including waters of Chain Lake.

WSR 99-12-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-45—Filed May 19, 1999, 1:38 p.m.]

Date of Adoption: May 14, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-128, 220-56-285, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 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 has requested an extension of the boat restricted zone downstream from Bonneville Dam due to the construction of a new juvenile salmonid bypass system in the affected area. The outfall of the new bypass system presents a hazard to navigation in the affected waters. 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 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 14, 1999

Evan Jacoby

for Jeff P. Koenings
 Director

NEW SECTION

WAC 220-56-12800B Food fish fishing—Closed areas. Notwithstanding the provisions of WAC 220-56-128, effective immediately until further notice, it is unlawful to fish for or possess food fish taken from the following areas:

(1) Those waters of the Columbia River between boundary markers 600 feet below the fish ladders at Bonneville Dam and a line beginning at a sign on the westernmost tip of Robins Island on the Oregon side of the river to a sign located approximately 50 feet upstream of the Hamilton Island boat ramp on the Washington shore are closed to angling from a boat at all times.

(2) Those waters of the Columbia River inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore are closed to angling at all times.

NEW SECTION

WAC 220-56-28500T Shad and sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective immediately until further notice, it is unlawful take or possess sturgeon taken for personal use in those waters of the Columbia River between Bonneville Dam and the downstream end of the boat closure zone defined in WAC 220-56-12800B, except from the mainland shore using hand-casted hook and line gear between a boundary marker on the Washington shore approximately 3/4 mile below the dam downstream to where the boat closure zone boundary intersects with the shore.

NEW SECTION

WAC 232-28-61900I Exceptions to state-wide game-fish rules. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice:

(1) Those waters of the Columbia River between boundary markers 600 feet below the fish ladders at Bonneville Dam and a line beginning at a sign on the westernmost tip of Robins Island on the Oregon side of the river to a sign located approximately 50 feet upstream of the Hamilton Island boat ramp on the Washington shore are closed to angling from a boat at all times.

(2) Those waters of the Columbia River inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore are closed to angling at all times.

reational harvest share of spot shrimp has been reached in the areas closed under this rule. Subsequent opening in this area is provided to take harvestable amounts of shrimp species other than spot shrimp. 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: May 22, 1999, 6:00 p.m.

May 19, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-32500Z Personal use Puget Sound shrimp fishery—Exceptions to permanent rules for areas outside Hood Canal. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310, it is unlawful to fish for shrimp taken for personal use from the following waters of Puget Sound except as provided for in this section:

(1) Effective 6:00 p.m. May 22, 1999, until further notice it is unlawful to harvest or possess shrimp in Marine Areas 8-1, 8-2, 10 and the portion of Marine Area 9 south and east of a line from Foulweather Bluff to Double Bluff.

(2) Effective May 28, 1999, until further notice it is lawful to harvest shrimp in Marine Areas 8-1, 8-2, 10, and the portion of Marine Area 9 south and east of a line from Foulweather Bluff to Double Bluff except that:

(a) It is unlawful to set or pull shrimp gear in waters greater than 150 feet.

(b) Spot shrimp must be returned immediately to the water unharmed.

(3) Effective June 5, 1999, until further notice, fishing is allowed for all species of shrimp in Shrimp District 1 except that:

(a) Minimum size for spot shrimp in Shrimp District 1 is 1-3/16 inches carapace length.

(b) Spot shrimp may be retained only on Saturdays through August 21, 1999. Spot shrimp caught on days other than Saturdays and after August 21, 1999 until further notice must be returned immediately to the water unharmed.

(c) The daily bag limit is 10 pounds of which, on Saturdays, no more than 50 shrimp may be spot shrimp.

EMERGENCY

**WSR 99-12-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-66—Filed May 19, 1999, 3:38 p.m., effective May 22, 1999, 6:00 p.m.]

Date of Adoption: May 19, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Y; and amending WAC 220-56-325.

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: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state rec-

(4) Effective June 5, 1999, until further notice, fishing is allowed for all species of shrimp in Shrimp District 3 except that:

(a) Spot shrimp may be retained on Saturdays and Sundays only as part of the 10 pound daily bag limit. Spot shrimp caught on all other days must be returned immediately to the water unharmed.

(b) There is no minimum size for spot shrimp in Shrimp District 3.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:59 p.m. May 22, 1999:

WAC 220-56-32500Y Recreational rules for Shrimp Districts 1 (Discovery Bay Area) and 3 (Port Angeles Harbor) (99-53)

**WSR 99-12-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-48—Filed May 21, 1999, 4:25 p.m.]

Date of Adoption: May 21, 1999.

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 is necessary to provide protection of out-migrating juvenile anadromous salmonids. In providing protection we are reducing hooking mortality. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 21, 1999

Larry W. Peck

for Jeff P. Koenings

Director

NEW SECTION

WAC 232-28-61900L Exceptions to statewide gamefish rules. Notwithstanding the provisions of WAC 232-28-619, effective immediately until 11:59 p.m. May 31, 1999 it is unlawful to fish for or possess gamefish in Vancouver Lake in those waters of the entire flushing channel including those waters at the exit of the channel to include 400 feet of east and west shoreline of Vancouver Lake.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 1999:

WAC 232-28-61900L Exceptions to statewide gamefish rules.

**WSR 99-12-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 99-67—Filed May 26, 1999, 4:21 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing sections shown below; and amending WAC 220-57-255, 220-57-310, 220-57-315, 220-57-319, 220-57-505, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules implement the recommendations of the North of Falcon process of the Pacific Fisheries Management Council. They provide for a fishery in the Green, Klickitat, Lewis and White Salmon rivers on available stocks, but keep the Kalama River closed for spring chinook protection. These rules are temporary until the permanent rules take effect on July 17, 1999.

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.

EMERGENCY

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 19.

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.

May 25, 1999
 Larry W. Peck
 for Jeff P. Koenings
 Director

NEW SECTION

WAC 220-57-25500E Green River. Notwithstanding the provisions of WAC 220-57-255:

(1) Effective immediately through May 31, 1999, Daily Limit A downstream from 400 feet below the Green River Hatchery upper water intake.

(2) Effective June 1, 1999, until further notice, Daily Limit A.

NEW SECTION

WAC 220-57-31000B Kalama River. Notwithstanding the provisions of WAC 220-57-310, effective immediately until 11:59 p.m., July 31, 1999, it is unlawful to fish for or possess salmon taken from the Kalama River.

NEW SECTION

WAC 220-57-31500I Klickitat River. Notwithstanding the provisions of WAC 220-57-315:

(1) Effective immediately through May 31, 1999, special daily limit of one salmon or one hatchery steelhead, minimum size twelve inches. Cumulative limit of two daily limits in any combination April 1 through May 31. Open Wednesdays and Saturdays only.

(2) Effective June 1, 1999, until further notice:

(a) Daily limit A, from Fisher Hill Bridge downstream to mouth.

(b) Daily limit C, from boundary markers at the downstream end of the Klickitat Salmon Hatchery downstream to 400 feet upstream from No. 5 fishway.

NEW SECTION

WAC 220-57-31900V Lewis River. Notwithstanding the provisions of WAC 220-57-319:

(1) Mainstem: Effective immediately until further notice, Special Daily Limit of 1 salmon downstream from East Fork to mouth.

(2) North Fork: Effective immediately until further notice, Special Daily Limit of 1 salmon downstream from Colvin Creek to mouth. Bank fishing only downstream from Colvin Creek to Johnson Creek.

(3) Cumulative limit of 5 salmon in the Lewis River and all forks, April 1 through July 31, 1999.

NEW SECTION

WAC 220-57-50500E White Salmon River. Notwithstanding the provisions of WAC 220-57-505, effective immediately through July 31, 1999, Special Daily Limit of one salmon or one hatchery steelhead, minimum size twelve inches.

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619:

(1) Klickitat River (Klickitat County) - From mouth upstream to Fisher Hill Bridge - Open immediately through May 31, 1999, Wednesdays and Saturdays only. Trout: Daily limit 1 hatchery fish, 20 inches minimum length. Daily limit is either one trout or one salmon greater than 12 inches in length. Cumulative limit of two daily limits during period April 1 through May 31, 1999.

(2) White Salmon (Klickitat/Skamania Counties) - (a) From mouth upstream to powerhouse - Open immediately through July 31, 1999. Trout: Daily limit 1 hatchery fish, 20 inches minimum length. Daily limit is either one trout or one salmon greater than 12 inches in length.

(b) From powerhouse upstream to 400 feet below Condit Dam - Open immediately through June 15, 1999. Trout: Daily limit 1 hatchery fish, 20 inches minimum length. Daily limit is either one trout or one salmon greater than 12 inches in length. Closed waters June 16, 1999, until further notice.

(3) Effective immediately through June 15, 1999, it is unlawful to fish for gamefish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(4) Effective immediately through June 15, 1999, it is unlawful to fish for gamefish in the waters of the North Fork Lewis River from Colvin Creek upstream to Merwin Dam. Effective immediately until further notice, bank fishing only upstream from Johnson Creek to Colvin Creek.

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 sections of the Washington Administrative Code are repealed:

- WAC 220-57-17500N Cowlitz River. (99-23)
- WAC 220-57-18700B Deep River. (99-23)
- WAC 220-57-25500C Green River. (Cowlitz County). (99-23)
- WAC 220-57-25500D Green River. (Cowlitz County) (99-58)
- WAC 220-57-31000A Kalama River. (99-23)

EMERGENCY

WAC 220-57-315	Klickitat River. (99-23)
WAC 220-57-31500H	Klickitat River. (99-58)
WAC 220-57-31900T	Lewis River. (99-23)
WAC 220-57-31900U	Lewis River (99-58)
WAC 220-57-50500C	White Salmon River (99-23)
WAC 220-57-50500D	White Salmon River. (99-58)
WAC 232-28-61900E	Exceptions to statewide rules. (99-23)
WAC 232-28-61900G	Exceptions to statewide rules. (99-58)

The following sections of the Washington Administrative Code are repealed July 17, 1999:

WAC 220-57-25500E	Green River.
WAC 220-57-31000B	Kalama River
WAC 220-57-31500I	Klickitat River
WAC 220-57-31900V	Lewis River.
WAC 220-57-50500E	White Salmon River.
WAC 232-28-61900K	Exceptions to statewide rules.

WSR 99-12-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-50—Filed May 26, 1999, 4:23 p.m.]

Date of Adoption: May 25, 1999.

Purpose: Subsistence fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500U; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The treaty tribes have reached the harvest allocation for spring chinook in the mainstem Columbia River. Harvestable salmon are available in the tributaries for the Yakama tribe. This rule is consistent with the 1996-98 management agreement for 1999 fisheries, and conforms state and tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 25, 1999

Larry W. Peck

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-32-05500V Indian subsistence fishing. Notwithstanding the provisions of WAC 220-32-055:

1. Columbia River - Effective immediately through midnight May 31, 1999, it is unlawful for individuals possessing treaty fishing rights pursuant to the Yakama Treaty, the Warm Springs Treaty, the Umatilla Treaty and the Nez Perce Treaty to take, fish for, or possess salmon for subsistence purposes in the Columbia River as defined in WAC 220-32-055 (2)a.

2. Tributaries - Effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, White Salmon River, Wind River, or Drano Lake except under the following provisions:

a) The Yakima River from Horn Rapids Dam to Wapato Dam is open noon Wednesdays to 6:00 p.m. Saturdays of each week immediately to June 19, 1999. Fishing is not allowed from boats or other floating devices.

b) The Klickitat River from the site of the former Swing- ing Bridge (RM 1.5) to Fishway Number 5 (RM 2.2) is open noon Wednesdays to 6:00 p.m. Saturdays of each week immediately to May 29, 1999 and weekly from June 16 until further notice. Fishing is not allowed from boats or other floating devices.

c) The White Salmon River from the mouth to Condit Dam is open noon Wednesdays to 6:00 p.m. Saturdays of each week immediately to June 12, 1999. Fishing is allowed from fishing platforms, bank, or boat.

d) The Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls and from 200 feet above Ship- perd Falls upstream to a marker 30 feet below the mouth of Tyee Springs (the outlet stream for Carson National Fish Hatchery) is open noon Wednesdays to 6:00 p.m. Saturdays of each week from May 26 to July 3, 1999.

e) Drano Lake from the Highway 14 Bridge to the orange markers near the mouth of the Little White Salmon River is open noon Wednesday May 26, 1999 to 6:00 p.m. Saturday June 19, 1999. Each fisher is allowed to use a maximum of 2 fishing gears. Fishing is allowed from bank or boat.

f) Allowable gear includes dipnets, setbag nets, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500U Indian subsistence fishing.
(99-41)

WSR 99-12-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-51—Filed May 26, 1999, 4:25 p.m.]

Date of Adoption: May 26, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-17500P and 220-57-51500P; and amending WAC 220-57-175, 220-57-515; and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 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 salmon return to the Cowlitz River is significantly smaller than predicted pre-season. The hatchery is not expected to achieve its escape-ment goal and this stock is designated as essential for recovery through ESA. The salmon return to the Wind River is significantly larger than predicted pre-season. The hatchery is expected to achieve its escapement goal and this fishery is intended to harvest surplus hatchery spring chinook. This regulation will allow retention of hatchery steelhead and other game fish which may be caught during the salmon season adopted for the same area and time period. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 26, 1999

Larry W. Peck

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-57-17500Q Cowlitz River Notwithstanding the provisions of WAC 220-57-175, effective June 1 through July 31, 1999, it is unlawful to take, fish for or possess salmon in those waters of the Cowlitz River downstream from the Barrier Dam to the mouth.

NEW SECTION

WAC 220-57-51500Q Wind River Notwithstanding the provisions of WAC 220-57-515, effective May 28 through July 31, 1999 it is unlawful to fish for salmon in those waters of the Wind River except as provided for in this section:

(1) Effective May 28 through June 15, 1999 special daily limit of two chinook salmon greater than 12 inches length in those waters of the Wind River from boundary line/markers at the mouth upstream to markers 400 feet below Shipperd Falls and from High Bridge upstream to lower boundary marker below Carson National Fish Hatchery. Night closure and non-buoyant lure restriction in effect May 28 through June 15.

NEW SECTION

WAC 232-28-61900M Exceptions to statewide rules-Wind River. Notwithstanding the provisions of WAC 232-28-619, Wind River (Skamania County): Open May 28, through June 15, 1999, from the mouth upstream to markers 400 feet downstream from Shipperd Falls and from the High Bridge upstream to lower boundary marker below Carson National Fish Hatchery. Night closure and non-buoyant lure restriction during this fishery.

The area from 100 feet above the Shipperd Falls fish ladder upstream to the High bridge and the area upstream of the upper boundary marker at Carson National Fish Hatchery open June 1 as per the permanent regulations. Selective gear rules are in effect in these areas.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 28, 1999:

WAC 220-57-51500P Wind River. (99-58)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 1999:

WAC 220-57-17500P Cowlitz River. (99-58)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 15, 1999:

WAC 232-28-61900M Exceptions to statewide rules.

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. July 31, 1999:

WAC 220-57-17500Q Cowlitz River.

WAC 220-57-51500Q Wind River.

WSR 99-12-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-68—Filed May 27, 1999, 3:27 p.m., effective June 2, 1999, 9:00 a.m.]

Date of Adoption: May 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-32500A; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Stock assessment has shown there are sufficient shrimp available for an additional recreational harvest day. Recreational harvest scheduling has been agreed to under the shellfish subproceeding *United States v. Washington*. There is insufficient time to promulgate permanent rules and still allow for a recreational fishery.

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: June 2, 1999, 9:00 a.m.

May 27, 1999

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-32500A Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective June 2, 1999 until further notice it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: June 2, 1999.

(2) No shrimp fisher may use more than one shrimp pot on any one day. All shrimp pots must conform to the Hood Canal shrimp pot requirements set forth in WAC 220-56-320(4). It shall be unlawful for the operator of any boat to have on board or to fish more than four shrimp pots at any time from one boat. A boat is defined as a vessel in the water from which shrimp pots are set and pulled. No shrimp fisher may set gear prior to 9:00 a.m. June 2, 1999. No shrimp fisher may leave shrimp fishing gear in the water after 1:00 p.m. June 2, 1999.

(3) All unattended shrimp gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.

(4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

(5) The use of all crab pot gear is prohibited. No crab fisher may use more than two ring nets or two star traps, or more than one ring net and one star trap. No crab fisher may set or pull ring nets or star traps between one hour after official sunset to one hour before official sunrise.

(6) All unattended crab gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

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 1:01 p.m. June 2, 1999:

WAC 220-56-32500A Shrimp—Areas and seasons.

WSR 99-12-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 99-70—Filed May 27, 1999, 3:28 p.m., effective June 1, 1999, 12:01 a.m.]

Date of Adoption: May 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500I; and amending WAC 220-56-255.

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: This rule is necessary to maintain consistency between state and federal regulations for halibut fishing. 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: June 1, 1999, 12:01 a.m.

May 27, 1999

Evan Jacoby
for Jeff P. Koenings
Director

NEW SECTION

WAC 220-56-25500J Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-235, effective 12:01 a.m. June 1, 1999 until further notice it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Open until further notice. Minimum size 32 inches in length. The daily limit is the first halibut 32 inches in length or greater brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Waters south of the Queets River, north of 47°N and east of 124°40'W: Open until further notice.

(b) All other open waters in Area 2: Closed until further notice.

(3) Catch Record Card Area 3 and waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: Open until further notice, except closed 12:01 a.m. each Sunday through 11:59 p.m. each Monday and in the closed waters of a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°04'N, 125°11'W; 48°04'N, 124°59'W

(4) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: Open May 27 through July 12, 1999, except closed 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 1999:

WAC 220-56-25500I Halibut—Seasons—Daily limits. (99-63)

WSR 99-12-075 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 99-69—Filed May 27, 1999, 3:30 p.m.]

Date of Adoption: May 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000Q; and amending WAC 220-56-330.

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: Crab testing results indicate there is a harvestable surplus of hardshell crab in the area to be opened. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 27, 1999

Evan Jacoby
for Jeff P. Koenings
Director

NEW SECTION

WAC 220-56-33000R Personal use crab fishery—Pot fishery opening for a portion of Area 8-2 and Area 9. Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is lawful to fish for Dungeness crab taken for personal use using shellfish pot gear from those waters of Catch Record Card Area 8-1 south of a line projected true east and west from the southern tip of Goat Island.

(2) Effective immediately until further notice, it is lawful to fish for Dungeness crab taken for personal use using shellfish pot gear from all waters of Catch Record Card Area 8-2, and the portion of Catch Record Card Area 9 north and east of a line from Picnic Point to Possession Point on Whidbey Island.

(3) Effective 7:00 a.m. June 1, 1999 until further notice, it is lawful to fish for and possess crab taken for personal use with shellfish pot gear in all waters of Catch Record Card Area 9, south of a line from Point Partridge to Point Wilson and north of a line from Olele Point to Foulweather Bluff and from Foulweather Bluff to Double Bluff.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000Q Personal use crab fishery—Allocation/softshell closures. (99-46)

WSR 99-12-077**EMERGENCY RULES****DEPARTMENT OF REVENUE**

[Filed May 28, 1999, 11:03 a.m.]

Date of Adoption: May 28, 1999.

Purpose: WAC 458-20-135, explains the tax reporting responsibilities of extractors. WAC 458-20-136, explains the tax reporting responsibilities of manufacturers and processors for hire. WAC 458-20-13601, explains the application of the retail sales and use tax exemptions provided by RCW 82.08.02565 and 82.12.02565 for certain machinery and equipment used by manufacturers and processors for hire.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-135 Extracting natural products and 458-20-136 Manufacturing, processing for hire, fabricating.

Statutory Authority for Adoption: RCW 82.32.300.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to implement the manufacturing machinery and equipment sales and use tax exemption, as amended by chapter 211, Laws of 1999. Some of the legislative changes, which pro-

vided clarification of the exemption, were retroactive to 1995. Taxpayers have a limited time to file refund claims and will suffer financial hardships if not provided sufficient information to determine if they are eligible for refunds as well as the exemption itself. There is insufficient time to adopt a permanent rule before the statute of limitations runs out at the end of 1999. Adoption of these rules will provide immediate information to taxpayers, tax practitioners, and department staff to use in determining the taxability of specific machinery and equipment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 28, 1999

Claire Hesselholt

Rules Manager

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 99-13 issue of the Register.

WSR 99-12-087**EMERGENCY RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed June 1, 1999, 1:30 p.m.]

Date of Adoption: June 1, 1999.

Purpose: These rules implement section 503(7), chapter 309, Laws of 1999, (state operating budget). Section 503(7) provides state funding to school districts for up to three learning improvement days each year, beginning in the 1999-2000 school year. The rules determine eligibility for funding and establish guidelines for using learning improvement days.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-031, 392-123-047, and 392-123-049.

Statutory Authority for Adoption: RCW 28A.150-290(2).

Other Authority: Section 503(7), chapter 309, Laws of 1999.

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

EMERGENCY

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency rule adoption is necessary to permit school districts to negotiate employee contracts and adopt budgets for the 1999-2000 school year within statutory deadlines. The deadline for preparation of school district budgets is July 10. Deadlines for adoption of budgets are August 1 for second class districts and August 31 for first class districts. The rules have a significant effect on district revenues and expenditures for the 1999-2000 school year.

