

# Washington State Register

March 21, 2001

OLYMPIA, WASHINGTON

ISSUE 01-06



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## IN THIS ISSUE

Accountancy, Board of  
Agriculture, Department of  
Assistance Programs, Division of  
Bellingham Technical College  
Children's Administration  
County Road Administration Board  
Eastern Washington University  
Economic Services Administration  
Edmonds Community College  
Financial Institutions, Department of  
Fish and Wildlife, Department of  
Forest Practices Board  
Health, Department of  
Higher Education Coordinating Board  
Industrial Insurance Appeals, Board of  
Interagency Committee, Office of the  
Labor and Industries, Department of  
Library Commission

Library, Washington State  
Licensing, Department of  
Liquor Control Board  
Medical Assistance Administration  
Public Instruction, Superintendent of  
Retirement Systems, Department of  
Revenue, Department of  
Salmon Recovery Funding Board  
Secretary of State  
Shoreline Community College  
Social and Health Services,  
Department of  
Southwest Clean Air Agency  
Spokane County Air Pollution  
Control Authority  
Treasurer, Office of the State  
University of Washington  
Wenatchee Valley College

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## 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

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March 2001 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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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$210.60 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
P.O. Box 40552  
Olympia, WA 98504-0552

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

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **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) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2000 - 2001

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

<sup>4</sup> A 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 and 1.12.040.



## **REGULATORY FAIRNESS ACT**

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

### **Small Business Economic Impact Statements (SBEIS)**

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

### **Mitigation**

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

### **When is an SBEIS Required?**

When:

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

### **When is an SBEIS Not Required?**

When:

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

There is less than minor economic impact on business;

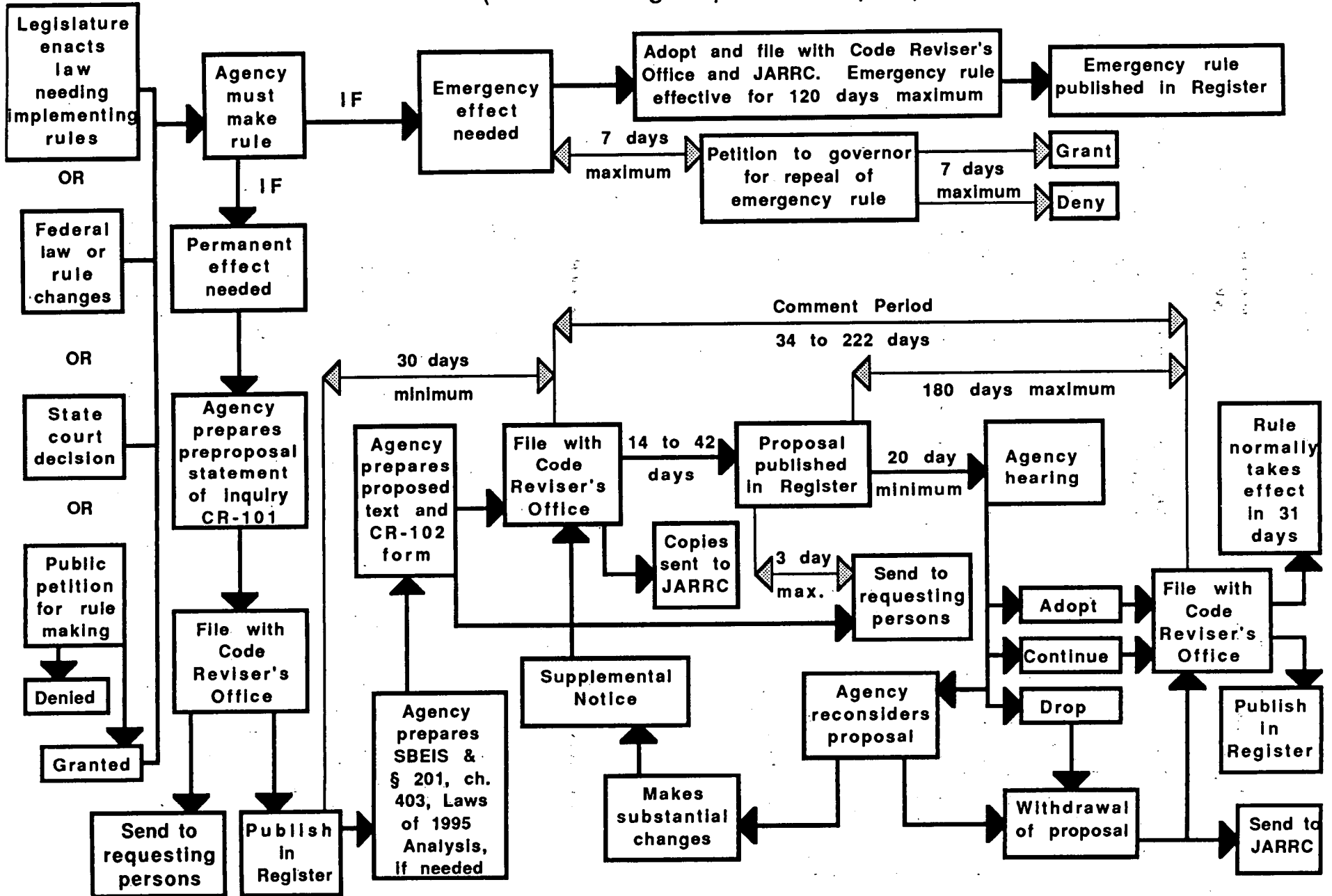
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 01-06-002****PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF ACCOUNTANCY**

[Filed February 22, 2001, 3:48 p.m.]

Subject of Possible Rule Making: WAC 4-25-631 With which rules, regulations and professional standards must a CPA comply?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055 (2) and (6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency's director of investigations and executive director have identified technical issues with this rule. The board will review the rule for effectiveness, clarity, cost, fairness, and need.

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

February 5, 2001

Dana M. McInturff, CPA  
Executive Director

**WSR 01-06-010****PREPROPOSAL STATEMENT OF INQUIRY  
WENATCHEE VALLEY COLLEGE**

[Filed February 26, 2001, 3:09 p.m.]

Subject of Possible Rule Making: Adoption of rules relating to Designation of rules coordinator, chapter 132W-134 WAC; Use of library—Fines, chapter 132W-168 WAC; Tuition and fees, chapter 132W-130 WAC; and Use of facilities, chapter 132W-140 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW and RCW 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college has reviewed current practice on required rules and replaced several college policies and procedures supporting these rules. New rules and replacement for obsolete rules are required.

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 William Martin, Dean of Administrative Services, Wenatchee Valley College, 1300 5th Street, Wenatchee, WA 98011, phone (509) 664-2554, fax (509) 664-2576, e-mail bmartin@wvcmail.ctc.edu.

February 21, 2001.

William Martin, Rules Coordinator  
Dean of Administrative Services

**WSR 01-06-011****PREPROPOSAL STATEMENT OF INQUIRY  
WENATCHEE VALLEY COLLEGE**

[Filed February 26, 2001, 3:10 p.m.]

Subject of Possible Rule Making: Repeal of chapter 132W-129 WAC, Tenure and dismissal, chapter 132W-140 WAC, Use of college facilities, chapter 132W-149 WAC, Human rights policy, and chapter 132W-164 WAC, Public works contracts and bid procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220 and chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are being deleted because the supporting college policies have been changed. Chapter 132W-140 WAC will be replaced and the others are unnecessary since they just repeat other state law and rules.

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 William Martin, Dean of Administrative Services, Wenatchee Valley College, 1300 5th Street, Wenatchee, WA 98801, voice (509) 664-2554, fax (509) 664-2576, bmartin@wvcmail.ctc.edu.

February 21, 2001

William Martin  
Dean of Administrative Services

**WSR 01-06-019****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed February 27, 2001, 10:38 a.m.]

Subject of Possible Rule Making: Rules relating to sod certification, chapter 16-321 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.13 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules for sod certification are obsolete and in need of amendment to reflect current industry and program practices, scientific knowledge, statutory requirements, and clear and readable format. There have been no growers enrolled in this voluntary, fee-for-service program for some years. However, sod growers have informed WSDA that there is now enough demand for high-quality sod from this state to make participation in this program desirable to them, if the rules were revised. Normally, a plant product certified to a known standard commands a market premium, representing an economic opportunity to the growers.

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

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rule changes with the Nursery Advisory Committee, nursery and landscape professional associations, personnel with

expertise in this area, and stakeholders, and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Wessels, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 920-2094, e-mail TWessels@agr.wa.gov.

February 27, 2001  
Mary A. Martin Toohey  
Assistant Director

**WSR 01-06-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 27, 2001, 10:40 a.m.]

Subject of Possible Rule Making: Revise existing rules related to wood destroying organism inspections, WAC 16-228-2000 through 16-228-2040. Existing rules have been in place since 1992. The department is considering revising the rules to provide greater clarity for the regulated industry. The department is also considering revising the rules to provide greater protection to the consumer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.21 RCW, the Pesticide Application Act and chapter 15.58 RCW, the Pesticide Control Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the original adoption of the rule in 1992, the department has had complaints from the regulated industry concerning the clarity and need for changes in certain sections of the rules. The department has also received complaints from homeowners, realtors, and lending facilities concerning the clarity, need and enforceability of the current rules. If the rules are revised the regulated industry, homeowners, realtors, and lending facilities will have a set of clear, enforceable rules. The rule, if revised will clearly set forth the requirements for those individuals who are performing wood destroying organism inspections and subsequently provide greater protection for homeowners. The department will also benefit by having rules which are more enforceable.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Housing and Urban Development (HUD), Federal Housing Authority (FHA), Veterans Administration (VA).

Process for Developing New Rule: The department has already established a committee of stakeholders from the regulated industry who are reviewing the rules for possible revisions. This group will make suggested revisions to the department. The department will review the suggestions and draft revisions to the existing rule. When the department and committee have finished their draft language it will be presented to a larger group of individuals for additional comments. After the larger group has commented, the depart-

ment will finalize the new proposed language and file the rule for a public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Suomi, P.O. Box 42589, Olympia, WA 98504-2589, fax (360) 902-2093, phone (360) 902-2044, e-mail dsuomi@agr.wa.gov.

February 22, 2001  
Bob Arrington  
Assistant Director

**WSR 01-06-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed February 27, 2001, 12:11 p.m.]

Subject of Possible Rule Making: Defining, for county auditors and county canvassing boards, guidelines for determining what votes can be counted on ballots with questionable marks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.210, 29.36.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Supreme Court's opinion in *Bush v Gore* indicated that standards should be set statewide as to how votes are counted. The proposed changes would standardize from county to county how ballots are evaluated and counted.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Office of the Secretary of State, P.O. Box 40232, Olympia, WA 98504, phone (360) 664-3653, fax (360) 664-3657, e-mail sheryl@sec-state.wa.gov.

February 27, 2001  
Steve Excell  
Assistant Secretary of State

**WSR 01-06-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)  
(Division of Assistance Programs)

[Filed March 2, 2001, 10:05 a.m.]

Subject of Possible Rule Making: DSHS will amend rules for food assistance to implement changes in federal regulations and exercise state options for the food stamp program. This includes changes to rules in chapter 388-406 WAC, Applications, chapter 388-414 WAC, Categorical eligibility for food assistance, chapter 388-416 WAC, Certification periods, chapter 388-418 WAC, Change of circumstances, chapter 388-434 WAC, Eligibility reviews and recer-

tifications, chapter 388-450 WAC, Income, chapter 388-452 WAC, Interview requirements, chapter 388-470 WAC, Resources, chapter 388-490 WAC, Verification, and other WAC sections related to this change in federal regulations. This may also require the addition of new rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On November 21, 2000, the United States Department of Agriculture, Food and Nutrition Service (FNS) published new regulations for the food stamp program in the Federal Register. The department must adopt rules to be consistent with federal regulations for food stamps.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

February 27, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

#### WSR 01-06-034

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 2, 2001, 10:42 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice each year. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Wash-

ington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. The anticipated date of adoption is the third week of June 2001. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained after April 15, 2001, upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6126, fax (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 16, 2001, at 10 a.m.

Assistance for Persons with Disabilities: Contact Barbara Vane by April 6, 2001, TDD 1-800-451-7985, or (360) 570-6182.

March 5, 2001

Claire Hesselholt

Rules Manager

Legislation and Policy

#### WSR 01-06-037

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 5, 2001, 2:34 p.m.]

Subject of Possible Rule Making: Pension tables for calculating various annuities for injured workers and crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020(1), 51.32.067, 51.44.070 (1) and (2), and 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For many years, the Department of Labor and Industries has established pension reserves and benefit reduction amounts required in RCW 51.44.070(1), and the annual expensing required in RCW 51.44.080, by using actuarial assumptions originally established by the Office of the Insurance Commissioner. These assumptions have not changed since responsibility for these decisions was moved from the Insurance Commissioner's Office to labor and industries. Labor and industries believes the impact of proposed changes in these assumptions requires rule adoption as defined in the Administrative Procedure Act.

PREPROPOSAL

The subject of possible rule making includes the pension tables used to calculate various pension annuities. If changes in these pension tables are adopted, they would be in the form of rules and would be codified in chapter 296-14 WAC, entitled Industrial insurance. The rules would apply to new pension reserve calculations for totally permanently disabled workers and on-the-job fatality survivors of Washington state fund employers and self-insured employers and to similarly entitled individuals under the crime victims' compensation program.

By establishing these changes as rules, the public will have an opportunity to comment on their potential impact. The changes are necessary to maintain appropriate reserve levels for pension recipients.