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 10, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 1, 1999

Dr. Terry Bergeson
Superintendent of
Public Instruction

Learning Improvement Days

NEW SECTION

WAC 392-140-950 Learning improvement days—Applicable provisions. The provisions of WAC 392-140-950 through 392-140-967 govern state funding for up to three learning improvement days for certificated instructional staff in the 1999-2000 school year and thereafter.

NEW SECTION

WAC 392-140-951 Learning improvement days—Purpose. These rules determine eligibility for state funding and establish guidelines for the use of learning improvement days. The purpose of these days is to expand the state-funded school year for certificated instructional staff. These additional days will provide time for teachers, other certificated instructional staff, and administrators to work together to plan and implement education reforms designed to increase student achievement.

NEW SECTION

WAC 392-140-955 Learning improvement days—Definition—Learning improvement day. As used in this chapter "learning improvement day" means a scheduled work

day during the school year for certificated instructional staff funded by the state for the purpose of improving student learning and implementing education reform.

(1) A learning improvement day is a scheduled work day on a district or school calendar.

(2) The length of a learning improvement day shall not be less than the length of a full work day for certificated instructional staff on a school day during the school year: Provided, That two half days may be scheduled in lieu of one full learning improvement day if the combined work hours equal or exceed hours in a full learning improvement day.

(3) No learning improvement day, or half day, shall be scheduled on a school day as defined in WAC 392-121-033.

(4) A school district may schedule learning improvement days for different school buildings or groups of employees on different calendar days.

NEW SECTION

WAC 392-140-956 Learning improvement days—Other definitions. As used in WAC 392-140-950 through 392-140-967:

(1) "Certificated instructional staff" means district certificated instructional employees and contractor certificated instructional employees as defined in WAC 392-121-205 and 392-121-206.

(2) "Base contract" means a contract protected by the continuing contract law, RCW 28A.405.300. The base contract does not include hours or compensation provided under a supplemental contract as defined in RCW 28A.400.200.

(3) "Number of days in the base contract" means the number of full work days in the school year for a full-time certificated instructional employee holding the position for the full school year. Days include paid leave. The number of hours in a full work day is determined by each school district. Days scheduled before September 1 can be counted in the school year if included and compensated in the base contract for the school year beginning September 1.

(4) "Selected state-funded programs" means the following programs as defined in the *Accounting Manual for Public School Districts in the State of Washington*:

- 01 Basic Education
- 21 Special Education-Supplemental-State
- 31 Vocational-Basic-State
- 45 Skills Center-Basic-State
- 55 Learning Assistance Program-State
- 65 Transitional Bilingual-State
- 74 Highly Capable
- 94 Instruction Support
- 97 District-wide Support

(5) "State institutional education programs" means the following programs:

- 26 Special Education-Institutions-State
- 56 State Institutions, Centers, and Homes-Delinquent

NEW SECTION

WAC 392-140-957 Learning improvement days—Allowable activities. Activities that may be conducted on learning improvement days include: Developing and updat-

ing student learning improvement plans; implementing curriculum materials and instructional strategies; providing professional development to implement the selected curricula and instruction; developing and implementing assessment strategies and training in assessment scoring; and conducting other activities intended to improve student learning for all students, including students with diverse needs. Activities shall be consistent with district and school plans for improving student learning. District and school plans shall delineate how the learning improvement days will be used to assist students in meeting the essential academic learning requirements and help the district or school achieve state and local accountability goals. Plans shall be made available to the public and to others upon request.

NEW SECTION

WAC 392-140-960 Learning improvement days—Determination of the number of days in the base contract in the 1998-99 school year. The superintendent of public instruction shall separately determine for selected state-funded programs and state institutional education programs the number of days in the base contract for each school district for the 1998-99 school year as follows:

- (1) Using personnel data reported on the S-275 Personnel Report as of April 1999, select all certificated instructional staff with assignments in the programs.
- (2) Exclude staff with administrative assignments if the assignment percent is greater than zero.
- (3) Determine if eighty percent or more of remaining staff have the same number of days reported in the base contract.
 - (a) If so, use this number.
 - (b) If not, average the number of days for all staff in the calculation and use the result.

NEW SECTION

WAC 392-140-961 Learning improvement days—Determination of the number of funded learning improvement days in the 1999-2000 school year and thereafter. The superintendent of public instruction shall separately determine for selected state-funded programs and for institutional education programs the number of funded learning improvement days for each school district for the 1999-2000 school year and for each school year thereafter as follows:

- (1) In September through December of each school year, the superintendent will use the number of learning improvement days budgeted by the district and reported on Form F-203.
- (2) Monthly, beginning in January of the school year, using current personnel data reported on the S-275 Personnel Report:
 - (a) Select all certificated instructional staff with assignments in the programs.
 - (b) Exclude staff with administrative assignments if the assignment percent is greater than zero.

(c) For each employee, from the number of days reported in the base contract, subtract the district's number of days in the base contract for the 1998-99 school year.

(d) Take the lesser of three days or the result of (c) of this subsection but not less than zero.

(e) Sum the number of days determined for all employees pursuant to (c) and (d) of this subsection.

(f) Divide the result of (e) of this subsection by the number of employees and round to two decimal places.

(g) The result is the number of funded learning improvement days for the district.

NEW SECTION

WAC 392-140-962 Learning improvement days—Salary allocations for learning improvement days. Using the number of learning improvement days determined pursuant to WAC 392-140-961, the superintendent of public instruction shall adjust salary allocations to school districts as follows:

(1) For general apportionment, the derived base salary allocation for learning improvement days as shown on LEAP Document 12E shall be reduced pro rata for any district with less than three learning improvement days in selected state-funded programs.

(2) Special education allocations shall be adjusted based on adjustments to the unenhanced basic education allocation per full-time equivalent student.

(3) For transitional bilingual, highly capable, and learning assistance program allocations, the additional state allocation per pupil for three learning improvement days as calculated by the superintendent shall be reduced pro rata for any district with less than three learning improvement days in selected state-funded programs.

(4) For state institutional education programs the salary allocation for three learning improvement days as calculated by the superintendent shall be reduced pro rata for any district with less than three learning improvement days in state institutional education programs.

(5) The superintendent shall reduce or eliminate a district's allocations for learning improvements days if the district fails to report as required by WAC 392-140-967, or if the district's report indicates that the activities provided during learning improvement days do not meet the requirements of WAC 392-140-957.

NEW SECTION

WAC 392-140-965 Learning improvement days—School district requests for review and adjustment. A school district may at any time request that the superintendent of public instruction review and adjust data and calculations used to determine funding for learning improvement days pursuant to this chapter.

(1) Requests for adjustment to the number of days in the base contract in the 1998-99 school year shall be considered if the district shows that:

(a) The April 1999 S-275 data or calculations were in error;

(b) The district reported days in the base contract for services beyond the regular school calendar for a full-time certificated instructional employee of the district;

(c) The district had a signed multiyear collective bargaining agreement in April 1999 to reduce the number of days in the base contract in subsequent years; or

(d) Other bona fide adjustments are necessary.

(2) Requests for adjustment to the number of learning improvement days provided in the 1999-2000 school year and thereafter shall be considered if the district shows that the data or calculations are in error, or other bona fide adjustments are necessary.

(3) Requests for adjustment shall be accompanied by the relevant pages of a signed collective bargaining agreement stating the number of days in the base contract in the school district.

NEW SECTION

WAC 392-140-967 Learning improvement days—School district reporting requirements. School districts receiving funding for learning improvement days shall report annually to the superintendent of public instruction according to the superintendent's instructions. The report shall show the number of learning improvement days provided by the district and describe the activities on those days.

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-031 Definition—School year. As used in this chapter, "school year" means the annual period commencing on the first day of September of one calendar year and ending the last day of August of the ~~((next))~~ ensuing calendar year: Provided, That for those school districts commencing basic education program~~((s))~~ prior to ~~((the))~~ September 1, ~~((school days scheduled prior to September 1))~~ the following activities shall be considered to be within the school year that commences September 1.

(1) School days scheduled prior to September 1; and

(2) Staff days and activities in preparation for the school year included in employee contracts for the school year, but occurring before September 1.

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

(1) "Revenue" shall mean an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets. Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are considered expenditures of the school year commencing September 1.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

(8) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

(10) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the disbursement of inventory.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-049 Basis of budgeting and accounting. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: Provided, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: Provided, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

(3) Expenditures for activities prior to September 1, but within the school year as defined in WAC 392-121-031, are considered expenditures of the school year commencing September 1.

EMERGENCY



WSR 99-11-019
RULES OF COURT
STATE SUPREME COURT

[May 6, 1999]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO SAR 4, SAR) NO. 25700-A-651
6, SAR 8, SAR 9, SAR 10, SAR 11, SAR)
12, SAR 13, SAR 15, SAR 16, SAR 18,)
SAR 21, SAR 22; AND RAP 15.2)

The Court having recommended the adoption of the proposed amendments to SAR 4, SAR 6, SAR 8, SAR 9, SAR 10, SAR 11, SAR 12, SAR 13, SAR 15, SAR 16, SAR 18, SAR 21, SAR 22; and RAP 15.2, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice and that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 6th day of May, 1999.

Guy, C.J.

Alexander, J.

Smith, J.

Madsen, J.

Johnson, J.

Sanders, J.

Talmadge, J.

Ireland, J.

RULE 4

TERMS AND SESSIONS OF THE SUPREME COURT

The regular sessions terms of the Supreme Court shall be held in the Supreme Court, the Temple of Justice, at the capital, beginning on the second Monday of January, the second Monday of May, and the second Monday of September each year. The court will not sit for the regular hearing of cases in July and August.

Sessions of the court shall commence at 9 a.m. or at such other time as the court may order.

At the direction of the Chief Justice, sessions of the Supreme Court may be held outside Olympia at other locations in the state of Washington. The times and places of such sessions will be designated by the court.

Hearings en banc, rehearings, and special hearings may be set by the court in its discretion at such other times as the court may order.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 6

TWO DEPARTMENTS—ASSIGNMENT OF JUSTICES

The court may be divided into two departments for the hearing of motions and such other matters as the Chief Justice may designate. The Chief Justice shall assign four of the associate Justices to each department, and such assignment may be changed by him the Chief Justice from time to time, provided that the associate Justices shall be competent to sit in either department and may interchange with one another by agreement among themselves, or, if no such agreement is made, as ordered by the Chief Justice.

The Chief Justice shall sit in both departments and shall preside when so sitting.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 8

CHIEF JUSTICE, CHOICE OF—DUTY

The Justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and shall preside at all sessions of the Supreme Court, and in case there shall be two Justices having in like manner the same short term, the other Justices of the Supreme Court shall determine which of them shall be Chief Justice.

A. Quadrennial Nomination and Election of Chief Justice

Commencing in November 1996 and continuing every four years thereafter, the Supreme Court shall select from among its membership a Chief Justice who will serve a four-year term. The term of the person so elected shall commence on the second Monday in January next succeeding the election. All members of the court at the time of the election, except those Justices who it is known will not be members of the court on the second Monday in January next, shall be eligible for election to the position, including the incumbent Chief Justice and Justices who have less than four years to serve on their current term of office.

Nominations for the position of Chief Justice shall be made orally at the meeting of the court at which the election is conducted. All Justices on the court at the time the election is held are eligible to vote. The vote shall be by secret ballot and the Justice receiving a majority of the votes of the full court shall be deemed elected to the position.

B. Resignation of a Chief Justice and Election of a Successor

The Chief Justice may resign at any time from that position without resigning from the court. In that event or in the event of the death, resignation, or removal of the Chief Justice, the remaining Justices of the court shall elect a successor to the position of Chief Justice in the same manner as the quadrennial election of a Chief Justice. The Justice so elected shall serve the remainder of the term of the Chief Justice that Justice replaces.

The Chief Justice shall be the executive officer of the court preside at all sessions of the Supreme Court and shall do and perform those duties required of him the Chief Justice by the constitution and laws of the State of Washington and

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the rules of this court, and shall serve as coordinator between the two departments.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 9 ACTING ASSOCIATE CHIEF JUSTICE

~~The court shall elect from time to time an Acting Chief Justice. The Acting Chief Justice may be any member of the court not holding his office by appointment or election to fill a vacancy. The position of Associate Chief Justice shall be held by the senior Justice of the court, other than the Chief Justice. In the event the senior Justice declines to serve in that position, the next most senior Justice shall be designated as Associate Chief Justice. The Acting Associate Chief Justice shall perform the duties, and exercise the powers of the Chief Justice during the absence or inability of the Chief Justice to act.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 10 RIGHT OF SENIOR JUSTICE TO ACT

In the absence or inability of both the Chief Justice and the Acting Associate Chief Justice, the senior Justice present at the capital shall act as Chief Justice.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 11 SENIORITY OF JUSTICES

Seniority among the Justices of the Supreme Court shall be determined by length of continuous service on the court.

RULE 12 ACTS IN CONTEMPT OF COURT

It shall be contempt of this court for anyone to divulge to others than the Justices and employees of this court working upon an opinion, the results of any appeal proceeding or the identity of the assignment Justice prior to the time the opinion is filed by the Clerk of the Supreme Court.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 13 MINUTES—COURT BUSINESS MEETINGS

The court will cause to be recorded in a book kept for that purpose minutes of all business meetings. The Justice junior in length of service shall act as secretary.

Minutes relating to case conferencing are confidential. Minutes relating to the general business of the court may be made public at the discretion of the court.

RULE 15

COMMISSIONER OF THE SUPREME COURT

(a) Appointment. To promote the effective administration of justice, the Justices of the Supreme Court will appoint a commissioner of the court. The salary of the commissioner will be fixed by the court. The commissioner may be removed at the pleasure of the Supreme Court.

(b) Deciding Motions. The commissioner will hear and decide those motions authorized by the Rules of Appellate Procedure and any additional motions that may be assigned to the commissioner by the court. The commissioner will determine whether to accept cases certified by the Court of Appeals to the Supreme Court.

(c) Screening for the Court. The commissioner will screen petitions for review and direct appeals to the Supreme Court and recommend whether Supreme Court review should be granted. Except for motions to modify a ruling of the commissioner, the commissioner will also screen motions which are to be decided by the Justices and recommend to the court an appropriate disposition for each motion. When necessary, screening memoranda will contain an evaluation sufficiently comprehensive to assist each Justice in independently deciding the matter being screened.

~~(d) Assisting Chief Justice. The commissioner will assist the Chief Justice in determining whether cases certified by the Court of Appeals to the Supreme Court should be accepted for review. The commissioner will also assist the Chief Justice with motions to file amicus curiae briefs.~~

(e) Judicial Law Clerks. ~~The commissioner will assist the Justices of the Supreme Court with the selection of judicial law clerks, as desired by each Justice. The commissioner will present an annual orientation for the new law clerks. The commissioner will prepare and periodically revise a manual for use by the judicial law clerks.~~

(f) Improving Administration of Justice. The commissioner will make recommendations to the court regarding procedures. The commissioner will serve on court committees when appointed thereto by the Chief Justice.

(g) Central Staff. The commissioner will employ and train staff attorneys and other personnel to assist the commissioner in carrying out the duties of the commissioner's office. These employees shall serve at the pleasure of the commissioner. To the extent appropriations permit, the court will authorize the commissioner to employ sufficient staff to assist the court in expeditiously fulfilling its duties to promptly fulfill the duties of the office.

(h) Duties To Benefit Full Court. All duties performed by the commissioner are for the benefit of the court as a whole. The court may alter or add to the duties of the commissioner. ~~In the performance of these duties the commissioner is responsible to the Chief Justice as executive officer of the court under SAR 8.~~

(i) Qualifications. The commissioner must be a graduate of an accredited law school and a member in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

(j) Oath of Office. Before entering upon the duties of the office, the commissioner will take and file an oath of office in

the form prescribed by order of the Supreme Court. The oath will include a requirement that the commissioner adhere to the Code of Judicial Conduct.

(k) Prohibition From Practice of Law. The commissioner and the attorneys employed by the commissioner are prohibited, during term of office, from acting as an attorney or having a partner who acts as an attorney.

(l) Deputies. The commissioner may have one or more deputies, to be appointed by the commissioner in writing, to serve during the commissioner's pleasure. The deputies shall have the power to perform any act of duty relating to the commissioner's office that the commissioner has, and the commissioner is responsible for their conduct.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 16

CLERK OF THE SUPREME COURT—APPOINTMENT—POWERS—DUTIES

(1a) Appointment. The Justices of the Supreme Court shall appoint a clerk of that court, who may be removed at their pleasure. The clerk shall receive such compensation by salary only as shall be fixed by the court.

(2b) Deputies. The Clerk of the Supreme may have one or more deputies, to be appointed by him the clerk in writing, to serve during his the clerk's pleasure. The deputies shall have the power to perform any act or duty relating to the clerk's office that their principal has, and their principal is responsible for their conduct.

(3c) Prohibited Activity. The clerk and his deputies are prohibited, during their continuance in office, from acting or having a partner who acts as an attorney.

(4d) Oath. Before entering upon the duties of his office, the clerk and each deputy clerk shall take an oath of office, and give bond in such a sum, with surety and condition, as the court shall require, which oath and bond shall be deposited with the Secretary of State.

(5e) Hours. The clerk shall keep his the clerk's office at the seat of government open at such hours as the court shall require, and shall keep such records and books as are prescribed by the court.

(6f) Powers and Duties. The Clerk of the Supreme Court is given the power to take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law, and shall have such other powers as are authorized by the court or by statute.

It is the duty of the clerk—

(a1) To keep the seal of the court and affix it in all cases where he the clerk is required by law;

(b2) To record the proceedings of the court;

(e3) To keep the records, files and other books and papers appertaining to the court; which may be kept electronically/digitally when authorized by the court.

(d4) To file all papers delivered to him for that purpose, in any action or proceeding in that court, except when by the

rules of court he is directed otherwise to refuse to file papers under the conditions set out by the rules.

(7) The Clerk of the Supreme Court shall keep the following books and records:

(1) Journal in which he shall record

(a) all judgments;

(b) orders of the court except those of a temporary nature which do not affect the final result of the case;

(c) original bonds;

(d) citations to the Supreme Court of the United States;

(e) mandates from the Supreme Court of the United States and certified copies of its orders.

(2) Appearance docket in which he shall show

(a) the substantial title of the case, the number in the superior court, the trial judge, the county whence comes the appeal, and names of attorneys;

(b) appearance fees and money paid into the clerk's trust fund;

(c) the date of filing each paper and part of the record;

(d) all minute entries directed by the court or Chief Justice;

(e) the date for hearing on the calendar and any continuance;

(f) the disposition of motions and petitions;

(g) the entry of judgment and where recorded;

(h) date mandated;

(i) citation of opinion in Washington Reports.

(3) General index of cases;

(4) Motion docket, which shall show the number and title of the case, the attorneys, the nature of the motion and sufficient space for the Chief Justice to show the disposition;

(5) Cash book, in which shall be shown all moneys received and disbursed by the clerk;

(6) Trust fund journal, in which shall be shown all receipts and disbursements in clerk's trust fund;

(7) Appropriation expenditure ledger, showing all expenditures from appropriations for salaries and operations;

(8) Withholding tax ledger, showing withholdings from salaries of each employee and officer of the court for federal income taxes and disbursement of the same;

(9) Courtroom docket, which shall show the title and number of each case argued, the department, names of the judges sitting, the attorneys arguing each side of the case, and the time used by each, together with the nature of the matter heard. The bailiff, at the direction of the clerk, will prepare and make entries;

(10) Clerk's docket of admission and discipline of attorneys, which shall show all papers covering the admission and discipline of attorneys.

(8g) The clerk shall do and perform any and all other duties as may be prescribed by the Supreme Court.

(9) In all cases that are remanded for a new trial or for further proceedings, at the time the mandate goes down, the clerk, at the expense of appellant, shall return the statement of facts and the exhibits to the clerk of the superior court.

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RULE 18
STATE LAW LIBRARY

The following rules shall govern the operation of the State Law Library:

(a) State Law Library—General. The primary function of the State Law Library shall be to maintain a legal research library at the state capital for the use of all state officials and employees, equipped to serve them effectively with legal research materials required by them in connection with their official duties. Specifically included, but not limited to, are members, staff, and employees of the:

- (1) Supreme Court
- (2) Office of Administrator for the Courts
- (3) Attorney General
- (4) Legislature
- (5) Governor's Office
- (6) Commissions, agencies, and boards of all branches of state government.

(b) Public Use. In addition to the groups provided in section (a), the library shall be open to the public each day of the week from 8 a.m. to 5 p.m. except Saturdays, Sundays, and those legal holidays provided in RCW 1.16.050.

(c) After-Hours Use. In addition to the hours for public use as provided in section (b), and when required by them in connection with their official duties, those persons provided for in section (a) may, upon application to the law librarian, have access to the library collection during evenings, weekends, and holidays.

(d) State Law Librarian—Appointments. The court will appoint a law librarian who may be removed at its pleasure.

(e) State Law Librarian—Duties. The state law librarian shall:

- (1) Maintain as complete and up-to-date law library as possible;
- (2) Administer the library in accordance with the best professional standards and protect library property from loss or damage;
- (3) Do legal research for any Supreme Court Justice when he or she requests it;
- (4) Establish, develop, and maintain legal research libraries for each division of the Court of Appeals;
- (5) Upon request, advise and consult with boards of trustees, or other administrative bodies, of county law libraries in the development, improvement, arrangement, and maintenance of county law library collections and services;
- (6) Promote improved statewide law library service to all citizens of the state of Washington by lending of legal materials and providing reference assistance in any manner not inconsistent with the primary responsibility of the State Law Library as set forth in section (a);
- (7) Make distribution of legislative journals, session laws, Washington Reports, and Washington Appellate Reports as required by statute;
- (8) Perform any and all other duties as may be prescribed by the Supreme Court or by statute.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 21
JUSTICES PRO TEMPORE

~~(a) Selection and Use. When a member of the court is disqualified or unable to function on a case for good cause, a majority of the regular remaining members of the court may, by written order, designate a justice pro tempore to sit with the court en banc to hear and determine the case. The designating order shall set forth the period of service. In no event shall more than two justices pro tempore sit with the court en banc. No justice pro tempore shall be appointed who has less than 5 years' service as a judge of a court of record.~~

(a) Generally. If one or more justices recuse on a case which reduces the court to an even number, a pro tempore justice shall be appointed by the Chief Justice when available, unless a majority of the court directs otherwise. In all other cases of recusal, the Chief Justice shall notify the other justices, in writing, of the recusal as soon as the fact of recusal becomes known to the Chief Justice, and the majority shall direct whether a pro tempore justice should be appointed when available.

(b) Qualifications. If a pro tempore justice is to be selected, the proposed selection shall be made in the manner set forth hereafter by the Chief Justice, or at the Chief Justice's option by the Clerk of the Court, from a list of active and retired court of appeals judges. The list shall be approved by a majority of the Court. All retired appellate judges will be included on the list, except those who are (1) incapacitated, (2) are litigants whose cases have been in this court or will probably come to this court, (3) are over 75 years of age (the mandatory judicial retirement age in this state), (4) are in a law firm or of counsel to a law firm, or (5) who prefer not to be on the pro tem list.

(c) Selection. When a pro tempore justice is to serve in a case, the names on the pro tempore list will be put on separate slips and drawn from a container by the Clerk to ensure that selection is random. A pro tempore justice so selected who agrees to serve will serve on all the cases, where a pro tempore justice is needed, on a given court day. A separate drawing will be held for each day.

(d) Oath. A justice pro tempore shall take the oath of office required by article 4, section 28 of the state constitution. The oath of office, together with the original order of appointment, shall be filed forthwith in the office of the Secretary of State. A copy of the oath and order of appointment shall be filed in the office of the Clerk of the Supreme Court.

(ee) Duties of the Justice Pro Tempore.

(1) A justice, while serving pro tempore, shall have the same power and authority as a Justice of the Supreme Court, and he the pro tempore justice shall perform such duties as the court may direct. Justices pro tempore shall author majority opinions at the discretion of the Chief Justice.

(2) A justice pro tempore will function promptly on opinions and motions for reconsideration on which he the pro tempore justice is qualified to function. When such opinions are received by him the pro tempore justice after the period of his appointment has expired, his the original period of office as a justice pro tempore shall be deemed to exist in order for him to function and to accomplish the ministerial act of filing the opinion.

(df) Publication of Opinions.

(1) Dissents and Concurrences. Dissents or concurrences written by a justice pro tempore shall be published in regular form, except that a reference symbol shall be placed after his the name, directing attention to a footnote which shall read:

"Justice _____ is serving as a justice pro tempore of the Supreme Court pursuant to Const. art. 4, section 2 (a) (amend. 38)."

(2) Opinions signed by a justice pro tempore shall be published in the regular form, except that the name of the justice pro tempore shall follow the names of the Justices of the Supreme Court signing such opinion, with the designation "Pro Tem." after his the signature.

(3) There shall appear, in each bound volume of the Washington Reports, on the page following the page listing the Justices of the Supreme Court, the names and terms of office of the justices pro tempore who served during the period covered by the published volume.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

RULE 22
REPORTING OF CRIMINAL CASES

~~On any criminal appeal taken to the Supreme Court from a determination made by a court of lesser jurisdiction, the court clerk shall, within 5 court days of the filing of a final decision on the merits in the matter, forward to the Washington State Patrol Section on Identification on a form approved by the Administrator for the Courts its disposition of the particular case. In the event that original or collateral proceedings are brought in the Supreme Court and the result of those original or collateral proceedings changes, or otherwise makes inaccurate, the information forwarded on the original disposition report, the court clerk shall prepare and forward to the Section a supplemental disposition report on a form approved by the Administrator for the Courts indicating thereon the information necessary to correct the current status of the disposition of charges against the subject maintained in the records of the Section.~~

[Reserved. See RCW 10.97.045.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

RULE 15.2
DETERMINATION OF INDIGENCY AND RIGHTS
OF INDIGENT PARTY

(a) Motion for Order of Indigency. A party seeking review partially or wholly at public expense must move in the trial court for an order of indigency. The motion must be supported by an affidavit setting forth the moving party's total assets; the expenses and liabilities of the party; a statement of the amount, if any, the party can contribute toward the

expense of review; a statement of the expenses the party wants waived or provided at public expense; a brief statement of the nature of the case and the issues sought to be reviewed; a designation of those parts of the record the party thinks are necessary for review; and a statement that review is sought in good faith. If the case is a civil case which does not involve a termination of parental rights or a disposition in a juvenile offense proceeding, the party must also demonstrate in the motion or the supporting affidavit that the issues the party wants reviewed have probable merit and that the party has a constitutional right to review partially or wholly at public expense.

(b) Action by Superior Court. The superior court shall decide the motion for an order of indigency, after a hearing if the circumstances warrant, as follows:

(1) Denial Generally. The superior court shall deny the motion if a party has adequate means to pay all of the expenses of review. The order denying the motion for an order of indigency shall contain findings designating the funds or source of funds available to the party to pay all of the expenses of review.

(2) Cases Involving Crimes, Parental Rights, Juvenile Offenses, Involuntary Commitments. In a criminal case, a case involving a termination of parental rights, or a case involving a disposition in a juvenile offense proceeding, or an involuntary commitment, the superior court shall grant the motion and enter an order of indigency if the party seeking public funds is unable by reason of poverty to pay for all or some of the expenses of appellate review.

(3) Other Civil Cases. If the case is a civil case which does not involve a termination of parental rights, or a disposition in a juvenile offense proceeding or an involuntary commitment and if the party is unable by reason of poverty to pay for all of the expenses of review, the superior court shall enter findings of indigency. The superior court shall determine in those findings the portion of the record necessary for review and the amount, if any, the party is able to contribute toward the expense of review. The findings shall conclude with an order to the clerk of the superior court to promptly transmit to the Supreme Court, without charge to the moving party, the findings of indigency, the motion for an order of indigency, the affidavit in support of the motion, and all other papers submitted in support of or in opposition to the motion. The superior court clerk shall promptly transmit to the Supreme Court the papers designated in the findings of indigency.

(c) Action by Supreme Court. If findings of indigency and other papers relating to the motion for an order of indigency are transmitted to the Supreme Court, the Supreme Court will determine whether an order of indigency in that case should be entered by the superior court. The determination will be made by a department of the Supreme Court on a regular motion day without oral argument and based only on the papers transmitted to the Supreme Court by the superior court clerk, unless the Supreme Court directs otherwise. If the Supreme Court determines that the party is seeking review in good faith, that an issue of probable merit is presented, and that the party is entitled under the state or federal constitution to review partially or wholly at public expense, the Supreme Court will enter an order directing the trial court to enter an order of indigency. In all other cases, the Supreme

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Court will enter an order denying the party's motion for an order of indigency. The clerk of the appellate court will transmit a copy of the order to the clerk of the superior court and notify all parties of the decision of the Supreme Court.

(d) Order of Indigency. An order of indigency shall designate the items of expense which are to be paid with public funds and, where appropriate, the items of expense to be paid by a party or the amount which the party must contribute toward the expense of review. The order shall designate the extent to which public funds are to be used for payment of the expense of the record on review, limited to those parts of the record reasonably necessary to review issues argued in good faith. The order of indigency shall appoint counsel if the party is entitled to counsel on review at public expense. The order of indigency must be transmitted to the appellate court as a part of the record on review.

(e) Continued Indigency Presumed. A party and counsel for the party who has been granted an order of indigency must bring to the attention of the trial court any significant improvement during review in the financial condition of the party. The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party's financial condition has improved to the extent that the party is no longer indigent.

(f) Appointment and Withdrawal of Counsel in Trial Court. The trial court shall determine questions relating to the appointment and withdrawal of counsel for an indigent party on review, except withdrawal as provided in section (h). If trial counsel is not appointed, trial counsel must assist counsel appointed for review in preparing the record.

(g) Review of Order of Indigency. Only a party in a criminal case, in a case involving termination of parental rights, or in a case determining whether a person is a juvenile offender may seek review of an order of indigency or an order denying an order of indigency. Review must be sought by a motion for discretionary review.

(h) Withdrawal of Counsel in Appellate Court. If counsel can find no basis for a good faith argument on review, counsel should file a motion in the appellate court to withdraw as counsel for the indigent as provided in rule 18.3(a).

References

Form 12, Order of Indigency; Rule 2.3, Decisions of The Trial Court Which May Be Reviewed by Discretionary Review.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 99-12-010

**NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Memorandum—May 19, 1999]

The Marine Employees' Commission will convene a management team meeting immediately following its regular monthly meeting on the following dates:

DATE	LOCATION
June 25, 1999	South Regional Office Washington State Ferries 800 11th Street Bremerton, WA
September 24, 1999	Washington State Ferries 801 Alaskan Way Colman Dock, Pier 52 Seattle, WA
December 10, 1999	Washington State Ferries 801 Alaskan Way Colman Dock, Pier 52 Seattle, WA

For further information: (360) 586-6354 (voice), (360) 586-0820 (fax), mec@olywa.net (e-mail).

WSR 99-12-011

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—May 21, 1999]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

Chairperson, Brian Stiles, has called a special meeting of the board of trustees for Monday, May 24, 1999, 5:30 p.m. - in the Board Room of the Mount Vernon Campus, Skagit Valley College, 2405 East College Way, Mount Vernon, WA 98273. This meeting is being held as a work session for the board of trustees.

WSR 99-12-012

**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**

[Memorandum—May 17, 1999]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **special board meeting**. The time and location are below. This is a closed executive session to discuss personnel matters.

Meeting Date/Location	Time
Monday, May 24, 1999 Board Room, 325H Pierce College at Fort Steilacoom 9401 Farwest Drive S.W. Lakewood, WA	10:00 a.m.

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WSR 99-12-023**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—May 21, 1999]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

REVISED

- May 10, 1999* Meeting with Congressman Jay Inslee, EdCC President's Cabinet, EdCC Foundation Board, and other EdCC staff, Edmonds Floral Conference Center, 201 4th Avenue North, Edmonds, WA, 8:30-9:15 a.m.
- May 13-15, 1999* Trustees Association of Community and Technical Colleges Spring Convention, Ocean Shores, Washington.
- May 20, 1999 Edmonds Community College Board of Trustees Regular Board Meeting, EdCC, Snohomish Hall, Cascade Conference Room 304A, 20000 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- May 21, 1999* Edmonds Community College Benefit Gala, "A Night in the Garden," Edmonds Floral Conference Center, 201 4th Avenue North, Edmonds, WA, 5:15 p.m.
- May 25, 1999* Small Business Awards Luncheon, EdCC, Triton Union Building, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m.
- May 26, 1999* **Special Board of Trustees Study Session, EdCC, Snohomish Hall, Room 306, 20000 68th Avenue West, Lynnwood, WA, 5:00 p.m.**
- May 27, 1999* Graduates of Color Celebration, EdCC, Triton Union Building 202, 20000 68th Avenue West, Lynnwood, WA, 6:00-8:00 p.m.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 99-12-039**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Natural Resource Damage Assessment Committee)**
[Memorandum—May 26, 1999]

JULY - DECEMBER 1999 MEETING SCHEDULE

The Washington State Natural Resource Damage Assessment (NRDA) Committee, which is chaired by the Department of Ecology, includes representatives of the state Departments of Fish and Wildlife, Natural Resources, Health, the Parks and Recreation Commission, and the Office of Archaeology and Historic Preservation. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for July through December 1999 will be held on the second Wednesday of each month as follows:

July 14
August 11
September 8
October 13
November 10
December 8

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, Auditorium Room 36, 300 Desmond Drive S.E., Lacey, WA.

For more information contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov.

WSR 99-12-047**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
(Fish and Wildlife Commission)**
[Memorandum—May 26, 1999]

The Washington Fish and Wildlife Commission would like to publish a notice of change from the 1999 meeting schedule filed under WSR 98-24-063 as follows: The August 6-7 meeting location is changed from Vancouver to Ocean Shores.

WSR 99-12-048**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**
[Memorandum—May 24, 1999]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **special board meeting**. The time and location are below. The meeting will begin with a closed executive session to discuss personnel matters, followed by an open session to discuss the proposed reorganization plan.

Meeting Date/Location	Time
Tuesday, June 1, 1999	1:30 p.m.
Board Room, 325H Pierce College at Fort Steilacoom 9401 Farwest Drive S.W. Lakewood, WA	

Action may be taken as necessary at the discretion of the board as a result of any item properly considered in executive or open session.

WSR 99-12-049
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES
BENEFITS BOARD
 [Memorandum—May 26, 1999]

The Public Employees Benefits Board meeting scheduled on Tuesday, June 15, 1999, has been canceled.

Due to the June 16 deadline for submittal of health plan bids, the decision was made to cancel the June meeting so that we will have the opportunity to provide the board with an analysis of the bid results with recommendations at the July 27 meeting.

The October 5 retreat has been moved to October 26. (The time and location remain the same.) Please change your calendars accordingly.

If you have any questions, please feel free to contact Gary L. Christenson, or Judy Lamm, the board assistant, at (360) 923-2828.

WSR 99-12-050
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE
 [Memorandum—May 25, 1999]

The board of trustees of Shoreline Community College will meet in special session on Friday, June 4, from 8:00 a.m. until 12:00 p.m. in the Central Conference Room of the Administration Building. The purpose of their meeting is to evaluate the performance of an employee.

If you have additional questions, please contact (206) 546-4552.

WSR 99-12-088
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 1, 1999, 1:38 p.m.]

EHB 2232 of the 1999 legislative session creates a safety and health impact grant program. This program will provide safety and health impact grants for the purposes of education, training, technical innovation, hazard control, and innovative programs that address state-wide safety and health priorities

established by the WISHA Advisory Committee. EHB 2232 passed with full bipartisan legislative support, business and labor agreement and support from the department.

A critical component of the safety and health impact grant program is the legislatively mandated grant review committee. This committee will be a subcommittee of the WISHA Advisory Committee. The committee will prepare requests for proposals, receive, review, and process grant applications, and identify applications that merit funding. Names of individuals that would be interested in serving on the grant review committee are to be submitted to the director of the Department of Labor and Industries.

Of the nine members of the safety and health impact grant review committee, eight are defined as state-wide employee and employer representatives. The statute specifically requires that names be submitted by recognized state-wide organizations of employees or submitted by recognized state-wide organizations of employers. Each of the employer and employee membership positions is to be appointed from a list of at least three names per position. The legislation therefore requires that at least twelve employee and twelve employer names be submitted from which a total of eight members will be selected. One person acting ex officio from the Department of Labor and Industries will round out the full committee.

A biographical sketch, brief work history and a description of the individual's qualifications for appointment to the committee is to be submitted. A statement briefly describing why the organization submitting names is qualified to do so under the provisions of EHB 2232 is also requested.

Nominations are due no later than June 30, 1999, and should be sent to Gary Moore, Director, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, or faxed to (360) 902-4202.

All nominations will be carefully reviewed. Committee membership is expected to be announced by July 15, 1999. The first meeting will be on July 28, 1999, at the Labor and Industries building in Tumwater, beginning at 9:00 a.m.

Any questions about the committee or the submittal process should be directed to Michael Silverstein, Assistant Director for WISHA Services, at (360) 902-5495.

Gary Moore
Director

WSR 99-12-095
DEPARTMENT OF ECOLOGY
 [Filed June 1, 1999, 4:23 p.m.]

Governor Locke's Regulatory Improvement Executive Order 97-02 mandates each state agency to review rules that have a significant effect on business, labor, consumers, and the environment and to provide a means of public participation in the review process.

To comply with Executive Order 97-02, the Department of Ecology gives notice of the opportunity to comment' on the following rule(s): Chapter 173-216 WAC, State waste discharge permit program, chapter 173-218 WAC, Under

MISC.

ground injection control program, chapter 173-220 WAC, National pollutant discharge elimination system permit program, and chapter 173-270 WAC, Puget Sound highway run-off program.

All comments must be received, in writing, by 5:00 p.m., July 16, 1999. Comments should be addressed to Jerry Thielen, Agency Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6989, e-mail jthi461@ecy.wa.gov.

Comments should specifically address the following elements of the rule:

NEED

- Is this rule necessary to comply with statutes that authorize it?
- Is this rule obsolete, duplicative, or ambiguous to degree that warrants repeal or revision?
- Have laws or circumstances changed so that the rule should be amended or repealed?
- Is the rule necessary to protect or safeguard the health, welfare, or safety of Washington's citizens?

EFFECTIVENESS AND EFFICIENCY

- Is this rule providing results that it was originally designed to achieve in a reasonable manner?
- Are there regulatory alternative or new technologies that could more effectively or efficiently achieve the same objectives?

CLARITY

- Is this rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies?

INTENT AND STATUTORY AUTHORITY

- Is this rule consistent with the legislative intent of the statutes that authorize it?
- Is this rule based upon sufficient statutory authority?
- Is there a need to develop a more specific legislative authorization in order to protect the health, safety, and welfare of Washington's citizens?

COORDINATION

- Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce duplication and inconsistency?

COST

- Have qualitative and quantitative benefits of the rule been considered to [in] relation to its costs?

FAIRNESS

- Does this rule result in equitable treatment of those required to comply with it?
- Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community?
- Should it be strengthened to provide additional protection?

WSR 99-12-107
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD

[Memorandum—June 1, 1999]

This is to notify all interested parties, that the Executive Ethics Board's regular meeting, scheduled for July 9, 1999, has been changed to Friday, July 30, 1999.

If you have any questions, please contact Meg Grimaldi, Executive Secretary at (360) 664-0871 or Patti Hurn, EEB Clerk at (360) 586-3265.