Process for Developing New Rule: Labor and industries will begin the rule development process by drafting proposed changes in the assumptions relative to pension reserves and ensuring these changes conform to accepted actuarial principles. Labor and industries will share the draft proposal with the Workers' Compensation Advisory Committee and other interested parties. Once the committee has been presented with the draft proposal and provided any comments, labor and industries will submit a formal rule filing. This filing is anticipated for April 13, 2001, followed by a public hearing to be held in Tumwater.

Labor and industries would like to have rules in place by June 30, 2001.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Department of Labor and Industries, Valerie Grimm, Administrative Regulations Analyst, P.O. Box 44208, Olympia, WA 98504-4208, (360) 902-5005, fax (360) 902-4960. Interested parties should contact Valerie Grimm and ask to receive copies of the proposed rules and to be notified of the public hearing date. At that time, they will also receive information on how to submit written comments.

February 28, 2001  
 Gary Moore  
 Director

**WSR 01-06-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 6, 2001, 11:31 a.m.]

Subject of Possible Rule Making: The department will add a new section to chapter 415-103 WAC, Washington State Patrol retirement system benefit options, defining salary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 43.43.142.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently there is no definition of salary, earnable compensation, or anything similar in chapter 415-103 WAC. Adding a definition will assist in determining retirement benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will work with the Washington State Patrol on this rule.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General and the Washington State Patrol. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS 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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

March 6, 2001  
 Merry A. Kogut  
 Rules Coordinator

**WSR 01-06-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WENATCHEE VALLEY COLLEGE**

[Filed March 7, 2001, 9:30 a.m.]

Subject of Possible Rule Making: Grievance—Discrimination, (chapter 132W-300 WAC) is a procedure that Wenatchee has never formalized through rule making. We intend to correct that oversight.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Procedures for students and staff who feel themselves discriminated against due to disabilities or on the basis of sex will have a process to have their complaint heard and adjudicated.

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 William Martin, Dean of Administrative Services, Wenatchee Valley College, 1300 5th Street, Wenatchee, WA 98011, phone (509) 664-2554, fax (509) 664-2576, e-mail bmartin@wvcmail.ctc.edu.

March 5, 2001  
 William Martin, Rules Coordinator  
 Dean of Administrative Services

**WSR 01-06-061**

**PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR CONTROL BOARD**

[Filed March 7, 2001, 10:59 a.m.]

**Subject of Possible Rule Making:** The Liquor Control Board intends to review WAC 314-42-010 regarding the duties and responsibilities of the agency's administrative director.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 66.08.030. The following statutes indicate areas where the board can delegate certain duties and activities: RCW 66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Liquor Control Board would like to make a technical change to this rule in order to allow the administrative director to further delegate the authority given to her under WAC 314-42-010 (3)(a) to employ, terminate, and discipline agency employees, with the exception of the employees of the policy, legislative, and media relations division.

**Process for Developing New Rule:** The agency will work with stakeholders during one or more public hearing(s).

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, phone (360) 664-1648, fax (360) 704-4920, e-mail rules@liq.wa.gov.

March 7, 2001  
Eugene Prince  
Chair

PREPROPOSAL





**NO EXPEDITED REPEALS FILED IN THIS ISSUE**

**EXPEDITED REPEAL**



**WSR 01-05-033**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed February 13, 2001, 3:41 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 00-11-088 and 00-22-043.

**Title of Rule:** This will be new chapter 196-33 WAC, Rules of professional practice. The chapter contains five sections that provide information to licensed individuals regarding professional conduct, practice, direct supervision, stamping and seals, as provided for in chapter 18.210 RCW.

**Purpose:** The purpose of this new chapter is to implement those parts of RCW 18.210.005, 18.210.020, 18.210.130, and 18.210.150 requiring the establishment of standards of practice, outlining professional conduct, defining direct supervision and establishing the professional seal/stamp and its proper usage for persons who are licensed under chapter 18.210 RCW to practice, or offer to practice the design of on-site wastewater treatment systems in the state, and licensed professional engineers under chapter 18.43 RCW practicing on-site design.

**Statutory Authority for Adoption:** RCW 18.210.060 and 18.43.035.

**Statute Being Implemented:** Chapter 18.210 RCW.

**Summary:** 2SSB 5821 established the on-site wastewater treatment system designer licensing/inspector certification program in July 1999. That legislation was codified as chapter 18.210 RCW. This law requires the statewide regulation of persons practicing on-site wastewater treatment system design services through the establishment of a licensing program and standards of practice. These standards shall apply to the affected practitioners, whether licensed professional designers under chapter 18.210 RCW, or licensed professional engineers under chapter 18.43 RCW.

**Reasons Supporting Proposal:** See Purpose above.

**Name of Agency Personnel Responsible for Drafting:** Joe Vincent Jr., 405 Black Lake Boulevard, Olympia, WA, (360) 664-1567; **Implementation and Enforcement:** George A. Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

**Name of Proponent:** Board of Registration for Professional Engineers and Land Surveyors, On-Site Wastewater Treatment System Designer Licensing/Inspector Certification Advisory Committee, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This new WAC chapter and set of rules establishes the standard of professional conduct, defines direct supervision, and seal and stamp design and usage.

The purpose of these rules is to notify all persons who practice on-site wastewater treatment system design services and local health department employees who inspect designs, of the expected professional conduct of designers, the requirements of direct supervision, and the appropriate use of the professional seal/stamp and its design.

The effect is to implement the requirements of chapter 18.210 RCW, establishing a professional standard for this industry.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The legislature, through 2SSB 5821, mandated the examination and licensing of persons practicing on-site wastewater treatment system design services and the examination and certification of local health department employees who inspect designs. The bill does not require a business to pay for the examination, license, or certificate or the time needed to complete the examination; those costs are typically borne by the license or certificate applicant. In addition, research conducted by the Engineer Registration Board and the On-Site Advisory Committee found that all businesses doing on-site designer work fall into the states' definition of "small business." Consequently, these small businesses cannot be placed at a disadvantage by larger businesses doing the same work.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Neither the Department of Licensing, or the board of registration are one of the named agencies in this statute.

**Hearing Location:** La Quinta Inn, 1425 East 27th Street, Tacoma, WA 98421, on April 12, 2001, at 7:00 p.m.; and at The Double Tree Hotel, 322 North Spokane Falls Court, Spokane, WA 99201, on April 19, 2001, at 7:00 p.m.

**Assistance for Persons with Disabilities:** Contact Kim Chipman by March 16, 2001, TDD (360) 586-2788, or (360) 664-1564.

**Submit Written Comments to:** Joe Vincent Jr., Manager, On-Site Program, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, by May 1, 2001.

**Date of Intended Adoption:** May 17, 2001.

February 7, 2001  
 George A. Twiss  
 Executive Director

(New Chapter)

**Chapter 196-33 WAC**

**Rules of Professional Practice**

NEW SECTION

**WAC 196-33-100 Purpose and definitions** (1) The purpose of Chapter 196-33 WAC is to provide further guidance to licensees with respect to the accepted professional conduct and standard of practice, as indicated in chapter 18.210 RCW, and generally expected to those practicing professional on-site wastewater treatment system design. These standards shall apply to all persons authorized to practice on-site wastewater treatment system design services, whether licensed professional designers under chapter 18.210 RCW, or licensed professional engineers under chapter 18.43 RCW. The board recognizes the need to establish standards with which to measure the performance of practitioners. The

Board further recognizes, as a minimum standard, those standards for the design of on-site wastewater treatment systems required by WAC 246-272, promulgated by the department of health in accordance with their authority granted in chapter 43.20.050 RCW. It is the intent of the board to introduce guidance and direction through these rules, together with recommended standards and guidance documents.

(2) The word "licensee" in these rules of professional practice shall mean any person holding a license issued in accordance with chapter 18.210 RCW, or chapter 18.43 RCW, issued by this board.

(3) All licensees are charged with having knowledge of and practicing in accordance with the provisions of these rules of professional practice.

(4) Should there be any conflict in the guidance provided in this chapter and the intent of the language of Chapter 18.210 RCW, the intent of the language in Chapter 18.210 RCW prevails.

(5) Terms used in this chapter shall have the same definition as provided in Chapter 18.210 RCW.

#### NEW SECTION

**WAC 196-33-200 Fundamental canons and guidelines for professional practice and conduct** The specialized and complex knowledge required for on-site wastewater treatment system design makes it imperative that licensees exercise a standard of care that holds paramount the protection of the health, safety, environment, property, and welfare of the public.

(1) Licensees are expected to apply the skill, diligence and judgment required by the professional standard of care, to achieve the goals and objectives agreed with the client or employer, and are expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer. Licensees are obliged to:

(a) be honest and fair in their dealings, and to conform to the relevant laws and codes of the jurisdiction in which they practice.

(b) be able to demonstrate that their final products and work plans adequately consider the primary importance of protecting the safety, health, property, and welfare of the general public.

(c) approve or seal only documents prepared by them or under their direct supervision.

(d) inform their clients or employers of the possible consequences, when an overruling or disregarding of the licensee's professional judgment may threaten the safety or health of the public. If in the judgment of the licensee an imminently dangerous situation persists, they shall promptly inform appropriate authorities.

(e) inform the board in writing, citing specific facts to which the licensee has direct knowledge, if they have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.210 RCW or these rules of professional conduct, and cooperate with the board in furnishing such further information or assistance as may be required.

(2) Licensees shall be competent in the technology, and knowledgeable of the codes, regulations, and guidelines applicable to the services they perform.

(3) Licensees shall be qualified by education and/or experience in the technical area of on-site wastewater treatment system design applicable to services performed and the technologies utilized.

(4) Licensees may accept primary contractual responsibility requiring education and/or experience outside their own area of competence, provided their services are restricted to those phases of the project in which they are qualified.

(5) Licensees shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education and/or experience.

(6) Licensees shall act in professional matters for each employer or client as faithful agents or trustees.

(7) Licensees shall be objective and truthful in professional documents, reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony. They shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(8) Licensees shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances, which could influence their judgment, or the quality of their services.

(9) Licensees shall only accept compensation from one party for services on a project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(10) Licensees shall not solicit or, accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(11) Licensees shall advise their employers or clients when, as a result of their studies, they believe a project will not achieve the goals established with the client.

(12) Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(13) Licensees employed full-time shall not accept professional employment outside of their regular work or interest without the knowledge and consent of their employers.

(14) Licensees shall offer their professional services in a truthful, objective, and professional manner that results in public trust in the integrity of the on-site design profession.

(15) Licensees shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(16) Licensees shall not offer or accept money, goods or other favors as inducement to receive favorable consideration for a professional assignment or as an inducement to approve, authorize or influence the granting of a professional assignment. This shall not preclude the securing of salaried positions through employment agencies.

(17) Licensees shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(18) Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(19) Licensees shall not advertise professional services in a way that is false or misleading as to the qualification, experience, or capability of the licensee.

(20) Public statements by licensees regarding the practice of on-site wastewater treatment systems design shall be objective and truthful.

(21) Licensees should endeavor to extend the public knowledge of on-site wastewater treatment system design and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding the profession.

(22) Professional reports, statements, or testimony made to the public or public entities shall include all relevant and pertinent information to support conclusions or opinions expressed.

(23) Licensees when serving as an expert witness shall express an on-site design opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(24) Licensees shall issue no statements, criticisms, or arguments regarding on-site design matters, which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements, are made.

(25) Licensees shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(26) Licensees shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

(27) In addition to the requirements of Chapter 18.210.020 and this chapter, the following acts are contrary to the standard of practice for individuals authorized to practice under this chapter and constitute unprofessional conduct in the practice of on-site wastewater treatment system design:

(a) Duplicating, copying, removing or attempting to remove materials from the custody and control of the Board that are exempt from inspection or copying under chapter 42.17 RCW when such duplication, copying or removal was not expressly authorized by the board.

(b) Failure to notify a client or employer that a project could not be completed or was not completed.

(c) Failure to respond to client inquiries under conditions which endanger the health, safety, or welfare of the public or the client or the client's property.

(d) Failure to respond to inquiries from other on-site practitioners or governmental agencies regarding differences in your respective work products, under conditions which endanger the public health, safety, or welfare or the health, safety, or welfare of the client or the client's property.

NEW SECTION

**WAC 196-33-300 Providing direct supervision.**

Direct supervision is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of on-site plans, specifications, reports, and related activities. Direct supervision explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. Direct supervision requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

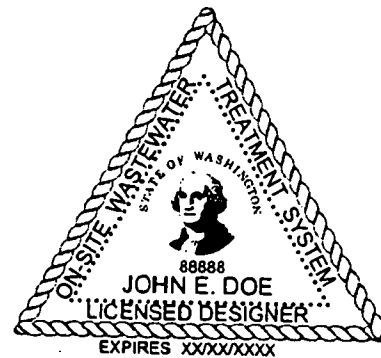
Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, that the licensee retains, maintains, and asserts continuing control and judgment.

Nothing in this section shall be construed to relieve the licensee from the responsibility of final decision making and plan stamping.

NEW SECTION

**WAC 196-33-400 Seals and stamps** All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed On-Site Wastewater Treatment System Designer;
- (3) License number;
- (4) Licensee's name as shown on license;
- (5) Date of license expiration.



PROPOSED

NEW SECTION

**WAC 196-33-500 Seal and stamp usage** The use of the seal/stamp shall be in accordance with chapters 18.43 RCW and 18.210 RCW, or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for use for construction, final agency approvals, use by clients, and record drawings or as-builts for filing with public officials where such record drawings or as-builts are required to be prepared by the licensee. Any final document must contain the seal/stamp, license expiration date and signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, designs, specifications and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents shall be stamped and dated, but need not be signed by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

(c) Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design on that plan sheet. Whenever possible, the origin of the background information should be noted on the plan sheet.