¹ Comments received are for the purpose of this rule review and will not be considered a petition under RCW 34.05.330.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-780	PREP	99-05-027	16-19-300	NEW	99-12-021	16-21-115	REP-XR	99-12-122
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16-401-050	AMD-P	99-07-126	16-462-060	REP	99-12-025	16-752-146	REP-XR	99-07-124
16-401-050	AMD	99-12-034	16-470	PREP	99-03-092	16-752-146	REP	99-11-087
16-403	PREP	99-03-108	16-470-900	PREP	99-03-096	16-752-147	REP-XR	99-07-124
16-403-141	AMD-P	99-11-096	16-470-900	AMD-P	99-07-125	16-752-147	REP	99-11-087
16-406-001	PREP	99-04-094	16-470-900	AMD	99-12-035	16-752-150	REP-XR	99-07-124
16-406-020	PREP	99-04-094	16-470-905	PREP	99-03-096	16-752-150	REP	99-11-087
16-406-020	AMD-P	99-08-108	16-470-905	AMD-P	99-07-125	16-752-155	REP-XR	99-07-124
16-406-025	NEW-P	99-08-108	16-470-905	AMD	99-12-035	16-752-155	REP	99-11-087
16-406-030	PREP	99-04-094	16-470-910	PREP	99-03-096	16-752-160	REP-XR	99-07-124
16-406-030	AMD-P	99-08-108	16-470-910	AMD-P	99-07-125	16-752-160	REP	99-11-087
16-406-050	PREP	99-04-094	16-470-910	AMD	99-12-035	16-752-165	REP-XR	99-07-124
16-406-050	AMD-P	99-08-108	16-470-911	NEW-P	99-07-125	16-752-165	REP	99-11-087
16-412-010	REP-XR	99-08-112	16-470-911	NEW	99-12-035	16-752-170	REP-XR	99-07-124
16-412-020	REP-XR	99-08-112	16-470-915	PREP	99-03-096	16-752-170	REP	99-11-087
16-412-030	REP-XR	99-08-112	16-470-915	AMD-P	99-07-125	25- 12-010	REP-P	99-03-098
16-412-040	REP-XR	99-08-112	16-470-915	AMD	99-12-035	25- 12-020	REP-P	99-03-098
16-412-050	REP-XR	99-08-112	16-470-916	NEW-P	99-07-125	25- 12-030	REP-P	99-03-098
16-412-060	REP-XR	99-08-112	16-470-916	NEW	99-12-035	25- 12-040	REP-P	99-03-098
16-424-010	REP-XR	99-08-112	16-470-920	PREP	99-03-096	25- 12-050	REP-P	99-03-098
16-424-020	REP-XR	99-08-112	16-470-920	AMD-P	99-07-125	25- 12-060	REP-P	99-03-098
16-424-030	REP-XR	99-08-112	16-470-920	AMD	99-12-035	25- 12-070	REP-P	99-03-098
16-436	PREP	99-08-111	16-470-921	NEW-P	99-07-125	25- 12-110	NEW-P	99-03-098
16-448	PREP	99-08-110	16-470-921	NEW	99-12-035	25- 12-120	NEW-P	99-03-098
16-451-010	REP-XR	99-08-112	16-481	PREP	99-03-090	25- 12-130	NEW-P	99-03-098
16-451-020	REP-XR	99-08-112	16-483	PREP	99-03-091	25- 12-140	NEW-P	99-03-098
16-451-030	REP-XR	99-08-112	16-532-020	AMD-P	99-02-063	25- 12-150	NEW-P	99-03-098
16-451-040	REP-XR	99-08-112	16-532-020	AMD	99-10-095	25- 12-160	NEW-P	99-03-098
16-451-050	REP-XR	99-08-112	16-545-010	NEW	99-02-064	25- 12-170	NEW-P	99-03-098
16-451-060	REP-XR	99-08-112	16-545-015	NEW	99-02-064	25- 12-180	NEW-P	99-03-098
16-451-070	REP-XR	99-08-112	16-545-020	NEW	99-02-064	36- 12	PREP	99-12-103
16-458	AMD-XA	99-08-113	16-545-030	NEW	99-02-064	50- 16-020	REP-XR	99-04-073
16-458-004	REP-XA	99-08-113	16-545-040	NEW	99-02-064	50- 16-020	REP	99-08-123
16-458-075	AMD-XA	99-08-113	16-545-041	NEW	99-02-064	50- 16-025	REP-XR	99-04-073
16-458-080	AMD-XA	99-08-113	16-545-050	NEW	99-02-064	50- 16-025	REP	99-08-123
16-458-085	AMD-XA	99-08-113	16-545-080	NEW	99-02-064	50- 16-030	REP-XR	99-04-073
16-460-005	REP-XR	99-08-112	16-561-010	AMD-P	99-07-108	50- 16-030	REP	99-08-123
16-460-008	REP-XR	99-08-112	16-561-010	AMD-C	99-11-024	50- 16-035	REP-XR	99-04-073
16-460-040	REP-XR	99-08-112	16-561-010	AMD-C	99-12-013	50- 16-035	REP	99-08-123
16-460-080	REP-XR	99-08-112	16-561-130	NEW-P	99-07-108	50- 16-040	REP-XR	99-04-073
16-460-100	REP-XR	99-08-112	16-561-130	NEW-C	99-11-024	50- 16-040	REP	99-08-123
16-461	PREP	99-03-108	16-561-130	NEW-C	99-12-013	50- 16-045	REP-XR	99-04-073
16-461-010	AMD-P	99-11-096	16-575-015	NEW-P	99-06-070	50- 16-045	REP	99-08-123
16-462	PREP	99-03-094	16-575-015	NEW	99-12-104	50- 16-050	REP-XR	99-04-073
16-462	AMD-XA	99-07-127	16-604-010	REP	99-04-069	50- 16-050	REP	99-08-123
16-462-010	AMD-XA	99-07-127	16-645-005	NEW-P	99-02-066	50- 16-055	REP-XR	99-04-073
16-462-010	AMD	99-12-025	16-645-005	NEW	99-06-072	50- 16-055	REP	99-08-123
16-462-015	AMD-XA	99-07-127	16-645-010	NEW-P	99-02-066	50- 16-060	REP-XR	99-04-073
16-462-015	AMD	99-12-025	16-645-010	NEW	99-06-072	50- 16-060	REP	99-08-123
16-462-020	AMD-XA	99-07-127	16-662-105	AMD-P	99-04-111	50- 16-065	REP-XR	99-04-073
16-462-020	AMD	99-12-025	16-662-105	AMD	99-07-056	50- 16-065	REP	99-08-123
16-462-021	NEW-XA	99-07-127	16-662-110	AMD-P	99-04-111	50- 16-070	REP-XR	99-04-073
16-462-021	NEW	99-12-025	16-662-110	AMD	99-07-056	50- 16-070	REP	99-08-123
16-462-022	NEW-XA	99-07-127	16-752	PREP	99-07-123	50- 16-075	REP-XR	99-04-073
16-462-022	NEW	99-12-025	16-752-115	REP-XR	99-07-124	50- 16-075	REP	99-08-123
16-462-025	AMD-XA	99-07-127	16-752-115	REP	99-11-087	50- 16-080	REP-XR	99-04-073
16-462-025	AMD	99-12-025	16-752-120	REP-XR	99-07-124	50- 16-080	REP	99-08-123
16-462-030	AMD-XA	99-07-127	16-752-120	REP	99-11-087	50- 16-085	REP-XR	99-04-073
16-462-030	AMD	99-12-025	16-752-125	REP-XR	99-07-124	50- 16-085	REP	99-08-123
16-462-035	AMD-XA	99-07-127	16-752-125	REP	99-11-087	50- 16-090	REP-XR	99-04-073

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50- 16-095	REP-XR	99-04-073	132A-131-010	NEW-P	99-10-100	132H-168-090	REP	99-10-045
50- 16-095	REP	99-08-123	132A-131-020	NEW-P	99-10-100	132H-168-990	REP-P	99-05-018
50- 16-100	REP-XR	99-04-073	132A-133-020	NEW-P	99-10-100	132H-168-990	REP	99-10-045
50- 16-100	REP	99-08-123	132A-140-001	NEW-P	99-10-100	132H-168-9901	REP-P	99-05-018
50- 16-105	REP-XR	99-04-073	132A-140-006	NEW-P	99-10-100	132H-168-9901	REP	99-10-045
50- 16-105	REP	99-08-123	132A-140-011	NEW-P	99-10-100	132H-168-9902	REP-P	99-05-018
50- 44-037	NEW-P	99-07-131	132A-140-016	NEW-P	99-10-100	132H-168-9902	REP	99-10-045
50- 44-037	NEW	99-10-024	132A-140-021	NEW-P	99-10-100	132H-168-9903	REP-P	99-05-018
50- 44-039	NEW-P	99-07-131	132A-140-026	NEW-P	99-10-100	132H-168-9903	REP	99-10-045
50- 44-039	NEW	99-10-024	132A-140-030	NEW-P	99-10-100	132H-169-010	NEW-P	99-05-018
51- 40-23110	REP-E	99-05-030	132A-150-010	NEW-P	99-10-100	132H-169-010	NEW	99-10-045
67- 55-040	AMD	99-05-005	132A-150-020	NEW-P	99-10-100	132H-169-020	NEW-P	99-05-018
67- 55-060	AMD	99-05-005	132A-156-006	NEW-P	99-10-100	132H-169-020	NEW	99-10-045
67- 75-010	AMD	99-05-005	132A-156-011	NEW-P	99-10-100	132H-169-030	NEW-P	99-05-018
67- 75-020	AMD	99-05-005	132A-156-016	NEW-P	99-10-100	132H-169-030	NEW	99-10-045
67- 75-030	AMD	99-05-005	132A-160-006	NEW-P	99-10-100	132H-169-040	NEW-P	99-05-018
67- 75-040	AMD	99-05-005	132A-168-006	NEW-P	99-10-100	132H-169-040	NEW	99-10-045
67- 75-042	AMD	99-05-005	132A-168-011	NEW-P	99-10-100	132H-169-050	NEW-P	99-05-018
67- 75-044	AMD	99-05-005	132A-168-016	NEW-P	99-10-100	132H-169-050	NEW	99-10-045
67- 75-050	AMD	99-05-005	132A-168-021	NEW-P	99-10-100	132H-169-060	NEW-P	99-05-018
82- 50-021	AMD-XA	99-07-128	132A-168-026	NEW-P	99-10-100	132H-169-060	NEW	99-10-045
82- 50-021	AMD	99-12-081	132A-176-006	NEW-P	99-10-100	132H-169-070	NEW-P	99-05-018
98- 70-010	PREP	99-10-017	132A-276-031	NEW-P	99-10-100	132H-169-070	NEW	99-10-045
130- 16	PREP	99-08-060	132A-276-045	AMD-P	99-10-100	132H-169-080	NEW-P	99-05-018
131- 16-021	PREP	99-09-017	132A-280-006	NEW-P	99-10-100	132H-169-080	NEW	99-10-045
131- 16-450	PREP	99-04-029	132A-280-011	NEW-P	99-10-100	132H-169-090	NEW-P	99-05-018
131- 16-450	AMD-E	99-07-057	132A-280-016	NEW-P	99-10-100	132H-169-090	NEW	99-10-045
131- 16-450	AMD-P	99-08-013	132A-280-021	NEW-P	99-10-100	132H-169-100	NEW-P	99-05-018
131- 28	PREP	99-10-015	132A-280-026	NEW-P	99-10-100	132H-169-100	NEW	99-10-045
131- 46	PREP	99-08-057	132A-280-031	NEW-P	99-10-100	132H-169-110	NEW-P	99-05-018
132A	PREP	99-07-060	132A-280-035	NEW-P	99-10-100	132H-169-110	NEW	99-10-045
132A-104-011	NEW-P	99-10-100	132A-280-040	NEW-P	99-10-100	132H-169-120	NEW-P	99-05-018
132A-104-016	NEW-P	99-10-100	132A-280-045	NEW-P	99-10-100	132H-169-120	NEW	99-10-045
132A-104-021	NEW-P	99-10-100	132A-280-050	NEW-P	99-10-100	132H-169-130	NEW-P	99-05-018
132A-108-010	NEW-P	99-10-100	132A-280-055	NEW-P	99-10-100	132H-169-130	NEW	99-10-045
132A-108-020	NEW-P	99-10-100	132A-280-060	NEW-P	99-10-100	132K- 16	PREP	99-04-028
132A-108-030	NEW-P	99-10-100	132A-280-065	NEW-P	99-10-100	132K- 16-010	REP-P	99-07-109
132A-108-040	NEW-P	99-10-100	132A-280-070	NEW-P	99-10-100	132K- 16-010	REP	99-10-046
132A-108-050	NEW-P	99-10-100	132A-280-075	NEW-P	99-10-100	132K- 16-020	REP-P	99-07-109
132A-108-060	NEW-P	99-10-100	132A-280-080	NEW-P	99-10-100	132K- 16-020	REP	99-10-046
132A-108-070	NEW-P	99-10-100	132A-280-085	NEW-P	99-10-100	132K- 16-030	REP-P	99-07-109
132A-108-080	NEW-P	99-10-100	132A-320-010	NEW-P	99-10-100	132K- 16-030	REP	99-10-046
132A-108-090	NEW-P	99-10-100	132A-320-020	NEW-P	99-10-100	132K- 16-040	REP-P	99-07-109
132A-116-001	NEW-P	99-10-100	132A-320-030	NEW-P	99-10-100	132K- 16-040	REP	99-10-046
132A-116-006	NEW-P	99-10-100	132A-350-015	NEW-P	99-10-100	132K- 16-050	REP-P	99-07-109
132A-116-011	NEW-P	99-10-100	132A-350-020	NEW-P	99-10-100	132K- 16-050	REP	99-10-046
132A-116-016	NEW-P	99-10-100	132A-350-030	NEW-P	99-10-100	132K- 16-060	REP-P	99-07-109
132A-116-021	NEW-P	99-10-100	132A-350-040	NEW-P	99-10-100	132K- 16-060	REP	99-10-046
132A-116-026	NEW-P	99-10-100	132A-350-045	NEW-P	99-10-100	132K- 16-070	REP-P	99-07-109
132A-116-030	NEW-P	99-10-100	132A-350-050	NEW-P	99-10-100	132K- 16-070	REP	99-10-046
132A-120-006	NEW-P	99-10-100	132H-168-010	REP-P	99-05-018	132K- 16-110	REP-P	99-07-109
132A-120-011	NEW-P	99-10-100	132H-168-010	REP	99-10-045	132K- 16-110	REP	99-10-046
132A-120-016	NEW-P	99-10-100	132H-168-020	REP-P	99-05-018	132K- 16-120	REP-P	99-07-109
132A-120-021	NEW-P	99-10-100	132H-168-020	REP	99-10-045	132K- 16-120	REP	99-10-046
132A-120-026	NEW-P	99-10-100	132H-168-030	REP-P	99-05-018	132K- 16-130	REP-P	99-07-109
132A-120-031	NEW-P	99-10-100	132H-168-030	REP	99-10-045	132K- 16-130	REP	99-10-046
132A-120-036	NEW-P	99-10-100	132H-168-040	REP-P	99-05-018	132K- 16-140	REP-P	99-07-109
132A-120-041	NEW-P	99-10-100	132H-168-040	REP	99-10-045	132K- 16-140	REP	99-10-046
132A-120-046	NEW-P	99-10-100	132H-168-050	REP-P	99-05-018	132K- 16-150	REP-P	99-07-109
132A-120-051	NEW-P	99-10-100	132H-168-050	REP	99-10-045	132K- 16-150	REP	99-10-046
132A-120-056	NEW-P	99-10-100	132H-168-060	REP-P	99-05-018	132K- 16-160	REP-P	99-07-109
132A-120-061	NEW-P	99-10-100	132H-168-060	REP	99-10-045	132K- 16-160	REP	99-10-046
132A-122-011	NEW-P	99-10-100	132H-168-070	REP-P	99-05-018	132K- 16-170	REP-P	99-07-109
132A-122-021	NEW-P	99-10-100	132H-168-070	REP	99-10-045	132K- 16-170	REP	99-10-046
132A-130-010	NEW-P	99-10-100	132H-168-080	REP-P	99-05-018	132K- 16-180	REP-P	99-07-109
132A-130-020	NEW-P	99-10-100	132H-168-080	REP	99-10-045	132K- 16-180	REP	99-10-046

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132K-16-190	REP	99-10-046	132K-125-050	NEW-P	99-07-109	132K-125-380	NEW	99-10-046
132K-16-200	REP-P	99-07-109	132K-125-050	NEW	99-10-046	132K-125-390	NEW-P	99-07-109
132K-16-200	REP	99-10-046	132K-125-060	NEW-P	99-07-109	132K-125-390	NEW	99-10-046
132K-16-210	REP-P	99-07-109	132K-125-060	NEW	99-10-046	132K-125-400	NEW-P	99-07-109
132K-16-210	REP	99-10-046	132K-125-070	NEW-P	99-07-109	132K-125-400	NEW	99-10-046
132K-16-220	REP-P	99-07-109	132K-125-070	NEW	99-10-046	132K-125-410	NEW-P	99-07-109
132K-16-220	REP	99-10-046	132K-125-080	NEW-P	99-07-109	132K-125-410	NEW	99-10-046
132K-16-230	REP-P	99-07-109	132K-125-080	NEW	99-10-046	132K-125-420	NEW-P	99-07-109
132K-16-230	REP	99-10-046	132K-125-090	NEW-P	99-07-109	132K-125-420	NEW	99-10-046
132K-16-240	REP-P	99-07-109	132K-125-090	NEW	99-10-046	132K-125-430	NEW-P	99-07-109
132K-16-240	REP	99-10-046	132K-125-100	NEW-P	99-07-109	132K-125-430	NEW	99-10-046
132K-16-250	REP-P	99-07-109	132K-125-100	NEW	99-10-046	132N-160	PREP	99-06-011
132K-16-250	REP	99-10-046	132K-125-110	NEW-P	99-07-109	132N-160-010	NEW-P	99-10-044
132K-16-260	REP-P	99-07-109	132K-125-110	NEW	99-10-046	132N-160-020	NEW-P	99-10-044
132K-16-260	REP	99-10-046	132K-125-120	NEW-P	99-07-109	132N-160-030	NEW-P	99-10-044
132K-16-270	REP-P	99-07-109	132K-125-120	NEW	99-10-046	132N-160-040	NEW-P	99-10-044
132K-16-270	REP	99-10-046	132K-125-130	NEW-P	99-07-109	132N-160-050	NEW-P	99-10-044
132K-16-280	REP-P	99-07-109	132K-125-130	NEW	99-10-046	132N-160-060	NEW-P	99-10-044
132K-16-280	REP	99-10-046	132K-125-140	NEW-P	99-07-109	132N-160-070	NEW-P	99-10-044
132K-16-290	REP-P	99-07-109	132K-125-140	NEW	99-10-046	132N-160-080	NEW-P	99-10-044
132K-16-290	REP	99-10-046	132K-125-150	NEW-P	99-07-109	132N-160-090	NEW-P	99-10-044
132K-16-300	REP-P	99-07-109	132K-125-150	NEW	99-10-046	132P-33-010	AMD-P	99-08-019
132K-16-300	REP	99-10-046	132K-125-160	NEW-P	99-07-109	132P-33-020	AMD-P	99-08-019
132K-16-310	REP-P	99-07-109	132K-125-160	NEW	99-10-046	132P-33-080	AMD-P	99-08-019
132K-16-310	REP	99-10-046	132K-125-170	NEW-P	99-07-109	132P-33-100	AMD-P	99-08-019
132K-16-320	REP-P	99-07-109	132K-125-170	NEW	99-10-046	132P-33-120	AMD-P	99-08-019
132K-16-320	REP	99-10-046	132K-125-180	NEW-P	99-07-109	132P-33-123	NEW-P	99-08-019
132K-16-330	REP-P	99-07-109	132K-125-180	NEW	99-10-046	132P-33-125	NEW-P	99-08-019
132K-16-330	REP	99-10-046	132K-125-190	NEW-P	99-07-109	132P-33-130	AMD-P	99-08-019
132K-16-340	REP-P	99-07-109	132K-125-190	NEW	99-10-046	132P-33-150	AMD-P	99-08-019
132K-16-340	REP	99-10-046	132K-125-200	NEW-P	99-07-109	132P-33-155	NEW-P	99-08-019
132K-16-350	REP-P	99-07-109	132K-125-200	NEW	99-10-046	132P-33-160	AMD-P	99-08-019
132K-16-350	REP	99-10-046	132K-125-210	NEW-P	99-07-109	132P-33-170	AMD-P	99-08-019
132K-16-360	REP-P	99-07-109	132K-125-210	NEW	99-10-046	132P-33-210	AMD-P	99-08-019
132K-16-360	REP	99-10-046	132K-125-220	NEW-P	99-07-109	132P-33-220	AMD-P	99-08-019
132K-16-370	REP-P	99-07-109	132K-125-220	NEW	99-10-046	132P-33-230	AMD-P	99-08-019
132K-16-370	REP	99-10-046	132K-125-230	NEW-P	99-07-109	132P-33-260	AMD-P	99-08-019
132K-16-380	REP-P	99-07-109	132K-125-230	NEW	99-10-046	132P-33-270	AMD-P	99-08-019
132K-16-380	REP	99-10-046	132K-125-240	NEW-P	99-07-109	132P-276	PREP	99-05-041
132K-16-390	REP-P	99-07-109	132K-125-240	NEW	99-10-046	132Q-12-010	REP-C	99-05-040
132K-16-390	REP	99-10-046	132K-125-250	NEW-P	99-07-109	132Q-12-010	REP	99-10-012
132K-16-400	REP-P	99-07-109	132K-125-250	NEW	99-10-046	132X-10	PREP	99-06-032
132K-16-400	REP	99-10-046	132K-125-260	NEW-P	99-07-109	132X-20	PREP	99-06-032
132K-16-410	REP-P	99-07-109	132K-125-260	NEW	99-10-046	132X-30	PREP	99-06-032
132K-16-410	REP	99-10-046	132K-125-270	NEW-P	99-07-109	132X-40	PREP	99-06-032
132K-16-420	REP-P	99-07-109	132K-125-270	NEW	99-10-046	132X-50	PREP	99-06-032
132K-16-420	REP	99-10-046	132K-125-280	NEW-P	99-07-109	132X-60	PREP	99-06-032
132K-16-430	REP-P	99-07-109	132K-125-280	NEW	99-10-046	136-130-050	AMD-P	99-09-084
132K-16-430	REP	99-10-046	132K-125-290	NEW-P	99-07-109	162-04	PREP	99-12-100
132K-16-440	REP-P	99-07-109	132K-125-290	NEW	99-10-046	162-12	PREP	99-12-098
132K-16-440	REP	99-10-046	132K-125-300	NEW-P	99-07-109	162-16-020	REP-P	99-04-108
132K-16-450	REP-P	99-07-109	132K-125-300	NEW	99-10-046	162-16-030	REP-P	99-04-108
132K-16-450	REP	99-10-046	132K-125-310	NEW-P	99-07-109	162-16-040	REP-P	99-04-108
132K-16-460	REP-P	99-07-109	132K-125-310	NEW	99-10-046	162-16-050	REP-P	99-04-108
132K-16-460	REP	99-10-046	132K-125-320	NEW-P	99-07-109	162-16-060	REP-P	99-04-108
132K-16-470	REP-P	99-07-109	132K-125-320	NEW	99-10-046	162-16-070	REP-P	99-04-108
132K-16-470	REP	99-10-046	132K-125-330	NEW-P	99-07-109	162-16-080	REP-P	99-04-108
132K-16-480	REP-P	99-07-109	132K-125-330	NEW	99-10-046	162-16-090	REP-P	99-04-108
132K-16-480	REP	99-10-046	132K-125-340	NEW-P	99-07-109	162-16-100	REP-P	99-04-108
132K-125-010	NEW-P	99-07-109	132K-125-340	NEW	99-10-046	162-16-110	REP-P	99-04-108
132K-125-010	NEW	99-10-046	132K-125-350	NEW-P	99-07-109	162-16-120	REP-P	99-04-108
132K-125-020	NEW-P	99-07-109	132K-125-350	NEW	99-10-046	162-16-130	REP-P	99-04-108
132K-125-020	NEW	99-10-046	132K-125-360	NEW-P	99-07-109	162-16-140	REP-P	99-04-108
132K-125-030	NEW-P	99-07-109	132K-125-360	NEW	99-10-046	162-16-150	REP-P	99-04-108
132K-125-030	NEW	99-10-046	132K-125-370	NEW-P	99-07-109	162-16-160	REP-P	99-04-108
132K-125-040	NEW-P	99-07-109	132K-125-370	NEW	99-10-046	162-16-170	REP-P	99-04-108