(d) All design revisions to final plan/design sheets shall be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.210. The revised plan/design sheets shall clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the revision was made.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp and signature of the licensee. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an on-site design nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of a on-site design specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents

and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp and sign the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in their capacity as on-site inspectors/reviewers, whether or not licensed under 18.210 RCW.

**WSR 01-06-009****PROPOSED RULES****UNIVERSITY OF WASHINGTON**

[Filed February 26, 2001, 3:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-034.

Title of Rule: WAC 478-136-030 Limitations on use, from chapter 478-136 WAC, Use of University of Washington facilities.

Purpose: To amend University of Washington rules concerning advertising and use of scoreboards at University of Washington sports facilities.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Summary: Amendments to the University of Washington's rules on the use of university facilities are necessary to incorporate existing and amended policies governing advertising and use of scoreboards at sports facilities.

Reasons Supporting Proposal: Current policies need to be reflected in University of Washington rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Norman G. Arkans, Associate Vice-President and Executive Director of University Relations, Chair, Use of University Facilities Committee, 400 Gerberding Hall, University of Washington, (206) 543-2560.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The role of advertising in University of Washington facilities and on scoreboards at sports facilities is clarified by these amendments to WAC 478-136-030.

Proposal Changes the Following Existing Rules: The proposed rule amends WAC 478-136-030 Limitations on use..

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC 478-136-030 does not impose a disproportionate impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. WAC 478-136-030 is not considered a significant legislative rule by the University of Washington.

PROPOSED

Hearing Location: Room 309 of the Husky Union Building (HUB) University of Washington, Seattle, Washington, on April 18, 2001, at 12:00 noon.

Assistance for Persons with Disabilities: Contact UW Disability Services Office by April 4, 2001, TDD (206) 543-6452, or (206) 543-6450.

Submit Written Comments to: Rebecca Goodwin Dearnorff, Director, Administrative Procedures Office via one of the following routes: U.S. mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, campus mail: Box 355509, e-mail adminpro@u.washington.edu, fax (206) 616-6294, by April 18, 2001.

Date of Intended Adoption: May 18, 2001.

February 22, 2001

Rebecca Goodwin Dearnorff, Director  
Administrative Procedures Office

**AMENDATORY SECTION** (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97) .

**WAC 478-136-030 Limitations on use.** (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

~~((5))~~ (6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

~~((6))~~ (8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

PROPOSED

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington  
Secretary to the Committee on the  
Use of University Facilities  
400 Gerberding Hall  
Box 351210  
Seattle, WA 98195-1210

(or phone: 543-2560), sufficiently in advance of the program to allow timely consideration.

**PROPOSED**  
~~((7))~~ (9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

~~((8))~~ (10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

~~((9))~~ (11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections ~~((8))~~ (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

**WSR 01-06-017  
PROPOSED RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed February 27, 2001, 7:56 a.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-167-040 Lapsing of RATA allocations for approved projects. Amendment to WAC 136-130-040 are grammatical.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay P. Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.



Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to WAC 136-167-040 Lapsing of RATA allocation of approved projects. To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in action by the CRAB to withdraw RATA funds from the projects for which RATA funds from the project. Amendments to WAC 136-167-040 add language regarding extensions to the lapsing date of a project.

Amendments to WAC 136-130-040 are grammatical.

Proposal Changes the Following Existing Rules: Amendments to WAC 136-130-040 Project prioritization in northwest region are grammatical changes.

Amendments to WAC 136-167-040 adds language regarding lapsing rules of RATA allocation for approved projects.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 280, Olympia, WA 98504-0913, on April 12, 2001, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by April 9, 2001, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0593, by April 9, 2001.

Date of Intended Adoption: April 12, 2001.

February 17, 2001

Jay P. Weber

Executive Director

**AMENDATORY SECTION** (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-167-040 Lapsing of RATA allocation for approved projects.** To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if:

(a) The project has not begun the preliminary engineering phase within four years of project approval by the county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if:

(a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020;

(b) A contract has been awarded under the provisions of the small works roster contract award process; or

(c) If done by day labor, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board executive director may grant such an extension if ~~((#))~~ the director finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

(c) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

(d) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

**AMENDATORY SECTION** (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-130-040 Project prioritization in northwest region (NWR).** Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project and fifty percent of the forecasted regional ((allocation total)) apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

**WSR 01-06-018**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed February 27, 2001, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-102.

Title of Rule: Chapter 308-56A WAC, Manufactured home certificates of ownership, to include but not limited to WAC 308-56A-505.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 65.20.110.

Summary: Amending WAC 308-56A-505.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

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 needed and repeal those no longer required.

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.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses-Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 11, 2001, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 10, 2001, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 10, 2001.

Date of Intended Adoption: May 12, 2001.

February 26, 2001

Deborah McCurley, Administrator  
 Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 00-06-004, filed 2/18/00, effective 3/20/00)

**WAC 308-56A-505 Elimination of manufactured home title—Eligibility.** (1) ~~((When))~~ May I eliminate the vehicle title on my manufactured home? You may eliminate the vehicle title on your manufactured home provided

you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) How do I apply to eliminate the vehicle title on my manufactured home? ~~((AH))~~ You must complete and record a manufactured home title elimination application. The application((s)) to eliminate ((or not issue)) title under chapter 46.12 RCW, and ((perfect)) record ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) What conditions ((apply when I request title elimination)) must be met before the certificate of ownership can be eliminated? ~~((When requesting title elimination for your manufactured home,))~~ The following ((is required)) conditions must be met before the certificate of ownership will be eliminated:

(a) ~~((Manufactured homes shall))~~ The manufactured home must be affixed or be in the process of being affixed to the land ((prior to applying for title elimination under chapter 65.20 RCW)).

(b) ~~((In the event a manufactured home is in the process of being affixed to the land but is not completed, a certification from the issuing authority as described in RCW 65.20.040(3) will be accepted.))~~ The building permit office certification box on the application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).

(c) If the title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.

(d) The county auditor's recording office must certify that the manufactured home title elimination application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.

(e) The completed application must be recorded in the county auditor's office in the county in which the manufactured home and land are located.

(4) How do I ((perfect)) record my manufactured home title elimination with the department? To ~~((perfect))~~ record your manufactured home title elimination you ~~((shall))~~ must:

(a) ~~((Present))~~ Submit the recorded manufactured home title elimination application to the department for processing;

(b) ~~((Record the approved manufactured home title elimination application at the county recording office as provided in RCW 65.20.050;~~

~~Present the recorded manufactured home title elimination application to an auditor's vehicle licensing office or to the department for processing; and~~

~~((4))~~ Pay the applicable fees; and

~~((c))~~ Receive a confirmation letter from the department that your manufactured home title has been eliminated.

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) ~~((Fees))~~ A fee of fifteen dollars for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.

(d) A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

### WSR 01-06-023

#### PROPOSED RULES

#### SECRETARY OF STATE

[Filed February 27, 2001, 12:13 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-042.

**Title of Rule:** The changes will clarify the qualifications for certified election administrators and assistant election administrators as well as set procedures for recertification.

**Purpose:** The purpose is to have requirements and procedures for certification of election administrators and assistant election administrators which cover all situations related to the certification program.

**Statutory Authority for Adoption:** RCW 29.60.020.

**Summary:** For certified election administrators and assistant election administrators, required experience must have been continuous and must be acquired immediately prior to initial certification. Training required for initial certification must be acquired within five years of application. Minimums are set for election related training for maintaining certification. Procedures are set for recertifying after a lapse of certification has taken place.

**Reasons Supporting Proposal:** Initial certification of election administrators should include up-to-date information and experience needs to be continuous. A portion of the training used for maintaining certification should be election administration specific. Some administrators have let their certification lapse and a recertification procedure is needed.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Sheryl Moss, P.O. Box 40232, Olympia, WA 98504, (360) 664-3653.

**Name of Proponent:** The Election Administration and Certification Board, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** County auditors are required by law to have on staff at least two certified election administrators. There is also a lower certification for assistant election administrators. Changes to existing rules tighten the requirements for initial certification and maintenance. Two sections are added describing the procedure for recertifying after a certification

has lapsed. Essentially, the requirements are the same as initial certification with one exception: Only one half of the training required may come from the training used for their prior certification. The other half must be new training.

**Proposal Changes the Following Existing Rules:** The changes in existing rules apply to both election administrators and assistant election administrators. For initial certification, required service must be continuous and acquired immediately prior to application for certification. Required training for initial certification must be acquired within five years of application. Once certified, the training required for maintenance must have a minimum number of hours of election specific subjects: Six hours for election administrators and two hours for assistant election administrators.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii).

**Hearing Location:** 120 East Union, Suite #106, Olympia, WA 98501, on April 11, 2001, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Sheryl Moss by April 4, 2001, TDD (360) 753-1485, or (360) 664-3653.

Submit Written Comments to: Sheryl Moss, Office of the Secretary of State, P.O. Box 40232, Olympia, WA 98504, fax (360) 664-3657, e-mail sheryl@secstate.wa.gov, by April 10, 2001.

**Date of Intended Adoption:** April 12, 2001.

February 27, 2001

Steve Excell

Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-220 Certification of election administrators.** Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years' continuous service as an election administrator immediately prior to the date of a request for initial certification;

(3) Taking and passing the open book written test described in WAC ~~((434-60-260))~~ 434-260-260;

(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:

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The Elections Center;

(d) 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.

Such training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**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))~~ One year continuous service in election administration immediately prior to the date of a request for initial certification;

(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). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;

(5) A high school diploma or equivalent.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-300 Maintaining certification as an election administrator.** After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. 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 99-12-004, filed 5/19/99, effective 6/19/99)

**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, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or confer-

ence 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 purposes and any other training approved by the elections administration and certification board.

#### NEW SECTION

**WAC 434-260-307 Lapse of certification of election administrator.** Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation, in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

#### NEW SECTION

**WAC 434-260-309 Lapse of certification of assistant election administrator.** Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written 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). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

## WSR 01-06-046

WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed March 6, 2001, 9:50 a.m.]

WAC 388-512-1210, proposed by the Department of Social and Health Services in WSR 00-17-084 appearing in issue 00-17 of the State Register, which was distributed on September 6, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

## WSR 01-06-049

PROPOSED RULES  
DEPARTMENT OF LICENSING

[Filed March 6, 2001, 11:37 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-094.

Title of Rule: Chapter 308-94 WAC, Snowmobiles, to include but not limited to WAC 308-94-030, 308-94-050, 308-94-080, and 308-94-100.

Purpose: 1. Clarify the requirement to register snowmobiles in a variety of situations.

2. To meet criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-94-030 Snowmobile registration application—Registration year, 308-94-050 Snowmobile registration, decals and validating tab—Display, 308-94-080 Nonresident temporary snowmobile permit, and 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles, and new WAC 308-94-105 Deliver of snowmobile on dealer temporary permit.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation: Deborah McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754; and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules explain the registration procedures and costs for the operation of a snowmobile in Washington state. The purpose is to clarify, simplify and delete parts that are no longer needed. The anticipated effects are clear procedures that are written in a more readable and understandable form.

Proposal Changes the Following Existing Rules: Clarify sections as needed and repeal those no longer required.

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 April 13, 2001, at 10:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 12, 2001, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 13, 2001.

Date of Intended Adoption: May 14, 2001.

February 28, 2001

Deborah McCurley, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-030 Snowmobile registration application—Registration year.** (1) What must be included on an application to register a snowmobile? An application for an original or transfer registration of a snowmobile (~~shall~~) must include:

(a) The name and address (~~and department assigned customer account number upon request~~) of each registered owner(s); and

(b) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

(c) The purchase price and year of purchase or declared value and year of declaration; and

(d) Proof of payment of sales or use tax, satisfactory proof that sales or use tax is not due as established by the department of revenue (~~or the payment of use tax~~); and

(e) A copy of any of the following:

(i) Previously issued registration certificate;

(ii) Certificate of ownership from a foreign jurisdiction;

(iii) Manufacturer's certificate of origin;

(iv) A bill of sale;

(v) A purchase agreement; or

(vi) Other department approved documentation; and

(f) (~~A notarized or certified release of interest from owner(s) of record or~~) Certificate of fact explaining how the snowmobile was acquired; and

(g) (~~Appropriate~~) Applicable fees.

(2) How are security interests recorded? Security interests (~~shall~~) must be recorded with the Uniform Commercial Code Section of the department, and (~~shall~~) will not be recorded on the snowmobile registration.

(3) What is the registration period for snowmobiles? The registration (~~year~~) period for snowmobiles (~~shall be~~) is October 1 through September 30 of the following year.

PROPOSED

Regardless of the date acquired, there is no abatement of the snowmobile registration fee.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-050 Snowmobile registration, decals and validating tab(s)—Display.** (1) Where do I carry the snowmobile registration certificate? A snowmobile registration certificate (~~(shall)~~) must be:

- (a) Carried in the snowmobile for which it was issued; or
- (b) Carried on the person of the snowmobile operator; and
- (c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) ~~((Snowmobile decals showing the registration number shall be:))~~ How are snowmobile decals/tabs displayed?

(a) Decals showing the registration numbers must be affixed to the right and left sides or on the front and rear of the snowmobile(;) and ((b)) located so that snow, passenger, driver or load will not obscure them.