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162-16-210	NEW-P	99-04-108	173-26-110	AMD-P	99-08-124	173-400-104	AMD-P	99-12-096
162-16-220	NEW-P	99-04-108	173-26-120	AMD-P	99-08-124	173-400-115	AMD-XA	99-04-097
162-16-230	NEW-P	99-04-108	173-26-170	NEW-P	99-08-124	173-400-115	AMD-P	99-12-096
162-16-240	NEW-P	99-04-108	173-26-180	NEW-P	99-08-124	173-405	PREP	99-07-093
162-16-250	NEW-P	99-04-108	173-26-190	NEW-P	99-08-124	173-409	PREP	99-12-093
162-16-260	NEW-P	99-04-108	173-26-200	NEW-P	99-08-124	173-410	PREP	99-07-093
162-16-270	NEW-P	99-04-108	173-26-210	NEW-P	99-08-124	173-415	PREP	99-10-042
162-16-280	NEW-P	99-04-108	173-26-220	NEW-P	99-08-124	173-425	AMD-P	99-07-110
162-16-290	NEW-P	99-04-108	173-26-230	NEW-P	99-08-124	173-425-010	AMD-P	99-07-110
162-18	PREP	99-12-098	173-26-240	NEW-P	99-08-124	173-425-020	AMD-P	99-07-110
162-20	PREP	99-12-098	173-26-250	NEW-P	99-08-124	173-425-030	AMD-P	99-07-110
162-22	PREP	99-12-100	173-26-260	NEW-P	99-08-124	173-425-040	AMD-P	99-07-110
162-22-010	AMD-P	99-04-108	173-153-010	NEW-P	99-12-109	173-425-050	AMD-P	99-07-110
162-22-020	AMD-P	99-04-108	173-153-020	NEW-P	99-12-109	173-425-060	AMD-P	99-07-110
162-22-025	NEW-P	99-04-108	173-153-030	NEW-P	99-12-109	173-425-070	AMD-P	99-07-110
162-22-030	REP-P	99-04-108	173-153-040	NEW-P	99-12-109	173-425-080	AMD-P	99-07-110
162-22-035	NEW-P	99-04-108	173-153-050	NEW-P	99-12-109	173-425-090	REP-P	99-07-110
162-22-040	REP-P	99-04-108	173-153-060	NEW-P	99-12-109	173-425-100	REP-P	99-07-110
162-22-045	NEW-P	99-04-108	173-153-070	NEW-P	99-12-109	173-425-110	REP-P	99-07-110
162-22-050	REP-P	99-04-108	173-153-080	NEW-P	99-12-109	173-433	PREP	99-07-093
162-22-060	REP-P	99-04-108	173-153-090	NEW-P	99-12-109	173-434	PREP	99-07-093
162-22-065	NEW-P	99-04-108	173-153-100	NEW-P	99-12-109	173-481	PREP	99-10-042
162-22-070	REP-P	99-04-108	173-153-110	NEW-P	99-12-109	173-532-085	NEW-S	99-08-125
162-22-075	NEW-P	99-04-108	173-153-120	NEW-P	99-12-109	173-548	AMD-P	99-09-092
162-22-080	REP-P	99-04-108	173-153-130	NEW-P	99-12-109	173-548-001	NEW-P	99-09-092
162-22-090	AMD-P	99-04-108	173-153-140	NEW-P	99-12-109	173-548-002	NEW-P	99-09-092
162-22-100	AMD-P	99-04-108	173-153-150	NEW-P	99-12-109	173-548-005	NEW-P	99-09-092
162-26	PREP	99-12-100	173-153-160	NEW-P	99-12-109	173-548-010	AMD-P	99-09-092
162-26-010	AMD-P	99-04-108	173-153-170	NEW-P	99-12-109	173-548-015	NEW-P	99-09-092
162-26-020	REP-P	99-04-108	173-153-180	NEW-P	99-12-109	173-548-020	AMD-P	99-09-092
162-26-030	REP-P	99-04-108	173-153-190	NEW-P	99-12-109	173-548-030	AMD-P	99-09-092
162-26-035	REP-P	99-04-108	173-153-200	NEW-P	99-12-109	173-548-031	NEW-P	99-09-092
162-26-040	AMD-P	99-04-108	173-201A	PREP	99-05-060	173-548-032	NEW-P	99-09-092
162-26-050	REP-P	99-04-108	173-202-020	AMD-E	99-07-077	173-548-033	NEW-P	99-09-092
162-26-060	AMD-P	99-04-108	173-202-020	AMD-E	99-09-001	173-548-034	NEW-P	99-09-092
162-26-070	AMD-P	99-04-108	173-202-020	AMD-C	99-09-094	173-548-035	NEW-P	99-09-092
162-26-080	AMD-P	99-04-108	173-224	PREP	99-11-055	173-548-036	NEW-P	99-09-092
162-26-090	REP-P	99-04-108	173-230-010	AMD-P	99-12-038	173-548-037	NEW-P	99-09-092
162-26-100	AMD-P	99-04-108	173-230-020	AMD-P	99-12-038	173-548-040	AMD-P	99-09-092
162-26-110	AMD-P	99-04-108	173-230-030	REP-P	99-12-038	173-548-050	AMD-P	99-09-092
162-26-120	AMD-P	99-04-108	173-230-040	AMD-P	99-12-038	173-548-060	AMD-P	99-09-092
162-26-135	NEW-P	99-04-108	173-230-050	REP-P	99-12-038	173-548-070	AMD-P	99-09-092
162-26-140	AMD-P	99-04-108	173-230-061	AMD-P	99-12-038	173-548-075	NEW-P	99-09-092
162-28	PREP	99-12-098	173-230-065	NEW-P	99-12-038	173-548-076	NEW-P	99-09-092
162-30	PREP	99-12-099	173-230-070	AMD-P	99-12-038	174-280-015	AMD-P	99-08-030
162-30-010	AMD-P	99-04-108	173-230-080	AMD-P	99-12-038	174-280-015	AMD	99-12-024
162-30-020	AMD-P	99-04-108	173-230-090	AMD-P	99-12-038	174-280-030	AMD-P	99-08-030
162-38	PREP	99-12-100	173-230-100	AMD-P	99-12-038	174-280-030	AMD	99-12-024
162-38-040	AMD-P	99-04-108	173-230-110	AMD-P	99-12-038	180-08-015	NEW-P	99-04-079
162-38-100	AMD-P	99-04-108	173-230-120	AMD-P	99-12-038	180-08-015	NEW	99-10-092
162-38-105	NEW-P	99-04-108	173-230-130	AMD-P	99-12-038	180-16-195	AMD-P	99-04-080
162-38-110	AMD-P	99-04-108	173-230-140	AMD-P	99-12-038	180-16-195	AMD	99-10-091
162-38-130	REP-P	99-04-108	173-303	PREP	99-10-041	180-16-215	PREP	99-04-088
162-40	PREP	99-12-098	173-400	PREP	99-07-093	180-16-215	AMD-P	99-07-069
173-16-010	REP-P	99-08-124	173-400	PREP	99-09-093	180-16-220	AMD-P	99-04-080
173-16-020	REP-P	99-08-124	173-400	PREP	99-10-042	180-16-220	AMD	99-10-091
173-16-030	REP-P	99-08-124	173-400-030	AMD-XA	99-04-097	180-16-221	REP-XR	99-03-001
173-16-040	REP-P	99-08-124	173-400-030	AMD-P	99-12-096	180-16-221	REP	99-07-054
173-16-050	REP-P	99-08-124	173-400-040	AMD-XA	99-04-097	180-16-222	REP-XR	99-03-001
173-16-060	REP-P	99-08-124	173-400-040	AMD-P	99-12-096	180-16-222	REP	99-07-054
173-16-064	REP-P	99-08-124	173-400-060	AMD-XA	99-04-097	180-16-226	REP-XR	99-03-001
173-16-070	REP-P	99-08-124	173-400-060	AMD-P	99-12-096	180-16-226	REP	99-07-054
173-16-200	REP-P	99-08-124	173-400-070	AMD-XA	99-04-097	180-16-231	REP-XR	99-03-001
173-26	AMD-C	99-12-094	173-400-070	AMD-P	99-12-096	180-16-231	REP	99-07-054
173-26-020	AMD-P	99-08-124	173-400-075	AMD-XA	99-04-097	180-16-236	REP-XR	99-03-001
173-26-095	NEW-P	99-08-124	173-400-075	AMD-P	99-12-096	180-16-236	REP	99-07-054

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180- 16-238	REP-XR	99-03-001	180- 79A-223	PREP	99-06-038	180- 85-075	PREP	99-06-039
180- 16-238	REP	99-07-054	180- 79A-223	AMD-P	99-10-003	180- 85-075	AMD-P	99-10-002
180- 16-240	REP-P	99-04-080	180- 79A-300	AMD	99-06-006	182- 08-095	PREP	99-11-100
180- 16-240	REP	99-10-091	180- 79A-380	PREP	99-04-085	182- 12-111	PREP	99-11-099
180- 18-055	NEW-P	99-04-082	180- 79A-380	AMD-P	99-07-066	182- 12-119	PREP	99-11-099
180- 18-055	NEW-P	99-06-089	180- 82	PREP	99-04-109	182- 25-030	PREP	99-08-107
180- 18-055	NEW	99-10-094	180- 82	PREP	99-12-040	182- 25-030	AMD-P	99-12-032
180- 20-011	NEW	99-08-004	180- 82-002	NEW	99-04-008	182- 25-040	PREP	99-05-077
180- 20-034	AMD	99-08-004	180- 82-004	NEW	99-04-008	182- 25-040	AMD-P	99-12-032
180- 20-035	REP	99-08-004	180- 82-105	NEW	99-04-008	182- 25-085	PREP	99-05-077
180- 20-040	REP	99-08-004	180- 82-110	NEW	99-04-008	182- 25-085	NEW-P	99-08-106
180- 20-055	REP	99-08-004	180- 82-115	NEW	99-04-008	182- 25-085	NEW	99-12-033
180- 20-060	REP	99-08-004	180- 82-120	NEW	99-04-008	182- 25-090	PREP	99-05-077
180- 20-070	REP	99-08-004	180- 82-125	NEW	99-04-008	182- 25-090	AMD-P	99-08-106
180- 20-075	REP	99-08-004	180- 82-130	NEW	99-04-008	182- 25-090	AMD	99-12-033
180- 20-080	REP	99-08-004	180- 82-200	NEW	99-04-008	182- 25-100	AMD	99-07-078
180- 20-101	AMD	99-08-004	180- 82-201	NEW	99-04-008	182- 25-105	AMD	99-07-078
180- 20-111	AMD	99-08-004	180- 82-202	NEW	99-04-008	182- 25-110	AMD	99-07-078
180- 20-115	AMD	99-08-004	180- 82-204	NEW	99-04-008	192- 04-170	AMD	99-08-073
180- 20-120	AMD	99-08-004	180- 82-210	NEW	99-04-008	192- 04-190	AMD	99-08-073
180- 20-150	REP	99-08-004	180- 82-215	NEW	99-04-008	192- 12-005	REP	99-08-073
180- 22-150	PREP	99-04-083	180- 82-300	NEW	99-04-008	192- 12-035	REP-XR	99-10-005
180- 22-150	AMD-P	99-07-065	180- 82-302	NEW-W	99-08-081	192- 12-050	PREP	99-11-088
180- 25	PREP	99-06-074	180- 82-304	NEW	99-04-008	192- 12-072	REP-P	99-05-068
180- 26	PREP	99-06-080	180- 82-306	NEW-W	99-08-081	192- 12-074	REP-XA	99-11-091
180- 27	PREP	99-06-079	180- 82-308	NEW	99-04-008	192- 12-076	REP-XA	99-11-090
180- 27-082	NEW-W	99-03-026	180- 82-310	NEW	99-04-008	192- 12-080	REP-XR	99-10-006
180- 27-083	NEW-W	99-03-026	180- 82-312	NEW	99-04-008	192- 12-090	REP-XA	99-11-094
180- 29	PREP	99-06-078	180- 82-314	NEW	99-04-008	192- 12-110	REP-XR	99-10-007
180- 29-040	AMD-P	99-10-001	180- 82-315	NEW-P	99-04-110	192- 12-115	REP-XR	99-10-008
180- 29-095	PREP	99-04-086	180- 82-315	NEW	99-07-102	192- 12-141	REP	99-08-073
180- 29-095	AMD-P	99-07-067	180- 82-316	NEW	99-04-008	192- 12-150	REP	99-08-073
180- 31	PREP	99-06-077	180- 82-317	NEW-P	99-04-110	192- 12-182	REP	99-08-073
180- 32	PREP	99-06-076	180- 82-317	NEW	99-07-102	192- 12-330	AMD	99-08-073
180- 33	PREP	99-06-075	180- 82-318	NEW	99-04-008	192- 15-150	AMD	99-08-073
180- 40	PREP	99-12-015	180- 82-319	NEW-P	99-04-110	192- 16-001	REP-XA	99-11-092
180- 40-215	PREP	99-04-084	180- 82-319	NEW	99-07-102	192- 16-002	REP-XR	99-12-108
180- 40-215	AMD-P	99-07-064	180- 82-320	NEW	99-04-008	192- 16-051	REP-E	99-05-003
180- 40-305	PREP	99-12-016	180- 82-321	NEW-P	99-04-110	192- 16-052	REP-E	99-05-003
180- 41-035	PREP	99-04-090	180- 82-321	NEW	99-07-102	192- 16-057	REP-E	99-05-003
180- 41-035	AMD-P	99-07-073	180- 82-322	NEW	99-04-008	192- 23-002	REP	99-08-073
180- 51	PREP	99-10-089	180- 82-324	NEW	99-04-008	192- 23-013	REP	99-08-073
180- 51-050	AMD-P	99-04-081	180- 82-326	NEW	99-04-008	192- 23-018	REP	99-08-073
180- 51-050	AMD	99-10-093	180- 82-328	NEW	99-04-008	192- 24-001	REP	99-08-073
180- 51-107	NEW-P	99-04-082	180- 82-330	NEW	99-04-008	192- 24-010	REP	99-08-073
180- 51-107	NEW-P	99-06-089	180- 82-331	NEW	99-06-005	192- 24-020	REP	99-08-073
180- 51-107	NEW	99-10-094	180- 82-332	NEW	99-04-008	192- 24-030	REP-P	99-09-097
180- 51-110	PREP	99-04-091	180- 82-334	NEW	99-04-008	192-110-005	NEW	99-08-073
180- 51-110	AMD-P	99-07-072	180- 82-336	NEW	99-04-008	192-110-015	NEW	99-08-073
180- 52	PREP	99-10-090	180- 82-338	NEW-W	99-08-081	192-110-020	NEW	99-08-073
180- 55-085	PREP	99-04-089	180- 82-339	NEW	99-04-008	192-110-050	NEW	99-08-073
180- 55-085	AMD-P	99-07-068	180- 82-340	NEW-W	99-08-081	192-120-001	NEW	99-08-073
180- 56-245	PREP	99-04-092	180- 82-342	NEW	99-04-008	192-120-010	NEW	99-08-073
180- 56-245	AMD-P	99-07-071	180- 82-343	NEW	99-04-008	192-120-020	NEW	99-08-073
180- 77A	PREP	99-04-046	180- 82-344	NEW	99-04-008	192-120-030	NEW	99-08-073
180- 77A-028	AMD-P	99-07-049	180- 82-346	NEW	99-04-008	192-120-035	NEW	99-08-073
180- 77A-028	AMD	99-12-014	180- 82-348	NEW	99-04-008	192-120-040	NEW	99-08-073
180- 77A-029	AMD-P	99-07-049	180- 82-349	NEW-P	99-04-110	192-140-005	NEW	99-08-073
180- 77A-029	AMD	99-12-014	180- 82-349	NEW	99-07-102	192-140-010	NEW	99-08-073
180- 77A-080	NEW-P	99-07-049	180- 82-350	NEW	99-04-008	192-140-020	NEW	99-08-073
180- 77A-080	NEW	99-12-014	180- 82-352	NEW	99-04-008	192-140-025	NEW	99-08-073
180- 78-155	PREP	99-04-087	180- 82-354	NEW	99-04-008	192-140-030	NEW	99-08-073
180- 78-155	AMD-P	99-07-070	180- 82-355	NEW	99-04-008	192-150-090	NEW	99-08-073
180- 78-207	PREP	99-04-087	180- 82-356	NEW	99-04-008	192-180-005	NEW-P	99-09-097
180- 78-207	AMD-P	99-07-070	180- 82-360	NEW	99-04-008	192-180-010	NEW-P	99-09-097
180- 78-210	PREP	99-04-087	180- 82-362	NEW-W	99-08-081	192-180-015	NEW-P	99-09-097
180- 78-210	AMD-P	99-07-070	180- 85-075	AMD-E	99-05-002	192-180-020	NEW-P	99-09-097