~~((3))~~ (b) The month tabs ((shall)) must be located no more than two inches ((from the)) in front of the first digit of the decal(s) showing the registration number. Validating year tab((s shall)) must be located no more than two inches from the last digit of the decals showing the registration number.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-080 Nonresident temporary snowmobile permit. What information is required to obtain a nonresident temporary snowmobile permit?**

(1) An application for a nonresident temporary permit shall include:

- ~~((1))~~ (a) Name and address of the applicant;
- ~~((2))~~ (b) Plate or registration number and expiration date, if registered in another jurisdiction;
- ~~((3))~~ (c) Make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
- ~~((4) Appropriate))~~ (2) Applicable fees.

**AMENDATORY SECTION** (Amending WSR 98-08-070, filed 3/30/98, effective 4/30/98)

**WAC 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles.** ~~((Snowmobile dealer licenses shall be effective for one year from the date of issue.~~

~~(1) A dealer may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.~~

~~(2) A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.~~

~~(3) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and shall be dis-~~

~~played on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.~~

~~(4) Snowmobile dealer license plates shall not be used on rented snowmobiles:))~~ (1) How long is a snowmobile dealer license valid? Snowmobile dealer licenses are valid for one year from the date of issue.

(2) Are there restrictions for the use of the snowmobile dealer license plate? Yes.

(a) Dealers may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

(b) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and must be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

(c) Snowmobile dealer license plates must not be used on rented snowmobiles.

(3) What are the fees for a snowmobile dealer license? A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.

#### NEW SECTION

**WAC 308-94-105 Delivery of snowmobile on dealer temporary permit.** (1) How are snowmobile dealer temporary permits used? By licensed snowmobile dealers as a dealer temporary permit.

(2) How is the dealer temporary permit application issued and completed?

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

(3) How long is the dealer temporary permit valid? The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

(4) What restrictions apply to the dealer temporary permit?

- (a) The dealer temporary permit must not:  
 (b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;  
 (c) Be issued as a demonstration permit;  
 (d) Be issued for a snowmobile processed as a courtesy delivery.

(5) **Are fees paid for the dealer temporary permit application forms refundable?** Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

(6) **Is the dealer reimbursed for the cost of the dealer temporary permit when used?** Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

(7) **Is the dealer required to keep a record of the permits?** Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Snowmobile purchaser's names;  
 (b) Vehicle identification number;  
 (c) Dates of snowmobile sales and deliveries; and  
 (d) Date and location of purchase of each permit form and the permit number.

(8) **Is the dealer required to submit the application for registration within a certain period of time?** Yes, the dealer must submit the application for registration forty-five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.

## WSR 01-06-052

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 2001, 9:01 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-076.

Title of Rule: Chapter 16-202 WAC, Application of pesticides and plant nutrients through irrigation systems—Chemigation.

Purpose: To clarify rules and address issues and concerns raised since implementation of the original rules in 1998. These rule revisions address the proper operation and system configuration required to protect the environment and human health from chemigation applications.

Other Identifying Information: Chemigation is the distribution of pesticides through irrigation systems.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: The proposed rules contain significantly more explanatory provisions than the current rule. However,

the actual numbers of additional provisions are few, and most of them are addressed in the small business economic impact statement. Intended to be as much of a reference document as a regulation, the proposed chemigation rule and fertigation rule incorporate or reference relevant provisions of chapters 16-200, 16-201, 16-228, 16-229 WAC, WAC 16-202-1000, and 16-202-2000 as well as chapters 15.54 and 17.21 RCW.

Many of the supplementary provisions to current rule are addressed in the small business economic impact statement, and they follow:

1. Manual shutoff valves must be placed on the main outlet of application tanks (WAC 16-202-1009 and 16-202-2005).

2. Application tanks must contain "who to contact" information in a minimum of two-inch lettering on a contrasting background (WAC 16-202-1008 and 16-202-2004).

3. Application tanks containing product must be periodically monitored (WAC 16-202-1010 and 16-202-2006).

4. Chemigation and fertigation applications must be periodically monitored (WAC 16-202-1023 and 16-202-2019).

5. For chemigation, a tank size limitation of 2,500 gallons and a cumulative application tank capacity of 3,000 gallons (with a soil fumigation exception of 6,500 gallons for a fourteen-day period) per injection site (WAC 16-202-1010).

6. For fertigation, a tank size restriction of 6,500 gallons and a cumulative application tank capacity of 10,000 gallons per injection site (WAC 16-202-2006).

7. An inspection port or other access point to assess the integrity and operation of irrigation mainline check valve and the low pressure drain, provided such devices are deemed necessary, must be installed (WAC 16-202-1002, 16-202-1013, 16-202-2002, and 16-202-2009).

8. Department of Health approved backflow prevention devices must be installed on systems that are cross-connected to a public water supply (WAC 16-202-1013, 16-202-1024, 16-202-2009, and 16-202-2020).

Presented below are proposed provisions not specifically addressed in the small business economic impact statement that may require a financial outlay by the system owner, lessee, or renter. However, a potential cost associated with a proposed provision may be nominal due to requirements of correlated rules, to conditions on the pesticide label, or to adherence with accepted industry practice.

1. All system components must be compatible with injected materials, water containing injected materials, or system pressure (WAC 16-202-1003 and 16-202-2003).

2. The application must be continuously observed whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray (WAC 16-202-1003 and 16-202-2003).

3. Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area (WAC 16-202-1009 and 16-202-2005).

4. Barometric loops can only be used on systems pumping from a surface water source. The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump. It must be designed with sufficient elevation differential to compensate for backflow. The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any por-

PROPOSED

tion of the irrigation application system. The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex (WAC 16-202-1014, 16-202-1020, 16-202-2010, and 16-202-2016).

5. Mixing or loading activities cannot occur within and an application tank cannot be placed closer than twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source (WAC 16-202-1009 and 16-202-2005).

6. For a chemigation operation (WAC 16-202-1010):

- Product can remain in an application tank for a period not to exceed fourteen days between chemigation applications;
- An application tank containing product must be inspected at least daily or monitored with remote access volumetric measuring devices; and
- An application tank must be removed at the end of the irrigation or application season, whichever is shorter, but in no event, not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "Out-of-Service," or the tank must be managed as a permanent storage facility.

7. For a fertigation operation (WAC 16-202-2006):

- Product can remain in an application tank for a period not to exceed nine consecutive months during an irrigation or application season;
- An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules; and
- The application tank must be removed at the end of the irrigation or application season, whichever is shorter but in no event, not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "Out-of-Service," or the tank must be managed as a permanent storage facility.

8. For a fertigation operation, a person may function as a metering device with a nonpressurized irrigation delivery system. However, the individual must remain on-site to continuously monitor the application and be immediately available to terminate the application in the event of equipment malfunction (WAC 16-202-2014).

For additional information, contact the WSDA Chemigation and Fertigation Technical Assistance Program at (509) 766-2574, or write Tom Hoffmann or Byron Fitch at WSDA Pesticide Management, 821 East Broadway, Suite 4, Moses Lake, WA 98837.

Reasons Supporting Proposal: The proposal is the result of numerous meetings with a technical advisory committee comprised of representatives of agricultural suppliers, producers, the United States Natural Resources Conservation Service, and the Washington State Department of Ecology.

The revisions address a number of issues that have arisen since implementation of the chemigation rule in 1988.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 Washington Street, Olympia, WA 98504, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal contains backflow prevention requirements for the purpose of protecting the environment and ground water from contamination. These rules also address the proper operation and system configuration required to protect the environment and human health from chemigation applications. The rules went through a thorough review by a technical advisory committee described above. In addition, the department received input from the state departments of Health and Ecology during the rule revision process.

Proposal Changes the Following Existing Rules: See Summary above.

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

#### Small Business Economic Impact Statement

The following analysis was done to determine what impacts to small businesses would incur, if any, as a result of the revised chemigation and fertigation rules. The items below are the requirements that have an associated cost:

1. Labeling requirements under chemigation (WAC 16-202-1008) and fertigation (WAC 16-202-2004) require tank contents and owner information to be visible and securely affixed to each application tank. Lettering that displays the contact name, telephone number, and tank identifier have to be a minimum of two inches in height and in a color contrasting to the background.

#### Cost Analysis:

■ **Chemigation:** Current rules require labeling of undiluted product in tanks with the EPA product label. Approximately 20% of all tanks in use for chemigation contain undiluted product and thus currently require labeling. This means approximately 80% of some 12,000 tanks used for chemigation could have a cost associated with the rule change or 9,600 tanks.

Manufacturers usually provide product labels, however the tank owner would still need to affix his or her contact name, telephone number, and tank identifier. The average cost for materials to do this is \$2.00. The cost for labor is estimated at \$10 an hour with installation time taking approximately ten minutes per tank.

The cost then to install needed information per tank is \$3.67. If dealers own two-thirds of the tanks statewide, and 80% of those tanks require this information to be affixed, then their total cost would be 8,000 tanks \* 80% = 6,400 tanks \* \$3.67 = \$23,488 statewide. These costs would primarily be incurred by large businesses. Growers represent the remaining 4,000 tanks requiring the identifying information to be



installed; some of whom would be classified as small businesses. This would equal 4,000 tanks \*80% = 3,200 tanks \*\$3.67 = \$11,744 statewide.

If there are sixty dealers, the cost per dealer is \$391.15 per dealer.

If growers have two tanks on average that need to meet this requirement, the cost per grower is \$7.34.

■ **Fertigation:** All tanks would require some work to meet these requirements.

Per dealer this equals 8,000 tanks \*\$3.67 = \$29,360/60 dealers = \$489.33.

Per grower this equals \$7.34 for two tanks.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that require identification and would set up an agreement with growers as to when they would meet this requirement either through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

2. The proposed rules require system operators to monitor chemigation applications every four hours (WAC 16-202-1023), and fertigation applications daily (WAC 16-202-2019).

**Cost Analysis:**

■ **Chemigation:** The current chemigation rule requires "frequent monitoring." Agricultural representatives on the Technical Advisory Committee for this rule making indicated that the four-hour requirement is already standard practice. Therefore it is determined that there is no financial impact.

■ **Fertigation:** The current fertigation rule has no requirements for monitoring daily. If the average wage per hour is estimated at \$10 and the inspection takes two hours (including travel time), then the cost per day would be \$20 to inspect each system. Due to the fact that monitoring systems daily is considered standard practice according to the Technical Advisory Committee, this requirement is considered a minimal impact. In addition, these costs would primarily be incurred by large businesses since they usually have more systems to inspect.

**Mitigation Factors:** None.

3. The fertigation rule requires secondary containment for all tanks larger than 6,500 gallons that are used during a fertigation operation (WAC 16-202-2006(2)). Currently, the WSDA secondary and operational area containment rules (chapter 16-201 WAC) require secondary containment for all fertilizer tanks 10,000 gallons or greater. The cost analysis is based on the difference between the new gallonage limitation of 6,500 gallons and the secondary containment requirement of 10,000 gallons.

**Cost Analysis:**

■ **Chemigation:** Not applicable.

■ **Fertigation:** The average cost of a 6,500 gallon tank is \$3,520. It is estimated that there are only a dozen 10,000 gallon tanks that would need to be replaced with smaller tanks and only one tank per dealer. Many of these tanks are typically rented or leased by the grower from dealers. This means the cost would primarily be borne by dealers and their cost is estimated at \$3,520.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that need replacement and would set up an agreement with growers as to when they would meet this requirement through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

4. The proposed chemigation rule (WAC 16-202-1009(4)) and the fertigation rule (WAC 16-202-2005(4)) both require tank outlet ports to be fitted with manual shutoff valves. Although the current rules do not have this requirement, the current industry practice provides manual shutoff valves for all newer tanks. This means only the older tanks would need to be retrofitted. Less than 1% of tanks will require this retrofit, equaling about 80 tanks statewide.

**Cost Analysis:**

■ **Chemigation:** The cost of the valve is \$20. The cost of labor is \$10 per hour. This equals \$30 per tank.

■ **Fertigation:** Same as above.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that require this retrofit and would set up an agreement with growers as to when they would meet this requirement either through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

5. Both the chemigation rule (WAC 16-202-1013 (1)(b)) and the fertigation rule (WAC 16-202-2009 (1)(b)) require an inspection port or a direct access point to allow for visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point has to be at least four inches in diameter. If this is not feasible, an alternative access system must be devised.

**Cost Analysis:**

■ **Chemigation:** The cost of installing an inspection port would be borne by the grower. The parts equal approximately \$30 and the labor \$10, costing the grower \$40 per installation. On average, a grower might have six to eight systems requiring an inspection port to be installed equaling \$320 per grower. These costs would primarily be incurred by large businesses because they may have more systems to retrofit.

■ **Fertigation:** Same as above.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document systems that require inspection ports and would set up an agreement with growers as to when they would meet this requirement through either a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

A copy of the statement may be obtained by writing to Ann Wick, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2051, fax (360) 902-2093.

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

Hearing Location: Natural Resources Building (NRB), 2nd Floor, Room 271, 1111 Washington Street S.E., Olympia, WA 98504-2589, on Tuesday, April 24, 2001, at 1:00 p.m.; at the Washington State Department of Agriculture Yakima, 21 North First Avenue, Conference Room 238, Yakima, WA 98902, on Tuesday, May 1, 2001, at 6:30 p.m.; at Columbia Basin College, Gjerde Multipurpose Center, Sections 1 and 4, 2600 North 20th Avenue, Pasco, WA 99301-3379, on Wednesday, May 2, 2001, at 6:30 p.m.; and at the Big Bend Community College Auditorium, Building 1400, 7662 Chanute Street, Moses Lake, WA 98837, on Thursday, May 3, 2001, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by April 12, 2001, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by May 4, 2001.

Date of Intended Adoption: May 21, 2001.

March 7, 2001

Bob Arrington

Assistant Director

**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 01-07 issue of the Register.

### WSR 01-06-053

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 2001, 9:03 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-076.

Title of Rule: Chapter 16-202 WAC, Application of pesticides and plant nutrients through irrigation systems—Chemigation.

Purpose: To clarify rules and address issues and concerns raised since implementation of the original rules in 1998. These rule revisions address the proper operation and system configuration required to protect the environment and human health from chemigation applications.

Other Identifying Information: Chemigation is the distribution of pesticides through irrigation systems.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: The proposed rules contain significantly more explanatory provisions than the current rule. However, the actual numbers of additional provisions are few, and most of them are addressed in the small business economic impact statement. Intended to be as much of a reference document as a regulation, the proposed chemigation rule and fertigation rule incorporate or reference relevant provisions of chapters

16-200, 16-201, 16-228, 16-229 WAC, WAC 16-202-1000, and 16-202-2000 as well as chapters 15.54 and 17.21 RCW.

Many of the supplementary provisions to current rule are addressed in the small business economic impact statement, and they follow:

1. Manual shutoff valves must be placed on the main outlet of application tanks (WAC 16-202-1009 and 16-202-2005).

2. Application tanks must contain "who to contact" information in a minimum of two-inch lettering on a contrasting background (WAC 16-202-1008 and 16-202-2004).

3. Application tanks containing product must be periodically monitored (WAC 16-202-1010 and 16-202-2006).

4. Chemigation and fertigation applications must be periodically monitored (WAC 16-202-1023 and 16-202-2019).

5. For chemigation, a tank size limitation of 2,500 gallons and a cumulative application tank capacity of 3,000 gallons (with a soil fumigation exception of 6,500 gallons for a fourteen-day period) per injection site (WAC 16-202-1010).

6. For fertigation, a tank size restriction of 6,500 gallons and a cumulative application tank capacity of 10,000 gallons per injection site (WAC 16-202-2006).

7. An inspection port or other access point to assess the integrity and operation of irrigation mainline check valve and the low pressure drain, provided such devices are deemed necessary, must be installed (WAC 16-202-1002, 16-202-1013, 16-202-2002, and 16-202-2009).

8. Department of Health approved backflow prevention devices must be installed on systems that are cross-connected to a public water supply (WAC 16-202-1013, 16-202-1024, 16-202-2009, and 16-202-2020).

Presented below are proposed provisions not specifically addressed in the small business economic impact statement that may require a financial outlay by the system owner, lessee, or renter. However, a potential cost associated with a proposed provision may be nominal due to requirements of correlated rules, to conditions on the pesticide label, or to adherence with accepted industry practice.

1. All system components must be compatible with injected materials, water containing injected materials, or system pressure (WAC 16-202-1003 and 16-202-2003).

2. The application must be continuously observed whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray (WAC 16-202-1003 and 16-202-2003).

3. Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area (WAC 16-202-1009 and 16-202-2005).

4. Barometric loops can only be used on systems pumping from a surface water source. The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump. It must be designed with sufficient elevation differential to compensate for backflow. The bottom of the barometric loop apex must be at least thirty inches above the highest water-emitting device or of any portion of the irrigation application system. The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex (WAC 16-202-1014, 16-202-1020, 16-202-2010, and 16-202-2016).

5. Mixing or loading activities cannot occur within and an application tank cannot be placed closer than twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source (WAC 16-202-1009 and 16-202-2005).

6. For a chemigation operation (WAC 16-202-1010):

- Product can remain in an application tank for a period not to exceed fourteen days between chemigation applications;
- An application tank containing product must be inspected at least daily or monitored with remote access volumetric measuring devices; and
- An application tank must be removed at the end of the irrigation or application season, whichever is shorter, but in no event, not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "Out-of-Service," or the tank must be managed as a permanent storage facility.

7. For a fertigation operation (WAC 16-202-2006):

- Product can remain in an application tank for a period not to exceed nine consecutive months during an irrigation or application season;
- An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules; and
- The application tank must be removed at the end of the irrigation or application season, whichever is shorter but in no event, not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected for integrity, and serviced. The tank must be removed from the site, or the tank must be decommissioned and clearly tagged with the words "Out-of-Service," or the tank must be managed as a permanent storage facility.

8. For a fertigation operation, a person may function as a metering device with a nonpressurized irrigation delivery system. However, the individual must remain on-site to continuously monitor the application and be immediately available to terminate the application in the event of equipment malfunction (WAC 16-202-2014).

For additional information, contact the WSDA Chemigation and Fertigation Technical Assistance Program at (509) 766-2574, or write Tom Hoffmann or Byron Fitch at WSDA Pesticide Management, 821 East Broadway, Suite 4, Moses Lake, WA 98837.

**Reasons Supporting Proposal:** The proposal is the result of numerous meetings with a technical advisory committee comprised of representatives of agricultural suppliers, producers, the United States Natural Resources Conservation Service, and the Washington State Department of Ecology. The revisions address a number of issues that have arisen since implementation of the chemigation rule in 1988.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Ann Wick, 1111 Washington Street,

Olympia, WA 98504, (360) 902-2051; and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

**Name of Proponent:** Department of Agriculture, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposal contains backflow prevention requirements for the purpose of protecting the environment and ground water from contamination. These rules also address the proper operation and system configuration required to protect the environment and human health from chemigation applications. The rules went through a thorough review by a technical advisory committee described above. In addition, the department received input from the state departments of Health and Ecology during the rule revision process.

**Proposal Changes the Following Existing Rules:** See Summary above.

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

#### Small Business Economic Impact Statement

The following analysis was done to determine what impacts to small businesses would incur, if any, as a result of the revised chemigation and fertigation rules. The items below are the requirements that have an associated cost:

1. Labeling requirements under chemigation (WAC 16-202-1008) and fertigation (WAC 16-202-2004) require tank contents and owner information to be visible and securely affixed to each application tank. Lettering that displays the contact name, telephone number, and tank identifier have to be a minimum of two inches in height and in a color contrasting to the background.

#### Cost Analysis:

■ **Chemigation:** Current rules require labeling of undiluted product in tanks with the EPA product label. Approximately 20% of all tanks in use for chemigation contain undiluted product and thus currently require labeling. This means approximately 80% of some 12,000 tanks used for chemigation could have a cost associated with the rule change or 9,600 tanks.

Manufacturers usually provide product labels, however the tank owner would still need to affix his or her contact name, telephone number, and tank identifier. The average cost for materials to do this is \$2.00. The cost for labor is estimated at \$10 an hour with installation time taking approximately ten minutes per tank.

The cost then to install needed information per tank is \$3.67. If dealers own two-thirds of the tanks statewide, and 80% of those tanks require this information to be affixed, then their total cost would be 8,000 tanks \* 80% = 6,400 tanks \* \$3.67 = \$23,488 statewide. These costs would primarily be incurred by large businesses. Growers represent the remaining 4,000 tanks requiring the identifying information to be installed; some of whom would be classified as small businesses. This would equal 4,000 tanks \* 80% = 3,200 tanks \* \$3.67 = \$11,744 statewide.

If there are sixty dealers, the cost per dealer is \$391.15 per dealer.

If growers have two tanks on average that need to meet this requirement, the cost per grower is \$7.34.

■ **Fertigation:** All tanks would require some work to meet these requirements.

Per dealer this equals 8,000 tanks \*\$3.67 = \$29,360/60 dealers = \$489.33.

Per grower this equals \$7.34 for two tanks.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that require identification and would set up an agreement with growers as to when they would meet this requirement either through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

2. The proposed rules require system operators to monitor chemigation applications every four hours (WAC 16-202-1023), and fertigation applications daily (WAC 16-202-2019).

#### Cost Analysis:

■ **Chemigation:** The current chemigation rule requires "frequent monitoring." Agricultural representatives on the Technical Advisory Committee for this rule making indicated that the four-hour requirement is already standard practice. Therefore it is determined that there is no financial impact.

■ **Fertigation:** The current fertigation rule has no requirements for monitoring daily. If the average wage per hour is estimated at \$10 and the inspection takes two hours (including travel time), then the cost per day would be \$20 to inspect each system. Due to the fact that monitoring systems daily is considered standard practice according to the Technical Advisory Committee, this requirement is considered a minimal impact. In addition, these costs would primarily be incurred by large businesses since they usually have more systems to inspect.

**Mitigation Factors:** None.

3. The fertigation rule requires secondary containment for all tanks larger than 6,500 gallons that are used during a fertigation operation (WAC 16-202-2006(2)). Currently, the WSDA secondary and operational area containment rules (chapter 16-201 WAC) require secondary containment for all fertilizer tanks 10,000 gallons or greater. The cost analysis is based on the difference between the new gallonage limitation of 6,500 gallons and the secondary containment requirement of 10,000 gallons.

#### Cost Analysis:

■ **Chemigation:** Not applicable.

■ **Fertigation:** The average cost of a 6,500 gallon tank is \$3,520. It is estimated that there are only a dozen 10,000 gallon tanks that would need to be replaced with smaller tanks and only one tank per dealer. Many of these tanks are typically rented or leased by the grower from dealers. This means the cost would primarily be borne by dealers and their cost is estimated at \$3,520.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that need

replacement and would set up an agreement with growers as to when they would meet this requirement through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

4. The proposed chemigation rule (WAC 16-202-1009(4)) and the fertigation rule (WAC 16-202-2005(4)) both require tank outlet ports to be fitted with manual shutoff valves. Although the current rules do not have this requirement, the current industry practice provides manual shutoff valves for all newer tanks. This means only the older tanks would need to be retrofitted. Less than 1% of tanks will require this retrofit, equaling about 80 tanks statewide.

#### Cost Analysis:

■ **Chemigation:** The cost of the valve is \$20. The cost of labor is \$10 per hour. This equals \$30 per tank.

■ **Fertigation:** Same as above.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document tanks that require this retrofit and would set up an agreement with growers as to when they would meet this requirement either through a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

5. Both the chemigation rule (WAC 16-202-1013(1)(b)) and the fertigation rule (WAC 16-202-2009(1)(b)) require an inspection port or a direct access point to allow for visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point has to be at least four inches in diameter. If this is not feasible, an alternative access system must be devised.

#### Cost Analysis:

■ **Chemigation:** The cost of installing an inspection port would be borne by the grower. The parts equal approximately \$30 and the labor \$10, costing the grower \$40 per installation. On average, a grower might have six to eight systems requiring an inspection port to be installed equaling \$320 per grower. These costs would primarily be incurred by large businesses because they may have more systems to retrofit.

■ **Fertigation:** Same as above.

**Mitigation Factors:** The Washington State Chemigation and Fertigation Technical Assistance Program staff based in Moses Lake would document systems that require inspection ports and would set up an agreement with growers as to when they would meet this requirement through either a solicited technical assistance audit or through the notice of correction process. If this requirement was not met after the agreed upon timeframe, then the grower could be cited.

A copy of the statement may be obtained by writing to Ann Wick, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2051, fax (360) 902-2093.

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

Hearing Location: Natural Resources Building (NRB), 2nd Floor, Room 271, 1111 Washington Street S.E., Olympia, WA 98504-2589, on Tuesday, April 24, 2001, at 1:00 p.m.; at the Washington State Department of Agriculture Yakima, 21 North First Avenue, Conference Room 238, Yakima, WA 98902, on Tuesday, May 1, 2001, at 6:30 p.m.; at Columbia Basin College, Gjerde Multipurpose Center, Sections 1 and 4, 2600 North 20th Avenue, Pasco, WA 99301-3379, on Wednesday, May 2, 2001, at 6:30 p.m.; and at the Big Bend Community College Auditorium, Building 1400, 7662 Chanute Street, Moses Lake, WA 98837, on Thursday, May 3, 2001, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by April 12, 2001, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by May 4, 2001.

Date of Intended Adoption: May 21, 2001.

March 7, 2001

Bob Arrington

Assistant Director

**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 01-07 issue of the Register.

**WSR 01-06-054**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed March 7, 2001, 9:15 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 00-11-159.

Title of Rule: Surgical technologist rules. New WAC 246-939-005 What is the purpose of these rules?, 246-939-020 How do I register as a surgical technologist? and 246-939-040 How do I renew my surgical technologist registration if it has expired?

Purpose: Clarify application, registration, and expired credential process.

Statutory Authority for Adoption: Chapter 18.215 RCW and RCW 18.130.050.

Statute Being Implemented: Chapter 18.215 RCW, RCW 18.130.050.

Summary: Chapter 335, Laws of 1999 became effective July 25, 1999. This legislation established a new profession called surgical technologists under the secretary, Department and Health. This profession will be registered by the secretary. These rules will clarify application, registration, application appeal, and expired credentials procedures.

Reasons Supporting Proposal: There have been two rule writing workshops held to solicit input from the students, surgical technologists, schools and facilities who employ surgical technologists. These rules represent the suggestions received from interested persons.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504, (360) 236-4723.