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246-231-050	NEW-P	99-12-130	246-290-430	REP	99-07-021	246-318-260	REP	99-04-052
246-231-060	NEW-P	99-12-130	246-290-440	REP	99-07-021	246-318-270	REP	99-04-052
246-231-070	NEW-P	99-12-130	246-290-451	NEW	99-07-021	246-318-280	REP	99-04-052
246-231-080	NEW-P	99-12-130	246-290-455	NEW	99-07-021	246-318-290	REP	99-04-052
246-231-090	NEW-P	99-12-130	246-290-460	AMD	99-07-021	246-318-300	REP	99-04-052
246-231-100	NEW-P	99-12-130	246-290-470	AMD	99-07-021	246-318-310	REP	99-04-052
246-231-110	NEW-P	99-12-130	246-290-480	AMD	99-07-021	246-318-320	REP	99-04-052
246-231-120	NEW-P	99-12-130	246-290-490	AMD	99-07-021	246-318-330	REP	99-04-052
246-231-130	NEW-P	99-12-130	246-290-495	NEW	99-07-021	246-318-350	REP	99-04-052
246-231-140	NEW-P	99-12-130	246-290-601	AMD	99-07-021	246-318-370	REP	99-04-052
246-231-200	NEW-P	99-12-130	246-290-610	REP	99-07-021	246-318-380	REP	99-04-052
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246-318-420	REP	99-04-052	246-320-505	NEW	99-04-052	246-359-130	NEW	99-03-065
246-318-440	REP	99-04-052	246-320-515	NEW	99-04-052	246-359-140	NEW	99-03-065
246-318-450	REP	99-04-052	246-320-525	NEW	99-04-052	246-359-150	NEW	99-03-065
246-318-500	REP	99-04-052	246-320-535	NEW	99-04-052	246-359-160	NEW	99-03-065
246-318-510	REP	99-04-052	246-320-545	NEW	99-04-052	246-359-170	NEW	99-03-065
246-318-520	REP	99-04-052	246-320-555	NEW	99-04-052	246-359-180	NEW	99-03-065
246-318-530	REP	99-04-052	246-320-565	NEW	99-04-052	246-359-200	NEW	99-03-065
246-318-540	REP	99-04-052	246-320-575	NEW	99-04-052	246-359-210	NEW	99-03-065
246-318-550	REP	99-04-052	246-320-585	NEW	99-04-052	246-359-220	NEW	99-03-065
246-318-560	REP	99-04-052	246-320-595	NEW	99-04-052	246-359-230	NEW	99-03-065
246-318-570	REP	99-04-052	246-320-605	NEW	99-04-052	246-359-240	NEW	99-03-065
246-318-580	REP	99-04-052	246-320-615	NEW	99-04-052	246-359-250	NEW	99-03-065
246-318-590	REP	99-04-052	246-320-625	NEW	99-04-052	246-359-300	NEW	99-03-065
246-318-600	REP	99-04-052	246-320-635	NEW	99-04-052	246-359-310	NEW	99-03-065
246-318-610	REP	99-04-052	246-320-645	NEW	99-04-052	246-359-320	NEW	99-03-065
246-318-620	REP	99-04-052	246-320-655	NEW	99-04-052	246-359-330	NEW	99-03-065
246-318-630	REP	99-04-052	246-320-665	NEW	99-04-052	246-359-340	NEW	99-03-065
246-318-640	REP	99-04-052	246-320-675	NEW	99-04-052	246-359-350	NEW	99-03-065
246-318-650	REP	99-04-052	246-320-685	NEW	99-04-052	246-359-400	NEW	99-03-065
246-318-660	REP	99-04-052	246-320-695	NEW	99-04-052	246-359-405	NEW	99-03-065
246-318-670	REP	99-04-052	246-320-705	NEW	99-04-052	246-359-410	NEW	99-03-065
246-318-680	REP	99-04-052	246-320-715	NEW	99-04-052	246-359-420	NEW	99-03-065
246-318-690	REP	99-04-052	246-320-725	NEW	99-04-052	246-359-430	NEW	99-03-065
246-318-700	REP	99-04-052	246-320-735	NEW	99-04-052	246-359-440	NEW	99-03-065
246-318-710	REP	99-04-052	246-320-745	NEW	99-04-052	246-359-500	NEW	99-03-065
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246-318-730	REP	99-04-052	246-320-765	NEW	99-04-052	246-359-520	NEW	99-03-065
246-318-740	REP	99-04-052	246-320-775	NEW	99-04-052	246-359-530	NEW	99-03-065
246-318-750	REP	99-04-052	246-320-785	NEW	99-04-052	246-359-540	NEW	99-03-065
246-318-760	REP	99-04-052	246-320-795	NEW	99-04-052	246-359-550	NEW	99-03-065
246-318-770	REP	99-04-052	246-320-805	NEW	99-04-052	246-359-560	NEW	99-03-065
246-318-780	REP	99-04-052	246-320-815	NEW	99-04-052	246-359-565	NEW	99-03-065
246-318-790	REP	99-04-052	246-320-990	NEW	99-04-052	246-359-570	NEW	99-03-065
246-318-800	REP	99-04-052	246-320-99902	NEW	99-04-052	246-359-575	NEW	99-03-065
246-318-810	REP	99-04-052	246-358-025	AMD-E	99-10-096	246-359-580	NEW	99-03-065
246-318-820	REP	99-04-052	246-358-600	NEW-P	99-08-098	246-359-590	NEW	99-03-065
246-318-830	REP	99-04-052	246-358-600	NEW	99-12-006	246-359-600	NEW	99-03-065
246-318-840	REP	99-04-052	246-358-610	NEW-P	99-08-098	246-359-700	NEW	99-03-065
246-318-850	REP	99-04-052	246-358-610	NEW	99-12-006	246-359-710	NEW	99-03-065
246-318-860	REP	99-04-052	246-358-620	NEW-P	99-08-098	246-359-720	NEW	99-03-065
246-318-870	REP	99-04-052	246-358-620	NEW	99-12-006	246-359-730	NEW	99-03-065
246-318-990	REP	99-04-052	246-358-630	NEW-P	99-08-098	246-359-740	NEW	99-03-065
246-318-99902	REP	99-04-052	246-358-630	NEW	99-12-006	246-359-750	NEW	99-03-065
246-318-99910	REP	99-04-052	246-358-640	NEW-P	99-08-098	246-359-760	NEW	99-03-065
246-320-001	NEW	99-04-052	246-358-640	NEW	99-12-006	246-359-800	NEW	99-03-065
246-320-010	NEW	99-04-052	246-358-650	NEW-P	99-08-098	246-359-990	NEW	99-03-065
246-320-025	NEW	99-04-052	246-358-650	NEW	99-12-006	246-360-990	PREP	99-10-077
246-320-045	NEW	99-04-052	246-358-660	NEW-P	99-08-098	246-560-001	AMD	99-03-043
246-320-065	NEW	99-04-052	246-358-660	NEW	99-12-006	246-560-002	NEW	99-03-043
246-320-085	NEW	99-04-052	246-358-670	NEW-P	99-08-098	246-560-010	AMD	99-03-043
246-320-105	NEW	99-04-052	246-358-670	NEW	99-12-006	246-560-011	NEW	99-03-043
246-320-125	NEW	99-04-052	246-358-680	NEW-P	99-08-098	246-560-025	NEW	99-03-043
246-320-145	NEW	99-04-052	246-358-680	NEW	99-12-006	246-560-035	NEW	99-03-043
246-320-165	NEW	99-04-052	246-359-001	NEW	99-03-065	246-560-040	AMD	99-03-043
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246-320-325	NEW	99-04-052	246-359-070	NEW	99-03-065	246-560-085	NEW	99-03-043
246-320-345	NEW	99-04-052	246-359-080	NEW	99-03-065	246-760	PREP	99-11-030
246-320-365	NEW	99-04-052	246-359-090	NEW	99-03-065	246-762	PREP	99-11-031
246-320-385	NEW	99-04-052	246-359-100	NEW	99-03-065	246-802-990	AMD-P	99-02-057
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246-808-301	REP-XR	99-03-061	246-840-565	PREP	99-11-032	251-01-440	AMD-P	99-02-054
246-808-320	REP-XR	99-03-061	246-840-740	NEW	99-04-051	251-01-440	AMD	99-05-042
246-808-330	REP-XR	99-03-061	246-840-760	PREP	99-11-032	251-17-090	AMD-P	99-02-054
246-808-340	REP-XR	99-03-061	246-840-920	PREP	99-11-032	251-17-090	AMD	99-05-042
246-808-350	REP-XR	99-03-061	246-843-060	REP	99-03-069	251-23-010	AMD-P	99-02-054
246-808-360	REP-XR	99-03-061	246-843-200	REP	99-03-068	251-23-010	AMD	99-05-042
246-808-370	REP-XR	99-03-061	246-843-220	REP	99-03-067	251-23-030	AMD-P	99-02-054
246-808-380	REP-XR	99-03-061	246-843-225	REP	99-03-067	251-23-030	AMD	99-05-042
246-808-390	REP-XR	99-03-061	246-845-990	AMD-P	99-02-057	251-23-040	AMD-P	99-02-054
246-808-640	REP-XR	99-03-061	246-845-990	AMD	99-08-101	251-23-040	AMD	99-05-042
246-808-990	AMD-P	99-02-057	246-847-990	AMD-P	99-02-057	251-23-050	AMD-P	99-02-054
246-808-990	AMD	99-08-101	246-847-990	AMD	99-08-101	251-23-050	AMD	99-05-042
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246-810-990	AMD	99-08-101	246-849-990	AMD	99-08-101	251-23-060	AMD	99-05-042
246-811-010	NEW-P	99-09-100	246-850-060	NEW-P	99-03-083	251-24-030	AMD-P	99-02-054
246-811-030	NEW-P	99-09-100	246-850-060	NEW	99-07-122	251-24-030	AMD	99-05-042
246-811-045	NEW-P	99-09-100	246-851-990	AMD-P	99-02-057	251-24-040	AMD-W	99-05-058
246-811-046	NEW-P	99-09-100	246-851-990	AMD	99-08-101	260-24-560	AMD	99-05-048
246-811-047	NEW-P	99-09-100	246-915-990	AMD-P	99-02-057	260-44-110	AMD-P	99-02-082
246-811-048	NEW-P	99-09-100	246-915-990	AMD	99-08-101	260-44-110	AMD	99-05-049
246-811-049	NEW-P	99-09-100	246-918-115	NEW-P	99-07-121	260-44-120	AMD-P	99-02-082
246-811-070	NEW-P	99-09-100	246-918-116	NEW-P	99-07-121	260-44-120	AMD	99-05-049
246-811-075	NEW-P	99-09-100	246-918-990	AMD-P	99-06-093	260-48-600	AMD-P	99-02-081
246-811-080	NEW-P	99-09-100	246-919-630	NEW-P	99-07-121	260-48-600	AMD	99-06-026
246-811-990	NEW-P	99-09-100	246-919-640	NEW-P	99-07-121	260-48-620	AMD-P	99-02-081
246-817-990	AMD-P	99-02-057	246-922-010	AMD-P	99-08-100	260-48-620	AMD	99-06-026
246-817-990	AMD	99-08-101	246-922-090	REP-P	99-08-100	260-48-700	NEW-P	99-02-081
246-822-990	AMD-P	99-02-057	246-922-100	AMD-P	99-08-100	260-48-700	NEW	99-06-026
246-822-990	AMD	99-08-101	246-924-180	AMD-P	99-09-101	260-48-710	NEW-P	99-02-081
246-828-045	NEW	99-08-102	246-924-230	AMD-P	99-09-101	260-48-710	NEW	99-06-026
246-828-061	NEW-P	99-11-036	246-924-240	AMD-P	99-09-101	260-48-720	NEW-P	99-02-081
246-828-105	AMD-XA	99-08-096	246-924-250	AMD-P	99-09-101	260-48-720	NEW	99-06-026
246-828-110	REP	99-07-020	246-924-300	AMD-P	99-09-101	260-48-910	NEW-P	99-02-081
246-828-120	REP	99-07-020	246-924-330	AMD-P	99-09-101	260-48-910	NEW	99-06-026
246-828-130	REP	99-07-020	246-924-340	REP-P	99-09-101	260-52-070	AMD	99-05-047
246-828-140	REP	99-07-020	246-924-990	AMD-P	99-02-057	260-75	PREP	99-03-014
246-828-150	REP	99-07-020	246-924-990	AMD	99-08-101	275-27	PREP	99-10-063
246-828-160	REP	99-07-020	246-926-990	AMD-P	99-02-057	275-27-020	AMD	99-04-071
246-828-170	REP	99-07-020	246-926-990	AMD	99-08-101	275-27-180	NEW	99-04-071
246-828-180	REP	99-07-020	246-928-990	AMD-P	99-02-057	275-27-185	NEW	99-04-071
246-828-190	REP	99-07-020	246-928-990	AMD	99-08-101	275-27-190	NEW	99-04-071
246-828-200	REP	99-07-020	246-930-499	REP	99-07-018	275-27-191	NEW	99-04-071
246-828-210	REP	99-07-020	246-930-990	AMD-P	99-02-057	275-27-192	NEW	99-04-071
246-828-230	REP	99-07-020	246-930-990	AMD	99-08-101	275-27-193	NEW	99-04-071
246-828-240	REP	99-07-020	246-935-140	REP-XR	99-02-080	275-27-194	NEW	99-04-071
246-828-250	REP	99-07-020	250-20-001	AMD-P	99-10-074	275-27-195	NEW	99-04-071
246-828-260	REP	99-07-020	250-20-011	AMD-P	99-10-074	275-27-196	NEW	99-04-071
246-828-290	AMD	99-08-103	250-20-021	AMD-P	99-10-074	275-27-197	NEW	99-04-071
246-828-310	REP	99-07-020	250-20-031	AMD-P	99-10-074	275-27-198	NEW	99-04-071
246-828-340	REP	99-07-019	250-20-041	AMD-P	99-10-074	275-27-199	NEW	99-04-071
246-830-990	AMD-P	99-02-057	250-61-060	AMD	99-06-022	275-27-200	NEW	99-04-071
246-830-990	AMD	99-08-101	250-61-090	AMD	99-06-021	275-27-202	NEW	99-04-071
246-834-050	NEW	99-03-064	250-79	PREP	99-10-070	275-27-204	NEW	99-04-071
246-834-060	AMD	99-03-064	251-01-014	NEW-P	99-02-054	275-27-211	NEW	99-04-071
246-834-070	AMD	99-03-064	251-01-014	NEW	99-05-042	275-27-212	NEW	99-04-071
246-834-080	AMD	99-03-064	251-01-015	AMD-P	99-02-054	275-27-213	NEW	99-04-071
246-834-990	PREP	99-06-090	251-01-015	AMD	99-05-042	275-30-010	AMD	99-03-077
246-838-040	REP	99-08-104	251-01-040	AMD-P	99-02-054	275-30-030	AMD	99-03-077
246-840	PREP	99-11-033	251-01-040	AMD	99-05-042	275-30-040	AMD	99-03-077
246-840-010	PREP	99-11-032	251-01-190	AMD-P	99-02-054	275-30-050	REP	99-03-077
246-840-020	AMD-P	99-06-092	251-01-190	AMD	99-05-042	275-30-060	AMD	99-03-077
246-840-020	AMD	99-10-079	251-01-330	REP-P	99-02-054	275-30-070	AMD	99-03-077
246-840-020	PREP	99-11-032	251-01-330	REP	99-05-042	275-30-080	REP	99-03-077
246-840-050	AMD-P	99-08-099	251-01-400	AMD-P	99-02-054	284-07-050	AMD-XA	99-11-101
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284-43-320	AMD-P	99-12-106	296-17-564	AMD-P	99-12-115	296-24-20527	AMD	99-12-091
284-43-330	AMD-P	99-12-106	296-17-57603	AMD-P	99-12-115	296-24-20529	AMD	99-12-091
284-43-340	REP-P	99-12-106	296-17-580	AMD-P	99-12-115	296-24-20531	AMD	99-12-091
284-43-350	NEW-P	99-12-106	296-17-581	AMD-P	99-12-115	296-24-20533	AMD	99-12-091
284-43-360	NEW-P	99-12-106	296-17-583	AMD-P	99-12-115	296-24-23529	AMD-XA	99-12-089
284-43-370	NEW-P	99-12-106	296-17-58502	AMD-P	99-12-115	296-24-47505	AMD-XA	99-12-089
284-43-399	NEW-P	99-12-106	296-17-58505	REP-P	99-12-115	296-24-47507	AMD-XA	99-12-089
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284-43-810	NEW-P	99-03-007	296-17-647	AMD-P	99-12-115	296-24-47515	REP-XA	99-12-089
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292-100-090	AMD	99-06-073	296-17-709	AMD-P	99-12-115	296-24-71519	AMD	99-10-071
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292-100-105	NEW	99-06-073	296-17-711	AMD-P	99-12-115	296-27	PREP	99-08-069
292-100-110	AMD	99-06-073	296-17-712	AMD-P	99-12-115	296-28	PREP	99-02-083
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292-100-200	AMD	99-06-073	296-17-90120	AMD-P	99-12-115	296-31-040	AMD	99-07-004
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296-62-07247	NEW	99-10-071	296-62-07715	AMD	99-10-071	296-62-30605	NEW	99-07-097
296-62-07248	NEW	99-10-071	296-62-07721	AMD-P	99-08-071	296-62-30610	NEW	99-07-097
296-62-07251	NEW	99-10-071	296-62-07722	AMD-P	99-08-071	296-62-30615	NEW	99-07-097
296-62-07253	NEW	99-10-071	296-62-07722	AMD	99-10-071	296-62-3070	AMD	99-07-097
296-62-07255	NEW	99-10-071	296-62-07728	AMD-P	99-08-071	296-62-30705	NEW	99-07-097
296-62-07257	NEW	99-10-071	296-62-07733	AMD	99-10-071	296-62-30710	NEW	99-07-097

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296-62-3080	AMD	99-07-097	296-62-41040	NEW	99-07-097	296-79-27013	AMD-P	99-06-071
296-62-3090	AMD	99-07-097	296-62-41041	NEW	99-07-097	296-79-27015	AMD-P	99-06-071
296-62-30905	NEW	99-07-097	296-62-41042	NEW	99-07-097	296-79-280	AMD-P	99-06-071
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296-62-30935	NEW	99-07-097	296-62-41060	NEW	99-07-097	296-79-29009	AMD-P	99-06-071
296-62-30940	NEW	99-07-097	296-62-41061	NEW	99-07-097	296-79-29011	AMD-P	99-06-071
296-62-3100	AMD	99-07-097	296-62-41063	NEW	99-07-097	296-79-29013	AMD-P	99-06-071
296-62-31005	NEW	99-07-097	296-62-41080	NEW	99-07-097	296-79-29015	AMD-P	99-06-071
296-62-31010	NEW	99-07-097	296-62-41081	NEW	99-07-097	296-79-29017	AMD-P	99-06-071
296-62-31015	NEW	99-07-097	296-62-41082	NEW	99-07-097	296-79-29019	REP-P	99-06-071
296-62-31020	NEW	99-07-097	296-62-41084	NEW	99-07-097	296-79-29021	AMD-P	99-06-071
296-62-3110	AMD	99-07-097	296-62-41085	NEW	99-07-097	296-79-29023	AMD-P	99-06-071
296-62-31105	NEW	99-07-097	296-62-41086	NEW	99-07-097	296-79-29025	REP-P	99-06-071
296-62-31110	NEW	99-07-097	296-63	PREP	99-02-083	296-79-29027	AMD-P	99-06-071
296-62-3112	REP	99-07-097	296-65	PREP	99-02-083	296-79-29029	AMD-P	99-06-071
296-62-3120	AMD	99-07-097	296-65-003	AMD-P	99-08-071	296-79-29031	AMD-P	99-06-071
296-62-3130	AMD	99-07-097	296-65-010	AMD-P	99-08-071	296-79-29033	AMD-P	99-06-071
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296-62-31310	NEW	99-07-097	296-65-020	AMD-P	99-08-071	296-79-29037	AMD-P	99-06-071
296-62-31315	NEW	99-07-097	296-65-025	AMD-P	99-08-071	296-79-300	AMD-P	99-06-071
296-62-31320	NEW	99-07-097	296-65-030	AMD-P	99-08-071	296-79-310	AMD-P	99-06-071
296-62-31325	NEW	99-07-097	296-67	PREP	99-02-083	296-79-31001	AMD-P	99-06-071
296-62-31330	NEW	99-07-097	296-78	PREP	99-02-083	296-79-31003	AMD-P	99-06-071
296-62-31335	NEW	99-07-097	296-78	PREP	99-06-040	296-79-31005	REP-P	99-06-071
296-62-3138	AMD	99-07-097	296-78	PREP	99-12-037	296-79-31007	REP-P	99-06-071
296-62-3140	AMD	99-07-097	296-78-665	AMD	99-10-071	296-79-31009	AMD-P	99-06-071
296-62-31405	NEW	99-07-097	296-78-71019	AMD	99-10-071	296-79-31011	REP-P	99-06-071
296-62-31410	NEW	99-07-097	296-79	PREP	99-02-083	296-79-31013	REP-P	99-06-071
296-62-31415	NEW	99-07-097	296-79-010	AMD-P	99-06-071	296-79-320	AMD-P	99-06-071
296-62-31420	NEW	99-07-097	296-79-011	NEW-P	99-06-071	296-86A-020	AMD-P	99-08-128
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296-62-31450	NEW	99-07-097	296-79-070	AMD-P	99-06-071	296-86A-030	AMD-P	99-08-128
296-62-31455	NEW	99-07-097	296-79-080	AMD-P	99-06-071	296-86A-030	AMD	99-12-080
296-62-31460	NEW	99-07-097	296-79-090	AMD-P	99-06-071	296-86A-040	AMD-P	99-08-128
296-62-31465	NEW	99-07-097	296-79-100	AMD-P	99-06-071	296-86A-040	AMD	99-12-080
296-62-31470	NEW	99-07-097	296-79-110	AMD-P	99-06-071	296-86A-060	AMD-P	99-08-128
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296-62-410	NEW	99-07-097	296-79-170	AMD-P	99-06-071	296-86A-074	AMD-P	99-08-128
296-62-41001	NEW	99-07-097	296-79-180	AMD-P	99-06-071	296-86A-074	AMD	99-12-080
296-62-41003	NEW	99-07-097	296-79-190	AMD-P	99-06-071	296-86A-075	AMD-P	99-08-128
296-62-41010	NEW	99-07-097	296-79-200	AMD-P	99-06-071	296-86A-075	AMD	99-12-080
296-62-41011	NEW	99-07-097	296-79-210	AMD-P	99-06-071	296-86A-080	AMD-P	99-08-128
296-62-41013	NEW	99-07-097	296-79-220	AMD-P	99-06-071	296-86A-080	AMD	99-12-080
296-62-41015	NEW	99-07-097	296-79-230	AMD-P	99-06-071	296-99	PREP	99-02-083
296-62-41017	NEW	99-07-097	296-79-240	AMD-P	99-06-071	296-104-001	PREP	99-05-021
296-62-41019	NEW	99-07-097	296-79-250	AMD-P	99-06-071	296-104-002	PREP	99-05-021
296-62-41020	NEW	99-07-097	296-79-255	REP-P	99-06-071	296-104-010	PREP	99-05-021
296-62-41021	NEW	99-07-097	296-79-260	AMD-P	99-06-071	296-104-015	PREP	99-05-021
296-62-41023	NEW	99-07-097	296-79-270	AMD-P	99-06-071	296-104-017	PREP	99-05-021
296-62-41025	NEW	99-07-097	296-79-27001	REP-P	99-06-071	296-104-018	PREP	99-05-021
296-62-41025	AMD-XA	99-12-089	296-79-27003	AMD-P	99-06-071	296-104-020	PREP	99-05-021
296-62-41030	NEW	99-07-097	296-79-27005	AMD-P	99-06-071	296-104-025	PREP	99-05-021
296-62-41031	NEW	99-07-097	296-79-27007	AMD-P	99-06-071	296-104-030	PREP	99-05-021
296-62-41033	NEW	99-07-097	296-79-27009	AMD-P	99-06-071	296-104-035	PREP	99-05-021