Name of Proponent: Department of Health, Health Professions Quality Assurance Division, Surgical Technologist Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will clarify registration, application appeal, and expired credential procedures. Once adopted, the staff can begin registering applicants.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

The proposed regulations will establish requirements for registration of surgical technologists. 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 "more than minor" threshold varies by industry. The standard industrial code classifications used to determine the threshold for more than minor impact were:

STANDARD INDUSTRIAL CODE	ECONOMIC ACTIVITY	MINOR COST THRESHOLD
805	Nursing and Personal Care Facilities	\$50.00
806	Hospitals	\$50.00
809	Miscellaneous Health	\$53.00

**Costs Required to Comply:** There is no cost to comply because the proposed rules do not change the current fees which are the initial application fee of \$50.00 to register for surgical technologist and the annual renewal of \$125.00. No additional purchases, training or course work needed to register or for annual renewal for surgical technologist.

**Does the Cost of the Proposed Rule Exceed the Threshold Where an SBEIS is Required?** The cost to implement the proposed standards is below the minor cost threshold from the table above so an SBEIS is not required.

A copy of the statement may be obtained by writing to Kendra Pitzler, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4723, fax (360) 236-4738.

RCW 34.05.328 does not apply to this rule adoption. The requirements are minimum to comply with chapter 18.215 RCW.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on April 13, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Department of Health by March 13, 2001, TDD (360) 664-0064, or (360) 236-473 [236-4723].

Submit Written Comments to: Kendra Pitzler, Department of Health, P.O. Box 47864, Olympia, WA 98504, fax (360) 236-4738, by March 20, 2001.

**PROPOSED**

Date of Intended Adoption: April 23, 2001.

M. C. Selecky  
Secretary

Purpose: Board of directors passed motion for continuance.

Date of Intended Adoption: April 5, 2001.

March 5, 2001

Matt Holmquist

Compliance Administrator

NEW SECTION

**WAC 246-939-005 What is the purpose of these rules?** These rules:

- (1) Implement the law passed by the legislature to register surgical technologists and place them under chapter 18.130 RCW, the Uniform Disciplinary Act.
- (2) Inform the public of who must register under this law.
- (3) Inform applicants and registrants of the type of actions that can lead to discipline against their credential.
- (4) Inform applicants of their recourse in the event their application is denied.

**WSR 01-06-057**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed March 7, 2001, 9:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-12-077.

Title of Rule: Chapter 388-96 WAC, Nursing home accounting and reimbursement system, 388-96-010 Definitions, 388-96-218 Proposed, preliminary, and final settlements, 388-96-310 Interest on other excess, 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money, 388-96-384 Liquidation or transfer of resident personal funds, 388-96-559 Cost basis of land and depreciation base, 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate, 388-96-709 Prospective rate revisions—Reduction in licensed beds, 388-96-710 Prospective payment for new contractors, 388-96-713 Rate determination, 388-96-714 Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors, 388-96-723 How often will the department compare the statewide weighted average payment rate for the capital and noncapital portions of the rate for all nursing facilities with the statewide weighted average payment rate for the capital and noncapital portions of the rate identified in the Biennial Appropriations Act?, 388-96-732 How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?, 388-96-740 What will the department use as the Medicaid case mix index when a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501?, 388-96-776 Add-ons to the payment rate—Capital improvements, 388-96-777 Add-ons to the prospective rate—Initiated by the department, 388-96-780 Exceptional therapy care—Covered Medicaid residents, 388-96-802 May the nursing facility (NF) contractor bill the department for a Medicaid resident's day of death, discharge, or transfer for the NF?, 388-96-803 When a nursing facility (NF) contractor becomes aware of a change in the Medicaid resident's income and/or resources, must he or she report it?, and 388-96-901 Disputes.

Purpose: WAC 388-96-010, deletes definitions for "anticipated resident days" and "anticipated resident occupancy." Defines "nursing facility occupancy percentage." Amends the change of ownership definition.

NEW SECTION

**WAC 246-939-020 How do I register as a surgical technologist?** (1) How do I obtain a registration application?

- (a) Applicant may obtain an application by contacting the department. Applicants must return the completed application to be registered.
- (b) Completed original applications shall be sent to:  
Department of Health  
P.O. Box 1099  
Olympia, WA 98507-1099
- (c) All applicants shall refer to chapter 246-12 WAC, Parts 1, 2, 10, and 11.
- (2) Is there a requirement for education?  
(a) Applicants must complete seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.
- (b) Registration does not require additional education.

NEW SECTION

**WAC 246-939-040 How do I renew my surgical technologist registration if it has expired?** (1) If the credential has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

- (2) If the credential has expired for more than three years, the practitioner must reapply for licensing under the requirements of this chapter and the requirements of chapter 246-12 WAC, Part 2.

**WSR 01-06-055**

**PROPOSED RULES**

**SPOKANE COUNTY AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed March 7, 2001, 9:23 a.m.]

Continuance of WSR 01-03-028.

Title of Rule: SCAPCA Regulation I, Article VI, Section 6.01 and SCAPCA Regulation I, Article X, Section 10.13.

WAC 388-96-218, clarifies that the department may issue preliminary settlements more than one hundred twenty days after receipt.

WAC 388-96-310, amends to agree with chapter 74.46 RCW on when interest begins accruing on money owed by either the department or contractor.

WAC 388-96-369 and 388-96-384, changes local office to home and community services office.

WAC 388-96-559, delete reference to WAC 388-96-567 that was repealed.

WAC 388-96-708, clarifies the recalculation of a prospective payment rate when a nursing facility reinstates licensed beds. Clarifies that the post-reinstatement number of licensed beds must be used in all rate setting.

WAC 388-96-709, clarifies the recalculation of a prospective payment rate when a nursing facility banks licensed beds. Clarifies that the post-banking number of licensed beds must be used in all rate setting.

WAC 388-96-710, clarifies dates used in setting a new contractor's rate.

WAC 388-96-713, clarifies that limits, lids and/or medians are only calculated once for any rebase period. Adds subsection clarifying that rates are set using actual days or days at 85% occupancy.

WAC 388-96-714, amends to limit an economic trends and conditions adjustment factor to rate setting before April 2000.

WAC 388-96-723, changes timelines for comparison of statewide weighted average payment rate from monthly to quarterly.

WAC 388-96-732, indicates how the department will determine timely notice made pursuant to WAC 388-96-724.

WAC 388-96-740, changes to "one" the case mix index that the department will use if a nursing facility does not meet the 90% MDS threshold.

WAC 388-96-776, clarifies the effective date of a rate add-on granted pursuant to this section.

WAC 388-96-777, edit to update reference.

WAC 388-96-780, clarifies the minimum required participation in a rehabilitation program. Clarifies length of coverage for an exceptional therapy rate.

WAC 388-96-802, clarifies that the department will not pay for the last day of a resident's stay.

WAC 388-96-803, reinstates the requirement that a nursing home must report resident income changes to the department within seventy-two hours.

WAC 388-96-901, makes the department's use of its discretion in setting the issuance date of preliminary settlements not subject to review under WAC 388-96-904.

Statutory Authority for Adoption: RCW 74.46.431 and [74.46.]800.

Statute Being Implemented: Chapter 74.46 RCW.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2447.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 18.85.020(1) a small business is defined as one with fewer than fifty employees and whose purpose is to make a profit. The revisions to chapter 388-96 WAC only impact businesses with fifty or more employees and approximately one third the businesses are nonprofit. Also the proposed new sections and revisions to chapter 388-96 WAC are exempt from an SBEIS under RCW 19.85.025(2) and 34.05.310(4). (d) Rules that only correct typographical errors make address or name changes, or clarify language of a rule without changing its effect; (e) rules the content of which is explicitly and specifically dictated by statute; and (f) rules that set or adjust fees or rates pursuant to legislative standards.

RCW 34.05.328 applies to this rule adoption. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. Amendments to and new sections of chapter 388-96 WAC instruct and clarify how the department is to set Medicaid payment rates for nursing homes pursuant to chapter 74.46 RCW. RCW 74.46.010 reads as follows: This chapter may be known and cited as the "nursing facility Medicaid payment system." The purposes of this chapter are to specify the manner by which legislative appropriations for Medicaid nursing facility services are to be allocated as payment rates among nursing facilities, and to set forth auditing billing, and other administrative standards associated with payments to nursing home facilities.

Hearing Location: Blake Office Building East (behind Goodyear Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 8, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper by May 1, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, coopekd@dshs.wa.gov, by May 8, 2001.

Date of Intended Adoption: No sooner than May 9, 2001.

March 7, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

**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 01-08 issue of the Register.

PROPOSED

**WSR 01-06-058**  
**PROPOSED RULES**  
**BOARD OF INDUSTRIAL**  
**INSURANCE APPEALS**

[Filed March 7, 2001, 10:00 a.m.]

Original Notice.

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

Title of Rule: WAC 263-12-050 Contents of notice of appeal.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-050.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: The proposed revision makes a housekeeping change by referring to the correct rule, WAC 263-12-059, rather than the repealed WAC 263-12-057.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Threedy, 2430 Chandler Court S.W., Olympia, WA, (360) 753-9646.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The change is for housekeeping purposes only.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is a housekeeping change only.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA, on April 10, 2001, at 1:30 - 3:30.

Assistance for Persons with Disabilities: Contact Dee Mathews by March 30, 2001, (360) 753-9646.

Submit Written Comments to: David E. Threedy, P.O. Box 42401, Olympia, WA 98504-2401, fax (360) 586-5611, by April 9, 2001.

Date of Intended Adoption: April 11, 2001.

March 7, 2001  
 David E. Threedy  
 Executive Secretary

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

**WAC 263-12-050 Contents of notice of appeal.** The board's jurisdiction shall be invoked by filing a written notice of appeal.

(1) **General Rule.** In all appeals, the notice of appeal shall contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any;

(b) A statement identifying the date and content of the department order, decision or award being appealed. This requirement may be satisfied by attaching a copy of the order, decision or award;

(c) The reason why the appealing party considers such order, decision or award to be unjust or unlawful;

(d) A statement of facts in full detail in support of each stated reason;

(e) The specific nature and extent of the relief sought;

(f) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held;

(g) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(h) The signature of the appealing party or the party's representative.

(2) **Industrial Insurance Appeals.** In appeals arising under the Industrial Insurance Act (Title 51 RCW), the notice of appeal shall also contain:

(a) The name and address of the injured worker;

(b) The name and address of the worker's employer at the time the injury occurred;

(c) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(d) The nature of the injury or occupational disease.

(e) The time when and the place where the injury occurred or the occupational disease arose;

(3) **Crime Victims' Compensation Act.** In appeals arising under the Crime Victims' Compensation Act (chapter 7.68 RCW), the notice of appeal shall also contain:

(a) The time when and the place where the criminal act occurred;

(b) The name and address of the alleged perpetrator of the crime; and

(c) The nature of the injury.

(4) **Assessment Appeals.** In appeals from a notice of assessment arising under chapter 51.48 RCW or in cases arising from an assessment under the Worker and Community Right to Know Act (chapter 49.70 RCW), the notice of appeal shall also contain:

(a) A statement setting forth with particularity the reason for the appeal; and

(b) The amounts, if any, that the party admits are due;

(5) **LEOFF Appeals.** In appeals arising under the special death benefit provision of the Law Enforcement Officers' and Fire Fighters' Retirement System (chapter 41.26 RCW), the notice of appeal shall also contain:

(a) The time when and the place where the death occurred; and

(b) the name and address of the decedent's employer at the time the injury occurred;

(6) **Asbestos Certification Appeals.** In appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects, the notice of appeal shall also contain:

(a) A statement identifying the certification decision appealed from;

(b) The reason why the appealing party considers such certification decision to be incorrect.



(7) **WISHA Appeals.** In appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the appeal shall also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s);

(c) A statement certifying compliance with (~~WAC 263-12-057~~) WAC 263-12-059;

(8) **Other Safety Appeals.** In appeals arising under chapter 49.22 RCW concerning alleged violations of safety procedures in late night retail establishments, chapter 70.74 RCW concerning alleged violations of the Washington State Explosives Act, or chapter 88.04 RCW concerning alleged violations of the Charter Boat Safety Act, the notice of appeal shall also contain:

(a) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(b) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation or violations;

(c) A statement certifying compliance with (~~WAC 263-12-057~~) WAC 263-12-059.

**WSR 01-06-059**  
**PROPOSED RULES**  
**BOARD OF INDUSTRIAL**  
**INSURANCE APPEALS**

[Filed March 7, 2001, 10:02 a.m.]

Original Notice.

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

Title of Rule: New section WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act—Notice to interested employees.

Purpose: RCW 49.17.130 requires that the Board of Industrial Insurance Appeals ensure that employees be given the opportunity to participate in appeals filed by the employer. This rule effectuates that requirement.

Statutory Authority for Adoption: RCW 51.52.020.

Statute Being Implemented: RCW 49.17.130.

Summary: Requires notice of appeal be posted by employer in order to give notice to employees. The rule specifies the contents and requirement that the employer file a certificate of proof of compliance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Threedy, 2430 Chandler Court S.W., Olympia, WA, (360) 753-9646.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 49.17.130 requires that the Board of Industrial Insurance Appeals ensure that employees be given the opportunity to participate in appeals filed by the employer. This

rule effectuates that requirement. This rule describes the method of providing notices to employees, as well as requiring that employer file a certificate of compliance with the notice requirement.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is a procedural rule affecting a requirement relating to hearings before the agency.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA, on April 10, 2001, at 1:30 - 3:30.

Assistance for Persons with Disabilities: Contact Dee Mathews by March 30, 2001, (360) 753-9646.

Submit Written Comments to: David E. Threedy, P.O. Box 42401, Olympia, WA 98504-2401, fax (360) 586-5611, by April 9, 2001.

Date of Intended Adoption: April 11, 2001.