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296-104-050	PREP	99-05-021	296-150M-3000	AMD-P	99-08-128	296-150T-0510	NEW	99-12-079
296-104-055	PREP	99-05-021	296-150M-3000	AMD	99-12-080	296-150T-0520	NEW-P	99-08-130
296-104-060	PREP	99-05-021	296-150P	PREP	99-05-078	296-150T-0520	NEW	99-12-079
296-104-065	PREP	99-05-021	296-150P-0020	AMD-P	99-08-129	296-150T-0530	NEW-P	99-08-130
296-104-100	PREP	99-05-021	296-150P-0050	NEW-P	99-08-129	296-150T-0530	NEW	99-12-079
296-104-102	PREP	99-05-021	296-150P-0140	NEW-P	99-08-129	296-150T-0540	NEW-P	99-08-130
296-104-105	PREP	99-05-021	296-150P-3000	AMD-P	99-08-128	296-150T-0540	NEW	99-12-079
296-104-107	PREP	99-05-021	296-150P-3000	AMD	99-12-080	296-150T-0550	NEW-P	99-08-130
296-104-110	PREP	99-05-021	296-150R	PREP	99-05-078	296-150T-0550	NEW	99-12-079
296-104-115	PREP	99-05-021	296-150R-0020	AMD-P	99-08-129	296-150T-0580	NEW-P	99-08-130
296-104-125	PREP	99-05-021	296-150R-0050	NEW-P	99-08-129	296-150T-0580	NEW	99-12-079
296-104-130	PREP	99-05-021	296-150R-0140	NEW-P	99-08-129	296-150T-0590	NEW-P	99-08-130
296-104-135	PREP	99-05-021	296-150R-3000	AMD-P	99-08-128	296-150T-0590	NEW	99-12-079
296-104-140	PREP	99-05-021	296-150R-3000	AMD	99-12-080	296-150T-0600	NEW-P	99-08-130
296-104-145	PREP	99-05-021	296-150T-0010	NEW-P	99-08-130	296-150T-0600	NEW	99-12-079
296-104-150	PREP	99-05-021	296-150T-0010	NEW	99-12-079	296-150T-0700	NEW-P	99-08-130
296-104-151	PREP	99-05-021	296-150T-0020	NEW-P	99-08-130	296-150T-0700	NEW	99-12-079
296-104-155	PREP	99-05-021	296-150T-0020	NEW	99-12-079	296-150T-0710	NEW-P	99-08-130
296-104-160	PREP	99-05-021	296-150T-0030	NEW-P	99-08-130	296-150T-0710	NEW	99-12-079
296-104-165	PREP	99-05-021	296-150T-0030	NEW	99-12-079	296-150T-0720	NEW-P	99-08-130
296-104-170	PREP	99-05-021	296-150T-0040	NEW-P	99-08-130	296-150T-0720	NEW	99-12-079
296-104-285	REP-P	99-04-036	296-150T-0040	NEW	99-12-079	296-150T-3000	NEW-P	99-08-130
296-104-285	REP	99-08-049	296-150T-0050	NEW-P	99-08-130	296-150T-3000	NEW	99-12-079
296-104-502	PREP	99-05-021	296-150T-0050	NEW	99-12-079	296-155	PREP	99-02-083
296-104-700	AMD-P	99-04-036	296-150T-0070	NEW-P	99-08-130	296-155	PREP	99-04-057
296-104-700	AMD	99-08-049	296-150T-0070	NEW	99-12-079	296-155	PREP	99-06-040
296-115	PREP	99-02-083	296-150T-0080	NEW-P	99-08-130	296-155	PREP	99-07-015
296-125-019	REP-XR	99-12-113	296-150T-0080	NEW	99-12-079	296-155	PREP	99-08-070
296-125-0212	NEW-W	99-09-081	296-150T-0100	NEW-P	99-08-130	296-155	PREP	99-12-037
296-125-0630	NEW-W	99-09-081	296-150T-0100	NEW	99-12-079	296-155-17317	AMD	99-10-071
296-125-0725	NEW-W	99-09-081	296-150T-0110	NEW-P	99-08-130	296-155-17335	REP	99-10-071
296-150C	PREP	99-05-078	296-150T-0110	NEW	99-12-079	296-155-17337	AMD	99-10-071
296-150C-0140	NEW-P	99-08-129	296-150T-0120	NEW-P	99-08-130	296-155-17341	AMD	99-10-071
296-150C-0320	AMD-P	99-08-129	296-150T-0120	NEW	99-12-079	296-155-17349	REP	99-10-071
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296-150C-0810	AMD-P	99-08-129	296-150T-0130	NEW	99-12-079	296-155-17353	REP	99-10-071
296-150C-0960	AMD-P	99-08-129	296-150T-0140	NEW-P	99-08-130	296-155-17355	REP	99-10-071
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296-150C-1580	AMD-P	99-08-129	296-150T-0210	NEW-P	99-08-130	296-155-17613	AMD	99-10-071
296-150C-3000	AMD-P	99-08-128	296-150T-0210	NEW	99-12-079	296-155-17625	AMD	99-10-071
296-150C-3000	AMD	99-12-080	296-150T-0220	NEW-P	99-08-130	296-155-17635	REP	99-10-071
296-150F	PREP	99-05-078	296-150T-0220	NEW	99-12-079	296-155-17652	AMD	99-10-071
296-150F-0050	NEW-P	99-08-129	296-150T-0230	NEW-P	99-08-130	296-155-17656	REP	99-10-071
296-150F-0140	NEW-P	99-08-129	296-150T-0230	NEW	99-12-079	296-155-220	AMD	99-10-071
296-150F-0320	AMD-P	99-08-129	296-150T-0250	NEW-P	99-08-130	296-155-270	AMD-XA	99-12-089
296-150F-0605	NEW-P	99-08-129	296-150T-0250	NEW	99-12-079	296-155-367	AMD	99-10-071
296-150F-0610	NEW-P	99-08-129	296-150T-0300	NEW-P	99-08-130	296-155-655	AMD	99-10-071
296-150F-0615	NEW-P	99-08-129	296-150T-0300	NEW	99-12-079	296-155-655	AMD-XA	99-12-089
296-150F-0620	NEW-P	99-08-129	296-150T-0320	NEW-P	99-08-130	296-155-66403	AMD-XA	99-12-089
296-150F-0625	NEW-P	99-08-129	296-150T-0320	NEW	99-12-079	296-155-730	AMD	99-10-071
296-150F-3000	AMD-P	99-08-128	296-150T-0340	NEW-P	99-08-130	296-200A-900	AMD-P	99-08-128
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296-150M-0020	AMD-P	99-08-129	296-150T-0350	NEW	99-12-079	296-301	PREP	99-06-040
296-150M-0120	NEW-P	99-08-129	296-150T-0380	NEW-P	99-08-130	296-301-020	AMD-XA	99-12-089
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296-150M-0600	AMD-P	99-08-129	296-150T-0400	NEW	99-12-079	296-302	PREP	99-02-083
296-150M-0610	AMD-P	99-08-129	296-150T-0410	NEW-P	99-08-130	296-303	PREP	99-02-083
296-150M-0614	NEW-P	99-08-129	296-150T-0410	NEW	99-12-079	296-304	PREP	99-02-083
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296-305-02003	AMD	99-05-080	308- 32-080	REP-XR	99-09-056	308- 78-060	PREP	99-08-127
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296-401A-100	AMD	99-05-052	308- 56A-205	REP-P	99-07-016	308- 93-570	REP	99-07-041
296-401A-140	AMD	99-05-052	308- 56A-205	REP	99-12-031	308- 93-580	REP	99-07-041
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308- 19-150	AMD-P	99-08-087	308- 56A-310	AMD-P	99-09-043	308- 96A-090	AMD-P	99-12-111
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308- 19-200	AMD-P	99-08-087	308- 56A-320	AMD-P	99-09-043	308- 96A-097	PREP	99-03-003
308- 19-210	AMD-P	99-08-087	308- 56A-325	AMD-P	99-09-043	308- 96A-097	REP-P	99-12-111
308- 19-220	AMD-P	99-08-087	308- 56A-330	AMD-P	99-09-043	308- 96A-099	NEW	99-06-029
308- 19-230	AMD-P	99-08-087	308- 56A-335	AMD	99-06-037	308- 96A-100	REP	99-06-029
308- 19-240	AMD-P	99-08-087	308- 56A-340	REP	99-06-037	308- 96A-101	NEW	99-06-029
308- 19-250	AMD-P	99-08-087	308- 56A-345	REP	99-06-037	308- 96A-105	REP	99-06-029
308- 19-300	AMD-P	99-08-087	308- 56A-350	REP	99-06-037	308- 96A-106	REP	99-06-029
308- 19-400	AMD-P	99-08-087	308- 56A-355	AMD	99-06-037	308- 96A-110	AMD	99-06-029
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308-124B-150	AMD	99-03-042	314-68-010	AMD-P	99-05-014	352-32-075	AMD-P	99-10-065
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308-124D-061	AMD	99-03-042	314-68-020	AMD-P	99-05-014	352-32-25001	AMD	99-08-031
308-124D-070	NEW	99-03-042	314-68-020	AMD	99-10-066	352-32-25002	REP-P	99-04-118
308-124D-080	NEW	99-03-042	314-68-030	AMD-P	99-05-014	352-32-25002	REP	99-08-031
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388- 15-19620	AMD	99-03-041	388-290-050	REP-P	99-08-121	388-310-1300	AMD	99-08-051
388- 15-19630	AMD	99-03-041	388-290-055	REP-P	99-08-121	388-310-1400	AMD-P	99-05-071
388- 15-19640	AMD	99-03-041	388-290-060	REP-P	99-08-121	388-310-1400	AMD	99-10-027
388- 15-19650	AMD	99-03-041	388-290-070	REP-P	99-08-121	388-310-1500	AMD-P	99-05-071
388- 15-19660	AMD	99-03-041	388-290-075	NEW-P	99-08-121	388-310-1500	AMD	99-10-027
388- 15-19670	AMD	99-03-041	388-290-080	REP-P	99-08-121	388-310-1600	AMD-P	99-05-071
388- 15-19680	AMD	99-03-041	388-290-090	REP-P	99-08-121	388-310-1600	AMD	99-10-027
388- 15-202	PREP	99-09-051	388-290-1000	NEW-P	99-08-121	388-310-1700	AMD-P	99-05-071
388- 15-203	PREP	99-09-051	388-290-105	REP-P	99-08-121	388-310-1700	AMD	99-10-027
388- 15-205	PREP	99-09-051	388-290-1050	NEW-P	99-08-121	388-310-1800	AMD-P	99-05-071
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388-310-1900	AMD	99-10-027	388-450-0005	AMD-P	99-12-118	388-501-0130	PREP	99-05-044
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388-320-010	REP-P	99-11-085	388-450-0035	AMD-P	99-12-119	388-501-0165	PREP	99-08-041
388-320-030	REP-P	99-11-085	388-450-0045	AMD-P	99-12-119	388-501-0175	PREP	99-05-044
388-320-100	REP-P	99-11-085	388-450-0050	PREP	99-03-040	388-502-0220	PREP	99-06-085
388-320-110	REP-P	99-11-085	388-450-0050	AMD-P	99-06-098	388-502-0220	AMD-P	99-11-052
388-320-115	REP-P	99-11-085	388-450-0050	AMD	99-09-054	388-502-0250	PREP	99-05-044
388-320-130	REP-P	99-11-085	388-450-0060	AMD-P	99-12-119	388-505-0540	PREP	99-05-044
388-320-132	REP-P	99-11-085	388-450-0065	AMD-P	99-12-119	388-505-0595	PREP	99-05-044
388-320-133	REP-P	99-11-085	388-450-0080	AMD-P	99-12-119	388-511-1130	PREP	99-05-044
388-320-135	REP-P	99-11-085	388-450-0085	AMD-P	99-12-119	388-513-1305	AMD	99-06-045
388-320-140	REP-P	99-11-085	388-450-0100	AMD-P	99-12-116	388-513-1315	AMD	99-06-045
388-320-170	REP-P	99-11-085	388-450-0106	PREP	99-03-040	388-513-1320	AMD	99-06-045
388-320-205	REP-P	99-11-085	388-450-0106	AMD-P	99-12-116	388-513-1330	AMD	99-06-045
388-320-210	REP-P	99-11-085	388-450-0116	PREP	99-03-040	388-513-1350	AMD	99-06-045
388-320-220	REP-P	99-11-085	388-450-0116	AMD-P	99-12-116	388-513-1360	AMD	99-06-045
388-320-225	REP-P	99-11-085	388-450-0140	AMD-P	99-12-116	388-513-1365	AMD	99-06-045
388-320-235	REP-P	99-11-085	388-450-0160	AMD-P	99-12-116	388-513-1380	AMD-P	99-06-100
388-320-240	REP-P	99-11-085	388-450-0185	AMD-P	99-12-116	388-513-1380	AMD-E	99-08-016
388-320-350	REP-P	99-03-076	388-450-0190	AMD-P	99-12-116	388-513-1380	AMD	99-11-017
388-320-350	REP	99-06-044	388-450-0195	AMD-E	99-05-046	388-513-1395	AMD	99-06-045
388-320-360	REP-P	99-03-076	388-450-0195	AMD-P	99-06-088	388-515-1510	AMD	99-06-045
388-320-360	REP	99-06-044	388-450-0195	AMD	99-09-055	388-515-1530	AMD	99-06-045
388-320-370	REP-P	99-03-076	388-450-0200	AMD-P	99-12-116	388-526-2610	PREP	99-05-044
388-320-370	REP	99-06-044	388-450-0215	AMD-P	99-12-118	388-527	AMD-P	99-07-025
388-320-375	NEW-P	99-03-076	388-450-0220	AMD-P	99-12-118	388-527	AMD	99-11-076
388-320-375	NEW	99-06-044	388-450-0225	AMD-P	99-12-118	388-527-2700	NEW-P	99-07-025
388-320-375	REP-P	99-11-085	388-450-0235	AMD-P	99-12-118	388-527-2700	NEW	99-11-076
388-320-450	REP-P	99-11-085	388-450-0250	AMD-P	99-12-118	388-527-2730	AMD-P	99-07-025
388-320-460	REP-P	99-11-085	388-452-0005	AMD-P	99-08-015	388-527-2730	AMD	99-11-076
388-330-010	PREP	99-07-039	388-452-0005	AMD	99-11-075	388-527-2733	NEW-P	99-07-025
388-330-020	PREP	99-07-039	388-462-0005	REP-P	99-10-105	388-527-2733	NEW	99-11-076
388-330-030	PREP	99-07-039	388-462-0010	AMD-P	99-10-105	388-527-2735	REP-P	99-07-025
388-330-035	PREP	99-07-039	388-462-0020	NEW-P	99-10-105	388-527-2735	REP	99-11-076
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388-330-050	PREP	99-07-039	388-470-0010	PREP	99-03-040	388-527-2737	NEW	99-11-076
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388-400-0020	AMD-P	99-04-102	388-470-0015	PREP	99-03-040	388-527-2742	AMD-P	99-07-025
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388-408-0010	AMD-P	99-10-105	388-470-0050	PREP	99-03-040	388-527-2753	REP-P	99-07-025
388-408-0015	AMD-P	99-10-105	388-470-0055	AMD-P	99-12-117	388-527-2753	REP	99-11-076
388-408-0035	AMD-P	99-12-120	388-470-0070	PREP	99-03-040	388-527-2754	AMD-P	99-07-025
388-412-0005	AMD-P	99-12-117	388-470-0075	AMD-P	99-12-117	388-527-2754	AMD	99-11-076
388-412-0015	AMD-P	99-12-117	388-478-0010	AMD-P	99-12-120	388-527-2790	AMD-P	99-07-025
388-416-0005	AMD-P	99-12-117	388-478-0015	AMD	99-04-056	388-527-2790	AMD	99-11-076
388-418-0012	NEW-P	99-12-121	388-478-0055	AMD	99-04-103	388-527-2795	NEW-P	99-07-025
388-418-0025	AMD-P	99-07-137	388-478-0055	PREP	99-05-045	388-527-2795	NEW	99-11-076
388-418-0025	AMD	99-10-064	388-478-0060	AMD	99-05-074	388-530-1800	PREP	99-05-044
388-418-0030	AMD-P	99-12-121	388-478-0060	AMD-P	99-12-120	388-530-2050	PREP	99-05-044
388-426	PREP	99-08-120	388-478-0070	AMD-P	99-08-118	388-533	PREP	99-06-043
388-434-0005	PREP	99-04-054	388-478-0070	AMD-E	99-08-119	388-535-1000	REP	99-07-023
388-436-0001	REP-P	99-11-073	388-478-0070	AMD	99-11-054	388-535-1010	NEW	99-07-023
388-436-0002	NEW-P	99-11-073	388-478-0075	PREP	99-07-103	388-535-1050	AMD	99-07-023
388-436-0005	REP-P	99-11-073	388-478-0075	AMD-E	99-08-001	388-535-1060	NEW	99-07-023
388-438-0110	PREP	99-10-047	388-478-0080	AMD-P	99-08-118	388-535-1080	NEW	99-07-023
388-440	PREP	99-08-120	388-478-0080	AMD-E	99-08-119	388-535-1100	AMD	99-07-023
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388-444-0040	AMD	99-07-024	388-478-0085	AMD-E	99-08-001	388-535-1220	NEW	99-07-023
388-444-0045	AMD	99-07-024	388-482-0005	AMD-P	99-12-117	388-535-1230	NEW	99-07-023