March 7, 2001

David E. Threedy

Executive Secretary

PROPOSED

NEW SECTION

**WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act—Notice to interested employees.** In the case of any appeal by an employer concerning an alleged violation of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either: (1) providing copies of the appeal to each employee member of the employer's safety committee; or (2) by posting a copy of the appeal in a conspicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

The employer shall file with the board a certificate of proof of compliance with this section within fourteen days of receipt of the board's notice acknowledging receipt of the appeal. If notice as required by this section is not possible the employer shall advise the board or its designee of the reasons why notice cannot be accomplished. If the board accepts the impossibility of the required notice it will prescribe the terms and conditions of a substitute notice procedure reasonably calculated to give notice to affected employees.

**WSR 01-06-060**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**STATE TREASURER**

[Filed March 7, 2001, 10:16 a.m.]

**Chapter 210-03 WAC**

**FINANCING CONTRACTS**

**PROGRAM AUTHORIZATION**

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-137.

Title of Rule: Rules for financing contracts.

Purpose: To adopt administrative procedures for financing contracts pursuant to chapter 39.94 RCW.

Statutory Authority for Adoption: RCW 39.94.040.

Statute Being Implemented: Chapter 39.94 RCW.

Summary: Chapter 210-03 WAC provides for program authorization, application procedures and financing contract payments.

Reasons Supporting Proposal: The rules provide for the procedural administration of financing contracts authorized in chapter 39.94 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martin Reynoso, P.O. Box 40200, (360) 902-9093.

Name of Proponent: Office of the State Treasurer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 210-03 WAC provides for the program authorization, application procedures and financing contract payments pursuant to chapter 39.94 RCW.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not regulate or have an economic impact on any small business. The rules only impact participating public entities.

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

Hearing Location: Office of the State Treasurer, General Administration Building, 210 11th Street, Room 125, Conference Room, Olympia, WA 98504, on April 18, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Martin Reynoso at (360) 902-9021.

Submit Written Comments to: Allan Martin, Deputy Treasurer, P.O. Box 40200, Olympia, WA 98504, fax (360) 902-9044, by April 11, 2001.

Date of Intended Adoption: April 18, 2001.

February 27, 2001

Gretchen D. Gale

Legal Counsel

NEW SECTION

**WAC 210-03-010 Authorization.** Chapter 39.94 RCW provides for financing of both real and personal property by state agencies and other agencies through the use of financing contracts. The state finance committee must approve all financing contracts issued on behalf of the state of Washington. Transactions may be financed with certificates of participation (COPs). Certificates of participation represent ownership interests, or participation, in the future stream of lease payments. Certificates of participation are issued on behalf of the state pursuant to a lease of financed assets that provide collateral to the lender. The state finance committee has delegated administrative responsibility for the lease/purchase program to the office of the state treasurer. The office of the state treasurer may pool financing requests in the name of the state of Washington to access municipal securities markets with lower, tax-exempt interest rates.

The office of the state treasurer classifies financing transactions as operating leases (true leases) or financing contracts based upon the criteria established by the Governmental Accounting Standards Board (based upon FASB 13). If any one of the following criteria is met, the lease is considered a financing contract subject to chapter 39.94 RCW:

- (1) Present value of lease payments > 90% of fair market value.
- (2) Lease term > 75% of useful life.
- (3) Lease includes a bargain purchase option.
- (4) Lease provides for transfer of ownership.

If a lease satisfies any one of the above criteria, it is a financing contract subject to chapter 39.94 RCW.

**GENERAL**

NEW SECTION

**WAC 210-03-020 Definitions.** For purposes of this rule, the following definitions shall apply:

- (1) "LOCAL" means local option capital asset lending program.
- (2) "Program" means the administration of financing contracts and is referred to herein as the lease/purchase program, including state agency financing, and the LOCAL program.
- (3) "COP" means certificates of participation.

**APPLYING TO THE PROGRAM**

NEW SECTION

**WAC 210-03-030 Filing notice of intent.** A state agency or other agency may apply to the financing program by submitting a notice of intent on the approved form. State

PROPOSED

finance committee approved forms are available from the office of the state treasurer.

The signed notice of intent should be mailed to:

Office of the State Treasurer  
Debt Management  
P.O. Box 40200  
Olympia WA 98504-0200

(1) For state agency participation, additional forms may be required, including, but not limited to, the following:

(a) Equipment financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Certificate of authorized signers - This document is to be prepared on agency letterhead. An original certificate may be filed with the state treasurer so that photocopies may be submitted with future equipment financing transactions.

(iii) State agency financing addendum - Establishes the contractual obligations of the state agency in the transaction and confirms the intent of the agency to acquire equipment through installment purchase agreements and remit installment payments to the office of the state treasurer.

(iv) Personal property certificate - Describes the equipment, the vendor(s), and the amount to be financed and directions for disbursement.

(v) Certificate of insurance - This document is prepared by the office of risk management and sent directly to the state treasurer.

(b) Real estate financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Real estate worksheet - To be completed by the state agency - This document provides information about the real property to be financed.

(iii) Certificate of authorized signers - This document is to be prepared on agency letterhead when someone other than the agency director will be signing on behalf of the state agency.

(iv) Financing contract real property - Agreement between the state agency and the nominal lessor that provides for the use of the land and facility in exchange for lease payments to be made by the agency. The office of the state treasurer appoints a nominal lessor.

(v) Site lease - State agency - Agreement between the state agency and the nominal lessor that provides for the lease of the land for a period that usually extends five years beyond the term of the financing lease. The site lease provides security for the financing lease.

(vi) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(2) For other agency participation, additional forms may be required, including, but not limited to, the following:

(a) Equipment financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of dollar amounts, dates and contact person(s) for upcoming financings.

(ii) Credit form - Information to judge the agency's legal ability to incur the debt (assessment of debt capacity) and its ability to repay the debt (assessment of debt affordability).

(iii) Form of reimbursement resolution - Required if agency is planning to seek reimbursement through the LOCAL program.

(iv) Authorizing resolution or, for cities, authorizing ordinance - Authorizes the financing of the property through the LOCAL program and designates the number of individuals required to execute the financing with the office of the state treasurer.

(v) Certificate of authorizing resolution or ordinance - To certify a true copy of a resolution.

(vi) Certificate of authorized agency representatives - Designates the agency representatives authorized to execute the financing and states the number of signatures required.

(vii) Financing contract personal property - Local agency - Establishes the contractual obligations of the local agency in the transaction and confirms the intent of the agency to acquire equipment through installment purchase agreements and remit installment payments to the office of the state treasurer.

(viii) Personal property certificate - Describes the equipment, the vendor(s), and the amount to be financed and directions for disbursement.

(ix) Opinion of local agency counsel - Legal opinion on behalf of the local agency verifying its authority to enter into the contract. It is not the intent of this requirement to solicit a local counsel opinion on the financing documents.

(x) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(xi) Certificate of compliance with agency debt limits.

(b) Real estate financing forms provided by the office of the state treasurer:

(i) Notice of intent - Notifies the office of the state treasurer of upcoming financing dollar amounts, dates and contact person(s).

(ii) Real estate worksheet - Provides information about the real property to be financed.

(iii) Credit form - Provides the information needed to analyze the agency's legal ability to incur the debt (assessment of debt capacity) and its ability to repay the debt (assessment of debt affordability).

(iv) Form of reimbursement resolution - Required if agency is planning to seek reimbursement through the LOCAL program.

(v) Authorizing resolution or authorizing ordinance - Authorizes the financing of the property through the LOCAL program and designates the number of individual(s) required to execute the financing with the office of the state treasurer.

(vi) Certificate of authorizing resolution or ordinance - To certify a true copy of a resolution.

(vii) Certificate of authorized agency representatives - Designates the agency representatives authorized to execute the financing and states the number of signatures required.

(viii) Financing contract real property - Local agency - Agreement between the local agency and the nominal lessor that provides for the use of the land and facility in exchange for lease payments to be made by the agency. The office of the state treasurer appoints a nominal lessor.

(ix) Site lease - Local agency - Agreement between the local agency and the nominal lessor that provides for the lease of the land for a period that usually extends five years beyond the term of the financing lease. The site lease provides security for the financing lease.

(x) Opinion of local agency counsel - Legal opinion on behalf of the local agency verifying its authority to enter into the contract and that the agency has legally adopted the resolution(s). It is not the intent of this requirement to solicit a local counsel opinion on the financing documents.

(xi) Tax certificate - Information about compliance with IRS regulations to ensure the tax-exempt status of the financing. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.

(xii) Certificate of compliance with agency debt limits

(c) Information to be provided by the local agency:

(i) Evidence of insurance - A local agency should contact its insurance agent to obtain a certificate of insurance on the property to be financed. At a minimum, hazard insurance for the amount of the financing (or guaranteed replacement) and a one million dollar liability policy are required. The local agency may be asked to list the fiscal agent and/or nominal lessor as additional insureds.

(ii) Title insurance - The agency should provide a copy of its title insurance policy for real property transactions. A new title policy may be ordered for the financing.

(iii) Evidence of incumbency of governing body and elected officials - School districts obtain a certificate from their ESD identifying the district, names and terms of office of board members and superintendent; other districts obtain a certificate from county auditor, identifying the governing body, with names and terms of office; all districts should include copy of minutes showing election of current officers, and, in the case of cities, a certificate of the mayor, identifying the city clerk.

(2) The local government is responsible for completing all required documentation and providing it to the office of the state treasurer with original signatures by the cutoff date to be included in the next financing.

## REVIEW OF APPLICATION TO THE PROGRAM

### NEW SECTION

**WAC 210-03-040 Review of notice of intent.** The office of the state treasurer staff will review the notice of intent for completeness, essentiality of equipment/real estate project, length of finance term, amount of financing, useful life of equipment and compliance with other financing requirements and tax laws.

## APPROVAL FOR PARTICIPATION IN THE PROGRAM

### NEW SECTION

**WAC 210-03-050 State agency participation.** The state finance committee must approve all financing contracts. Agencies should submit a notice of intent to lease/purchase on the approved form at the time of the financing decision. The notice of intent to lease/purchase must be used to apply for financing of both equipment and/or real estate.

(1) All real estate projects must be specifically approved by the legislature. Authorization must exist in the current biennium in order to be eligible for financing.

(2) Equipment financing information shall be provided on approved forms designated by the office of the state treasurer and approved by the state finance committee.

(3) Financing requests must meet the minimum amount and the terms established by the state financing committee. The office of the state treasurer may alter the finance term requested by an agency and/or the structure of a transaction in order to improve the marketability of securities issues or when it otherwise believes it will be advantageous to do so for either the agency, the state, or the program.

### NEW SECTION

**WAC 210-03-060 Other agency participation.** The LOCAL program is available for personal and real property. All applicants must receive approval from the office of the state treasurer to finance through the LOCAL program. Applicants approved for participation will receive notification by the office of the state treasurer.

(1) The required forms shall be designated by the office of the state treasurer and approved by the state finance committee.

(2) Documents must be completed by the agency and signed by an authorized representative of the agency. Each financing document must have an original signature and be returned to the office of the state treasurer.

(3) After written approval for financing is received, a LOCAL participant may acquire and pay for the property. Approval for financing may be contingent on certain criteria being satisfied.

## TIMING OF ISSUANCE

### NEW SECTION

**WAC 210-03-070 Financing participation deadlines.** (1) The office of the state treasurer may pool state agency equipment and LOCAL participants' requests for financing of equipment and real estate into regularly scheduled offerings of certificates of participation. Only applications that have completed information on the required forms will be included in the financing.

(2) Real estate projects for state agencies are financed on an individual basis provided there is a minimum of ninety days for document preparation.

## FINANCING CONTRACT PAYMENTS

NEW SECTION

**WAC 210-03-080 Scheduled payments.** The state finance committee may designate a fiscal agent as trustee as provided in RCW 39.94.040. Payments may be directed to the fiscal agent as trustee on behalf of the state. Pursuant to RCW 39.94.030, all payments shall be made according to the terms and scheduled payments dates listed in the financing contract.

**WSR 01-06-062**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed March 7, 2001, 11:00 a.m.]

Supplemental Notice to WSR 00-22-113.

Preproposal statement of inquiry was filed as WSR 99-19-143.

Title of Rule: Chapter 314-42 WAC, Liquor Control Board administration.

Purpose: To outline practice and procedure guidelines for adjudicative proceedings held by the agency and to outline how a person can petition the agency for rule making.

Statutory Authority for Adoption: RCW 66.08.030, 66.44.010, 66.24.010(3), 34.05.413.

Statute Being Implemented: RCW 66.24.010(3), chapter 34.05 RCW.

Summary: The proposed rules would replace current rules that outline the process for adjudicative proceedings held by the agency and how a person can petition the agency for rule making.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1648; Implementation and Enforcement: Rick Phillips, P.O. Box 43075, Olympia, WA 98504-3075, (360) 664-1780.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Liquor Control Board is currently undergoing a review of all of its rule and its policies that directly affect the public in order to make them clear and usable, per Governor Locke's Executive Order 97-02. The proposed rules would replace current rules that outline the process the Liquor Control Board follows for the administrative violation notice process for alleged violations of liquor laws or regulations; outline practice and procedure guidelines for adjudicative proceedings held by the agency; and outline how a person can petition the agency for rule making. If adopted, the proposed rules would make the following changes to existing rules:

- Delete rules regarding practice and procedure for adjudicative hearings that are duplicative with the Administrative Procedure Act (chapter 34.05 RCW); and

- Adopt the Office of Financial Management's rules (chapter 82-05 WAC) on how a person can petition the agency for rule making, which would simplify the existing process.