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388-535-1260	NEW	99-07-023	388-550-4900	AMD-P	99-09-087	388-551-2110	NEW-P	99-11-053
388-535-1300	AMD	99-07-023	388-550-5000	PREP	99-06-083	388-551-2120	NEW-P	99-11-053
388-535-1350	AMD	99-07-023	388-550-5000	AMD-P	99-09-087	388-551-2130	NEW-P	99-11-053
388-535-1400	AMD	99-07-023	388-550-5100	PREP	99-06-083	388-551-2200	NEW-P	99-11-053
388-535-1450	AMD	99-07-023	388-550-5100	AMD-P	99-09-087	388-551-2210	NEW-P	99-11-053
388-535-1500	AMD	99-07-023	388-550-5110	PREP	99-06-083	388-551-2220	NEW-P	99-11-053
388-535-1550	AMD	99-07-023	388-550-5110	NEW-P	99-09-087	388-552-001	NEW-P	99-08-122
388-540-001	PREP	99-05-044	388-550-5120	PREP	99-06-083	388-552-005	NEW-P	99-08-122
388-540-010	PREP	99-05-044	388-550-5120	NEW-P	99-09-087	388-552-100	NEW-P	99-08-122
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388-540-040	PREP	99-05-044	388-550-5150	AMD-P	99-09-087	388-552-210	NEW-P	99-08-122
388-540-050	PREP	99-05-044	388-550-5200	PREP	99-06-083	388-552-220	NEW-P	99-08-122
388-543-1000	NEW-W	99-08-080	388-550-5200	AMD-P	99-09-087	388-552-230	NEW-P	99-08-122
388-543-1100	NEW-W	99-08-080	388-550-5250	PREP	99-06-083	388-552-240	NEW-P	99-08-122
388-543-1200	NEW-W	99-08-080	388-550-5250	AMD-P	99-09-087	388-552-300	NEW-P	99-08-122
388-543-1300	NEW-W	99-08-080	388-550-5300	PREP	99-06-083	388-552-310	NEW-P	99-08-122
388-543-1400	NEW-W	99-08-080	388-550-5300	AMD-P	99-09-087	388-552-320	NEW-P	99-08-122
388-543-1500	NEW-W	99-08-080	388-550-5350	PREP	99-06-083	388-552-330	NEW-P	99-08-122
388-543-1600	NEW-W	99-08-080	388-550-5350	AMD-P	99-09-087	388-552-340	NEW-P	99-08-122
388-543-1700	NEW-W	99-08-080	388-550-5400	PREP	99-06-083	388-552-350	NEW-P	99-08-122
388-543-1800	NEW-W	99-08-080	388-550-5400	AMD-P	99-09-087	388-552-360	NEW-P	99-08-122
388-543-1900	NEW-W	99-08-080	388-550-5600	PREP	99-06-085	388-552-370	NEW-P	99-08-122
388-543-2000	NEW-W	99-08-080	388-550-5600	AMD-P	99-11-052	388-552-380	NEW-P	99-08-122
388-543-2100	NEW-W	99-08-080	388-550-6000	AMD	99-06-046	388-552-390	NEW-P	99-08-122
388-543-2200	NEW-W	99-08-080	388-550-6000	PREP	99-06-086	388-552-400	NEW-P	99-08-122
388-543-2300	NEW-W	99-08-080	388-550-6000	AMD-P	99-09-089	388-552-410	NEW-P	99-08-122
388-543-2400	NEW-W	99-08-080	388-550-6000	PREP	99-12-071	388-552-420	NEW-P	99-08-122
388-543-2500	NEW-W	99-08-080	388-551-1000	NEW-P	99-05-073	388-890-0005	NEW-P	99-12-030
388-543-2600	NEW-W	99-08-080	388-551-1000	NEW	99-09-007	388-890-0010	NEW-P	99-12-030
388-543-2700	NEW-W	99-08-080	388-551-1010	NEW-P	99-05-073	388-890-0015	NEW-P	99-12-030
388-543-2800	NEW-W	99-08-080	388-551-1010	NEW	99-09-007	388-890-0020	NEW-P	99-12-030
388-543-2900	NEW-W	99-08-080	388-551-1200	NEW-P	99-05-073	388-890-0025	NEW-P	99-12-030
388-543-3000	NEW-W	99-08-080	388-551-1200	NEW	99-09-007	388-890-0030	NEW-P	99-12-030
388-545-0500	PREP	99-11-084	388-551-1210	NEW-P	99-05-073	388-890-0035	NEW-P	99-12-030
388-545-300	NEW-P	99-11-071	388-551-1210	NEW	99-09-007	388-890-0040	NEW-P	99-12-030
388-545-700	NEW-P	99-11-074	388-551-1300	NEW-P	99-05-073	388-890-0045	NEW-P	99-12-030
388-550-1050	AMD	99-06-046	388-551-1300	NEW	99-09-007	388-890-0050	NEW-P	99-12-030
388-550-1050	PREP	99-06-087	388-551-1310	NEW-P	99-05-073	388-890-0055	NEW-P	99-12-030
388-550-1050	AMD-P	99-09-088	388-551-1310	NEW	99-09-007	388-890-0060	NEW-P	99-12-030
388-550-1200	AMD	99-06-046	388-551-1315	NEW-P	99-05-073	388-890-0065	NEW-P	99-12-030
388-550-2431	NEW	99-06-046	388-551-1315	NEW	99-09-007	388-890-0070	NEW-P	99-12-030
388-550-2800	AMD	99-06-046	388-551-1320	NEW-P	99-05-073	388-890-0075	NEW-P	99-12-030
388-550-2800	PREP	99-06-084	388-551-1320	NEW	99-09-007	388-890-0080	NEW-P	99-12-030
388-550-2800	AMD-P	99-09-091	388-551-1330	NEW-P	99-05-073	388-890-0085	NEW-P	99-12-030
388-550-2900	AMD	99-06-046	388-551-1330	NEW	99-09-007	388-890-0090	NEW-P	99-12-030
388-550-2900	PREP	99-06-084	388-551-1340	NEW-P	99-05-073	388-890-0095	NEW-P	99-12-030
388-550-2900	AMD-P	99-09-091	388-551-1340	NEW	99-09-007	388-890-0100	NEW-P	99-12-030
388-550-3000	AMD	99-06-046	388-551-1350	NEW-P	99-05-073	388-890-0105	NEW-P	99-12-030
388-550-3100	AMD	99-06-046	388-551-1350	NEW	99-09-007	388-890-0110	NEW-P	99-12-030
388-550-3450	PREP	99-06-084	388-551-1360	NEW-P	99-05-073	388-890-0115	NEW-P	99-12-030
388-550-3450	AMD-P	99-09-091	388-551-1360	NEW	99-09-007	388-890-0120	NEW-P	99-12-030
388-550-3500	AMD	99-06-046	388-551-1400	NEW-P	99-05-073	388-890-0125	NEW-P	99-12-030
388-550-3500	PREP	99-06-084	388-551-1400	NEW	99-09-007	388-890-0130	NEW-P	99-12-030
388-550-3500	AMD-P	99-09-091	388-551-1410	NEW-P	99-05-073	388-890-0135	NEW-P	99-12-030
388-550-3700	AMD	99-06-046	388-551-1410	NEW	99-09-007	388-890-0140	NEW-P	99-12-030
388-550-3900	PREP	99-06-084	388-551-1500	NEW-P	99-05-073	388-890-0145	NEW-P	99-12-030
388-550-3900	AMD-P	99-09-091	388-551-1500	NEW	99-09-007	388-890-0150	NEW-P	99-12-030
388-550-4100	PREP	99-06-084	388-551-1510	NEW-P	99-05-073	388-890-0155	NEW-P	99-12-030
388-550-4100	AMD-P	99-09-091	388-551-1510	NEW	99-09-007	388-890-0160	NEW-P	99-12-030
388-550-4500	AMD	99-06-046	388-551-1520	NEW-P	99-05-073	388-890-0165	NEW-P	99-12-030
388-550-4500	PREP	99-06-084	388-551-1520	NEW	99-09-007	388-890-0170	NEW-P	99-12-030
388-550-4500	AMD-P	99-09-091	388-551-1530	NEW-P	99-05-073	388-890-0175	NEW-P	99-12-030
388-550-4500	AMD-W	99-11-050	388-551-1530	NEW	99-09-007	388-890-0180	NEW-P	99-12-030
388-550-4700	AMD	99-06-046	388-551-2000	NEW-P	99-11-053	388-890-0185	NEW-P	99-12-030
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390- 14-015	AMD	99-12-057	391- 55-071	AMD-P	99-10-107	399- 30-033	NEW-P	99-05-062
390- 14-020	PREP	99-06-052	391- 55-090	AMD-P	99-10-107	399- 30-033	NEW	99-09-020
390- 14-020	AMD-P	99-09-064	391- 55-110	AMD-P	99-10-107	399- 30-034	NEW-P	99-05-062
390- 14-020	AMD	99-12-058	391- 55-120	NEW-P	99-10-107	399- 30-034	NEW	99-09-020
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390- 14-025	AMD-P	99-09-065	391- 55-150	AMD-P	99-10-107	415-108-326	AMD-P	99-11-006
390- 14-025	AMD	99-12-059	391- 55-200	AMD-P	99-10-107	415-108-475	AMD-P	99-11-006
390- 14-030	PREP	99-06-054	391- 55-205	AMD-P	99-10-107	415-108-485	AMD-P	99-11-006
390- 14-030	AMD-P	99-09-066	391- 55-210	AMD-P	99-10-107	415-108-510	AMD-P	99-11-006
390- 14-030	AMD	99-12-060	391- 55-215	AMD-P	99-10-107	415-108-520	AMD-P	99-11-006
390- 14-035	PREP	99-06-055	391- 55-220	AMD-P	99-10-107	415-108-671	REP-XR	99-08-074
390- 14-035	AMD-P	99-09-067	391- 55-225	AMD-P	99-10-107	415-108-671	REP	99-12-041
390- 14-035	AMD	99-12-061	391- 55-230	AMD-P	99-10-107	415-112-100	AMD-P	99-11-006
390- 14-040	PREP	99-06-056	391- 55-235	AMD-P	99-10-107	415-112-270	AMD-P	99-11-006
390- 14-040	AMD-P	99-09-068	391- 55-240	AMD-P	99-10-107	415-112-290	AMD-P	99-11-006
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458-57-650	REP-P	99-11-104	468-300-220	AMD	99-08-066	480-09-010	AMD	99-05-031
458-57-660	REP-P	99-11-104	468-300-700	AMD	99-07-059	480-09-012	AMD	99-05-031
458-61-090	AMD-P	99-10-033	468-310-010	AMD	99-03-025	480-09-100	AMD	99-05-031
458-65-010	REP-XR	99-10-032	468-310-020	AMD	99-03-025	480-09-101	NEW	99-05-031
458-65-020	REP-XR	99-04-018	468-310-050	AMD	99-03-025	480-09-115	AMD	99-05-031
458-65-020	REP	99-08-007	468-310-060	AMD	99-03-025	480-09-120	AMD	99-05-031
458-65-030	REP-XR	99-04-018	468-310-100	AMD	99-03-025	480-09-125	AMD	99-05-031
458-65-030	REP	99-08-007	468-500-001	AMD-XA	99-06-004	480-09-130	AMD	99-05-031
458-65-040	REP-XR	99-04-018	468-500-001	AMD	99-11-007	480-09-135	AMD	99-05-031
458-65-040	REP	99-08-007	468-550	PREP	99-11-026	480-09-140	AMD	99-05-031
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480-09-220	AMD	99-05-031	480-110-018	REP-S	99-12-112	480-110-176	REP-W	99-07-053
480-09-230	AMD	99-05-031	480-110-021	REP-W	99-07-053	480-110-176	REP-S	99-12-112
480-09-337	NEW-S	99-12-112	480-110-021	REP-S	99-12-112	480-110-205	NEW-S	99-12-112
480-09-340	AMD	99-05-031	480-110-023	REP-W	99-07-053	480-110-215	NEW-S	99-12-112
480-09-390	AMD	99-05-031	480-110-023	REP-S	99-12-112	480-110-225	NEW-S	99-12-112
480-09-400	AMD	99-05-031	480-110-026	REP-W	99-07-053	480-110-235	NEW-S	99-12-112
480-09-410	AMD	99-05-031	480-110-026	REP-S	99-12-112	480-110-245	NEW-S	99-12-112
480-09-420	AMD	99-05-031	480-110-028	REP-W	99-07-053	480-110-255	NEW-S	99-12-112
480-09-425	AMD	99-05-031	480-110-028	REP-S	99-12-112	480-110-265	NEW-S	99-12-112
480-09-426	AMD	99-05-031	480-110-031	REP-W	99-07-053	480-110-275	NEW-S	99-12-112
480-09-430	AMD	99-05-031	480-110-031	REP-S	99-12-112	480-110-285	NEW-S	99-12-112
480-09-440	AMD	99-05-031	480-110-032	REP-W	99-07-053	480-110-295	NEW-S	99-12-112
480-09-460	AMD	99-05-031	480-110-032	REP-S	99-12-112	480-110-305	NEW-S	99-12-112
480-09-465	AMD	99-05-031	480-110-036	REP-W	99-07-053	480-110-315	NEW-S	99-12-112
480-09-466	AMD	99-05-031	480-110-036	REP-S	99-12-112	480-110-325	NEW-S	99-12-112
480-09-467	AMD	99-05-031	480-110-041	REP-W	99-07-053	480-110-335	NEW-S	99-12-112
480-09-470	AMD	99-05-031	480-110-041	REP-S	99-12-112	480-110-345	NEW-S	99-12-112
480-09-475	AMD	99-05-031	480-110-046	REP-W	99-07-053	480-110-355	NEW-S	99-12-112
480-09-500	AMD	99-05-031	480-110-046	REP-S	99-12-112	480-110-365	NEW-S	99-12-112
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480-09-705	AMD	99-05-031	480-110-061	REP-S	99-12-112	480-110-425	NEW-S	99-12-112
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480-09-730	AMD	99-05-031	480-110-071	REP-W	99-07-053	480-110-455	NEW-S	99-12-112
480-09-735	AMD	99-05-031	480-110-071	REP-S	99-12-112	480-110-465	NEW-S	99-12-112
480-09-736	AMD	99-05-031	480-110-076	REP-W	99-07-053	480-110-475	NEW-S	99-12-112
480-09-740	AMD	99-05-031	480-110-076	REP-S	99-12-112	480-110-485	NEW-S	99-12-112
480-09-745	AMD	99-05-031	480-110-081	REP-W	99-07-053	480-110-495	NEW-S	99-12-112
480-09-750	AMD	99-05-031	480-110-081	REP-S	99-12-112	480-110-500	NEW-W	99-07-053
480-09-751	AMD	99-05-031	480-110-086	REP-W	99-07-053	480-110-510	NEW-W	99-07-053
480-09-760	AMD	99-05-031	480-110-086	REP-S	99-12-112	480-110-520	NEW-W	99-07-053
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480-09-780	AMD	99-05-031	480-110-091	REP-S	99-12-112	480-110-540	NEW-W	99-07-053
480-09-800	AMD	99-05-031	480-110-096	REP-W	99-07-053	480-110-550	NEW-W	99-07-053
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480-09-815	AMD	99-05-031	480-110-101	REP-W	99-07-053	480-110-570	NEW-W	99-07-053
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480-12-375	REP	99-08-026	480-110-116	REP-S	99-12-112	480-110-620	NEW-W	99-07-053
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480-92-016	NEW	99-05-016	480-110-131	REP-S	99-12-112	480-110-680	NEW-W	99-07-053
480-92-021	AMD	99-05-016	480-110-136	REP-W	99-07-053	480-110-690	NEW-W	99-07-053
480-92-031	AMD	99-05-016	480-110-136	REP-S	99-12-112	480-110-700	NEW-W	99-07-053
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480-92-050	AMD	99-05-016	480-110-141	REP-S	99-12-112	480-110-720	NEW-W	99-07-053
480-92-060	AMD	99-05-016	480-110-146	REP-W	99-07-053	480-110-730	NEW-W	99-07-053
480-92-070	AMD	99-05-016	480-110-146	REP-S	99-12-112	480-110-740	NEW-W	99-07-053
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480-120-151	NEW	99-05-015	480-146-050	REP	99-08-054	490-500-065	PREP	99-06-081
480-120-152	NEW	99-05-015	480-146-060	REP-P	99-03-073	490-500-065	REP-P	99-12-030
480-120-153	NEW	99-05-015	480-146-060	REP	99-08-054	490-500-070	PREP	99-06-081
480-120-154	NEW	99-05-015	480-146-070	REP-P	99-03-073	490-500-070	REP-P	99-12-030
480-121	AMD-P	99-07-106	480-146-070	REP	99-08-054	490-500-080	PREP	99-06-081
480-121-010	AMD-P	99-07-106	480-146-080	REP-P	99-03-073	490-500-080	REP-P	99-12-030
480-121-020	AMD-P	99-07-106	480-146-080	REP	99-08-054	490-500-170	PREP	99-06-081
480-121-030	AMD-P	99-07-106	480-146-090	REP-P	99-03-073	490-500-170	REP-P	99-12-030
480-121-040	AMD-P	99-07-106	480-146-090	REP	99-08-054	490-500-180	PREP	99-06-081
480-121-050	REP-P	99-07-106	480-146-091	REP-P	99-03-073	490-500-180	REP-P	99-12-030
480-121-060	NEW-P	99-07-106	480-146-091	REP	99-08-054	490-500-185	PREP	99-06-081
480-121-070	NEW-P	99-07-106	480-146-095	REP-P	99-03-073	490-500-185	REP-P	99-12-030
480-121-080	NEW-P	99-07-106	480-146-095	REP	99-08-054	490-500-190	PREP	99-06-081
480-121-090	NEW-P	99-07-106	480-146-200	REP-P	99-03-073	490-500-190	REP-P	99-12-030
480-121-100	NEW-P	99-07-106	480-146-200	REP	99-08-054	490-500-200	PREP	99-06-081
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480-143-010	REP-P	99-03-074	480-146-210	REP	99-08-054	490-500-205	PREP	99-06-081
480-143-010	REP	99-08-055	480-146-220	REP-P	99-03-073	490-500-205	REP-P	99-12-030
480-143-020	REP-P	99-03-074	480-146-220	REP	99-08-054	490-500-257	PREP	99-06-081
480-143-020	REP	99-08-055	480-146-230	REP-P	99-03-073	490-500-257	REP-P	99-12-030
480-143-030	REP-P	99-03-074	480-146-230	REP	99-08-054	490-500-260	PREP	99-06-081
480-143-030	REP	99-08-055	480-146-240	NEW-P	99-03-073	490-500-260	REP-P	99-12-030
480-143-040	REP-P	99-03-074	480-146-240	NEW	99-08-054	490-500-270	PREP	99-06-081
480-143-040	REP	99-08-055	480-146-250	NEW-P	99-03-073	490-500-270	REP-P	99-12-030
480-143-050	REP-P	99-03-074	480-146-250	NEW	99-08-054	490-500-275	PREP	99-06-081
480-143-050	REP	99-08-055	480-146-260	NEW-P	99-03-073	490-500-275	REP-P	99-12-030
480-143-060	REP-P	99-03-074	480-146-260	NEW	99-08-054	490-500-300	PREP	99-06-081
480-143-060	REP	99-08-055	480-146-270	NEW-P	99-03-073	490-500-300	REP-P	99-12-030
480-143-070	REP-P	99-03-074	480-146-270	NEW	99-08-054	490-500-325	PREP	99-06-081
480-143-070	REP	99-08-055	480-146-280	NEW-P	99-03-073	490-500-325	REP-P	99-12-030
480-143-080	REP-P	99-03-074	480-146-280	NEW	99-08-054	490-500-350	PREP	99-06-081
480-143-080	REP	99-08-055	480-146-290	NEW-P	99-03-073	490-500-350	REP-P	99-12-030
480-143-100	NEW-P	99-03-074	480-146-290	NEW	99-08-054	490-500-380	PREP	99-06-081
480-143-100	NEW	99-08-055	480-146-300	NEW-P	99-03-073	490-500-380	REP-P	99-12-030
480-143-110	NEW-P	99-03-074	480-146-300	NEW	99-08-054	490-500-385	PREP	99-06-081
480-143-110	NEW	99-08-055	480-146-310	NEW-P	99-03-073	490-500-385	REP-P	99-12-030
480-143-120	NEW-P	99-03-074	480-146-310	NEW	99-08-054	490-500-389	PREP	99-06-081
480-143-120	NEW	99-08-055	480-146-320	NEW-P	99-03-073	490-500-389	REP-P	99-12-030
480-143-130	NEW-P	99-03-074	480-146-320	NEW	99-08-054	490-500-390	PREP	99-06-081
480-143-130	NEW	99-08-055	480-146-330	NEW-P	99-03-073	490-500-390	REP-P	99-12-030
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480-143-140	NEW	99-08-055	480-146-340	NEW-P	99-03-073	490-500-418	REP-P	99-12-030
480-143-150	NEW-P	99-03-074	480-146-340	NEW	99-08-054	490-500-420	PREP	99-06-081
480-143-150	NEW	99-08-055	480-146-350	NEW-P	99-03-073	490-500-420	REP-P	99-12-030
480-143-160	NEW-P	99-03-074	480-146-350	NEW	99-08-054	490-500-430	PREP	99-06-081
480-143-160	NEW	99-08-055	480-146-360	NEW-P	99-03-073	490-500-430	REP-P	99-12-030
480-143-170	NEW-P	99-03-074	480-146-360	NEW	99-08-054	490-500-435	PREP	99-06-081
480-143-170	NEW	99-08-055	480-146-370	NEW-P	99-03-073	490-500-435	REP-P	99-12-030
480-143-180	NEW-P	99-03-074	480-146-370	NEW	99-08-054	490-500-437	PREP	99-06-081
480-143-180	NEW	99-08-055	480-146-380	NEW-P	99-03-073	490-500-437	REP-P	99-12-030
480-143-190	NEW-P	99-03-074	480-146-380	NEW	99-08-054	490-500-445	PREP	99-06-081
480-143-190	NEW	99-08-055	490-500-005	PREP	99-06-081	490-500-445	REP-P	99-12-030
480-143-200	NEW-P	99-03-074	490-500-005	REP-P	99-12-030	490-500-450	PREP	99-06-081
480-143-200	NEW	99-08-055	490-500-010	PREP	99-06-081	490-500-450	REP-P	99-12-030
480-143-210	NEW-P	99-03-074	490-500-010	REP-P	99-12-030	490-500-455	PREP	99-06-081
480-143-210	NEW	99-08-055	490-500-015	PREP	99-06-081	490-500-455	REP-P	99-12-030
480-143-990	REP-P	99-03-074	490-500-015	REP-P	99-12-030	490-500-460	PREP	99-06-081
480-143-990	REP	99-08-055	490-500-022	PREP	99-06-081	490-500-460	REP-P	99-12-030
480-146-010	REP-P	99-03-073	490-500-022	REP-P	99-12-030	490-500-465	PREP	99-06-081
480-146-010	REP	99-08-054	490-500-025	PREP	99-06-081	490-500-465	REP-P	99-12-030
480-146-020	REP-P	99-03-073	490-500-025	REP-P	99-12-030	490-500-470	PREP	99-06-081
480-146-020	REP	99-08-054	490-500-030	PREP	99-06-081	490-500-470	REP-P	99-12-030
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490-500-485	REP-P	99-12-030						
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490-500-500	REP-P	99-12-030						
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490-500-505	REP-P	99-12-030						
490-500-510	PREP	99-06-081						
490-500-510	REP-P	99-12-030						
490-500-525	PREP	99-06-081						
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490-500-530	PREP	99-06-081						
490-500-530	REP-P	99-12-030						
490-500-542	PREP	99-06-081						
490-500-542	REP-P	99-12-030						
490-500-545	PREP	99-06-081						
490-500-545	REP-P	99-12-030						
490-500-555	PREP	99-06-081						
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490-500-560	PREP	99-06-081						
490-500-560	REP-P	99-12-030						
490-500-580	PREP	99-06-081						
490-500-580	REP-P	99-12-030						
490-500-590	PREP	99-06-081						
490-500-590	REP-P	99-12-030						
490-500-600	PREP	99-06-081						
490-500-600	REP-P	99-12-030						
490-500-605	PREP	99-06-081						
490-500-605	REP-P	99-12-030						
490-500-615	PREP	99-06-081						
490-500-615	REP-P	99-12-030						
490-500-620	PREP	99-06-081						
490-500-620	REP-P	99-12-030						
490-500-622	PREP	99-06-081						
490-500-622	REP-P	99-12-030						
490-500-625	PREP	99-06-081						
490-500-625	REP-P	99-12-030						
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490-500-627	REP-P	99-12-030						
490-500-630	PREP	99-06-081						
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