The rules originally filed proposed to prohibit depositions by oral examination in contested cases (allowing written interrogatories by any part). The board chose to withdraw this proposed change.

Proposal Changes the Following Existing Rules: The proposed rules would replace chapter 314-08 WAC, Practice and procedure.

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

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

Hearing Location: Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on April 18, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by April 17, 2001, TDD (360) 586-4727.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 664-9689, by April 20, 2001.

Date of Intended Adoption: April 25, 2001.

March 7, 2001

Eugene Prince

Chair

REPEALER

The following chapter of the Washington Administrative code is repealed:

Chapter 314-08 WAC      Practice and procedure

NEW SECTION

**WAC 314-42-020 Appearance and practice before the board—Who may appear.** During an adjudicative proceeding, no person may appear in a representative capacity before the Washington state liquor control board or its designated hearing officer other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law; and/or
- (3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

NEW SECTION

**WAC 314-42-025 Appearance in certain proceedings may be limited to attorneys.** In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the board or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the board or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law.

NEW SECTION

**WAC 314-42-030 Appearance by former employee of board or former member of attorney general's staff.** No former employee of the board or member of the attorney general's staff may at any time after severing his/her employment with the board or the attorney general appear, except with the written permission of the board, in a representative capacity on behalf of other parties in a formal proceeding wherein he/she previously took an active part as a representative of the board.

NEW SECTION

**WAC 314-42-040 Practice and procedure.** The board hereby adopts the Model Rules of Procedure, found in chapter 10-08 WAC, promulgated by the office of administrative hearings insofar as they are not in conflict with a specific board procedure rule.

NEW SECTION

**WAC 314-42-045 Service of process—Filing with agency.** Papers required to be filed with the board are deemed filed upon actual receipt by the board at its headquarters office in Olympia.

NEW SECTION

**WAC 314-42-050 Subpoenas—Fees.** Per RCW 66.24.010(3), witnesses are allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. Witness fees and mileage shall be paid by the party who asked the witness to be present.

NEW SECTION

**WAC 314-42-060 Depositions upon interrogatories—Submission of interrogatories.** (1) When a deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating:

(a) the name and address of the person who is to answer them, and

(b) the name or descriptive title and address of the officer before whom they are to be taken.

(2) Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the party proposing to take the deposition may serve redirect interrogatories upon the party who served cross-interrogatories.

NEW SECTION

**WAC 314-42-065 Official notice—Material facts.** In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the board may suggest, that official notice be taken of a material fact, which must be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact must be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controver-

sion must be concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

#### NEW SECTION

**WAC 314-42-070 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his/her own self-interest to do so;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

#### NEW SECTION

**WAC 314-42-075 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the

making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

#### NEW SECTION

**WAC 314-42-080 Form and content of decisions in contested cases and proposed orders.** Whenever the board considers that any matter or proceeding will be best handled by the issuance of a proposed order by the board or by the examiner conducting the hearing, the order shall be issued and the parties notified of the proposed order.

(1) Upon receipt of such notice and proposed order, any party may file exceptions to the proposed order within twenty days after the date of the service of the proposed order, unless a greater or less time for filing exceptions is designated by the board at the time of issuance of the proposed order.

(2) Exceptions must be filed in triplicate and a copy must be served upon all other parties who have appeared in the cause, or their attorneys of record, together with proof of such service in accordance with the rules governing service of process.

(3) Within ten days after service of the exceptions, any party may answer the filed exceptions. Briefs may accompany the exceptions or answers and must be filed and served in the same manner.

(4) After a full consideration of the proposed order, the exceptions and the answers to the exceptions filed, and briefs, the board may:

(a) affirm its proposed order by service of an order of affirmance upon the parties; or

(b) if the board deems the exceptions well taken, it may revise the proposed order and issue a final order differing from the proposed order: *Provided*, That the board may revise the proposed order and issue a final order differing from the proposed order notwithstanding the fact that neither its counsel nor the licensee or his/her counsel have filed exceptions in the case.

#### NEW SECTION

**WAC 314-42-085 Written arguments.** (1) At the conclusion of the evidentiary portion of a field hearing, the examiner may call for an oral legal argument on the record, after which the examiner shall render his/her oral proposals; or, the examiner may call for written arguments to be submitted to his/her office by the licensee or his/her attorney and the board's attorney. Such written arguments must be submitted in triplicate to the hearing examiner and may not be exchanged by opposing counsel.

(2) When both arguments have been received, the hearing examiner shall deliver one of the copies of the licensee's argument to the board's attorney, and one copy of the board's argument shall be forwarded to the licensee or his/her attorney.

(3) Unless a different time is fixed at the field hearing, written arguments must be filed within ten days after the conclusion of the taking of the testimony at the field hearing.

(2) After the receipt of both written arguments, the hearing examiner shall render his/her written proposals which will be served on the licensee or his/her attorney and the attorney for the board.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

##### **WAC 314-42-090 Definition of issues before hearing.**

In all proceedings the issues to be adjudicated must be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

#### NEW SECTION

##### **WAC 314-42-100 How can a person petition the board for the adoption, amendment, or repeal of a rule?**

(1) Petitions for the board to adopt, amend, or repeal a rule, as described in RCW 34.05.330, will follow the same format and be submitted in the same manner as outlined by the office of financial management in WAC 82-05-020 and 82-05-030, as now or hereafter amended.

(2) The board shall respond to such petitions in the manner outlined in WAC 82-05-040, as now or hereafter amended.

(3) The petitioner may appeal the board's denial of his/her petition as outlined in WAC 82.05.050, as now or hereafter amended.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

##### **WAC 314-42-105 How can a person petition the board for a declaratory order?**

(1) Following the provisions of RCW 34.05.240, any person may petition the board for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the board. The board shall consider the petition, and within thirty days of the receipt of the petition will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specific circumstances; or

(b) Set a specified date no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(c) Notify the petitioner of a time and place for hearing argument about the matter before the board makes a decision

to enter a declaratory order or to decline to enter a declaratory order; or

(d) Notify the person that the board declines to enter a declaratory and the reasons for this action.

**(2) What information should be included in the petition for declaratory order?** In addition to the information outlined in RCW 34.05.240(1), as now or hereafter amended, petitions for a declaratory rulings must include the following information:

(a) the name and address of the petitioning party,

(b) a list of all rules or statutes that may be brought into issue by the petition,

(c) a statement of facts relied upon in the petition.

#### **WSR 01-06-063**

#### **PROPOSED RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed March 7, 2001, 11:46 a.m.]

Original Notice.

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

Title of Rule: WAC 392-125-080 Educational service district budgeting.

Purpose: To amend the rule to reflect a change made by the 1987 legislature, which extended the length of time ESDs are permitted to enter into contracts from five to twenty years.

Statutory Authority for Adoption: RCW 28A.310.330.

Statute Being Implemented: Chapter 508, Laws of 1987.

Summary: A revision to RCW 28A.310.460 extended the length of time ESDs are permitted to enter into contracts from five to twenty years. The WAC revision is needed for consistency with the RCW.

Reasons Supporting Proposal: This will amend OSPI's rules to conform to the legislative change.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 753-6708; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of the Superintendent of Public Instruction, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This rule was adopted on an emergency basis on January 19, 2001.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change is needed to reflect the change made by the 1987 legislative session which extended the length of time educational service districts are permitted to enter into contracts. An emergency rule is currently in force to permit an ESD to enter into a contract for a term longer than five years. There is no opposition to this change.

PROPOSED



Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Wanamaker Room, 1st Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on April 11, 2001, at 9 a.m.-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by March 28, 2001, TDD (360) 664-3631.

Submit Written Comments to: Legal Services, Office of the Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by April 10, 2001.

Date of Intended Adoption: April 12, 2001.

March 7, 2001

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

Statutory Authority for Adoption: RCW 28A.400.210.

Statute Being Implemented: Chapter 231, Laws of 2000.

Summary: The definition of employees eligible to convert unused sick leave to monetary compensation is expanded to include those at least fifty-five years old and must have fifteen years of service is covered under PERS 2 or TRS 2 or ten years service under TRS 3.

Reasons Supporting Proposal: This will amend OSPI's rules to conform to the legislative changes.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 753-6708; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of the Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change is needed to reflect the change made by the 2000 legislative session. Under the attendance incentive program school districts may now permit conversion of unused sick leave to monetary compensation upon termination of employment for eligible employees. Prior to this legislative change such conversion was permitted only upon retirement or death.

The law allows but does not require a sick leave buyout program. Expanding eligibility for conversion of sick leave will increase district compensation costs for certain employees upon termination of employment. No additional funding was provided by the legislation.

Although the attendance incentive program is available to all school districts and educational service districts the expanded eligibility for employees upon termination of employment applies only to school districts.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Wanamaker Room, 1st Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on April 11, 2001, at 9 a.m.-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by March 28, 2001, TDD (360) 664-3631.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by April 10, 2001.

Date of Intended Adoption: April 12, 2001.

March 7, 2001

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-125-080 Contractual liability extending beyond end of fiscal period.** The board of any educational district may enter into contracts for their respective districts for periods not exceeding ((five)) twenty years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and

(2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.310.460 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted.

**WSR 01-06-064**

**PROPOSED RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed March 7, 2001, 11:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-19-023.

Title of Rule: WAC 392-136-020 Annual conversion of accumulated sick leave.

Purpose: Amend rules to permit school districts to make conversion of sick leave to monetary compensation available to eligible employees separating from employment.

Other Identifying Information: School district employees—Attendance incentive program.

AMENDATORY SECTION (Amending Order 84-2, filed 1/26/84)

**WAC 392-136-020 Conversion of sick leave upon retirement or death.** (1) Eligible employees: ~~((Each eligible employee who is employed by a school district or))~~ Upon separation from employment the following employees may personally, or through their estate in the event of death, elect to convert all eligible, accumulated, unused sick leave to monetary compensation as provided in this section:

(a) ~~Eligible educational service district ((as of June 12, 1980, or thereafter and))~~ employees are those who ((subsequently)) terminate((s)) employment with the educational service district due to either retirement or death ((may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section)).

(b) Eligible school district employees are those who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC 391-136-065 and who:

(i) Separate from employment with the school district due to death or retirement; or

(ii) After June 7, 2000, separate from employment with the school district and are at least age fifty-five and:

(A) Have at least ten years of service under teachers' retirement plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or

(B) Have at least fifteen years of service under teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(c) In order to receive reimbursement for unused sick leave, by virtue of retirement pursuant to ((this chapter, at the time of separation from a school or educational service district employment due to retirement, an)) subsection (1)(a) or (1)(b)(i) of this section the employee must have separated from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system ((or)), the public employees' retirement system, or the school employees' retirement system whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment((: Provided, That the maximum number of days that may be converted pursuant to this section for a school district employee shall be one hundred eighty days)).

(2) Eligible sick leave days: A maximum of one hundred eighty days may be converted to monetary compensation pursuant to this section. Eligible days include all unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service ren-

~~dered for retirement purposes((, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death)).~~

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Deduction of converted days: All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(5) Exclusion from retirement allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

**WSR 01-06-065**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
[Filed March 7, 2001, 11:51 a.m.]

Original Notice.

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

Title of Rule: Washington state displaced homemaker program.

Purpose: To make technical corrections to references within the rules.

Statutory Authority for Adoption: Chapter 28B.04 RCW.

Summary: All sections of chapter 250-44 WAC, were recodified (adopted December 6, 2000). Because of the recodifying, some of the references within the rules are incorrect and need to be updated. These are considered typographical errors only.

Reasons Supporting Proposal: These are only technical/typographical corrections.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brenda Landers, 917 Lakeridge Way, Olympia, WA 98504-3430, (360) 753-7827.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Technical corrections - corrects references that are in error after recodifying.

Proposal does not change existing rules.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430, on April 10, 2001, at 9:00 a.m. - 10:00 a.m.

Assistance for Persons with Disabilities: Contact Belma Villa by April 1, 2001, TDD (360) 753-7809, or (360) 753-7810.

Submit Written Comments to: Brenda Landers, P.O. Box 43430, Olympia, WA 98504-3430, Brendal@hecb.wa.gov, fax (360) 753-7808, by April 10, 2001.

Date of Intended Adoption: April 11, 2001.

March 7, 2001  
Brenda Landers  
Program Manager

**AMENDATORY SECTION** (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

**WAC 250-44-100 Required assurances.** No contract shall be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization shall actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract shall be provided without payment of any fees for the services: Provided, That the executive director may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of displaced homemaker program objectives;

(4) First priority for all services provided under the contract shall be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance shall not in any way interfere with the provision of services to displaced homemakers as defined in the act. The sponsoring organization shall include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC ((250-44-100)) 250-44-190 and such other accounting and reporting requirements as may be established by the executive director.

(6) The sponsoring organization agrees to participate in evaluation procedures, including the use of all specified uniform client classification forms for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the board under the contract will be pro-

vided monthly or quarterly upon submission and approval of payment requests in a form and containing information specified by the executive director of the board, and that approval of payments shall be conditioned upon the executive director's determination that the sponsoring organization is in compliance with the terms of the contract and this chapter;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and is authorized to submit the application and execute a contract in accordance with the application if it is approved by the board; and

(10) The executive director and staff of the board will be provided access to financial and other records pursuant to the contract.

**AMENDATORY SECTION** (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

**WAC 250-44-110 Criteria for selection of contracts to be awarded.** (1) Initial contracts. For each closing date established as specified in WAC ((250-44-130)) 250-44-070, applications will be ranked competitively according to their performance with respect to:

(a) Size of the potential population to be served;

(b) Demonstrated need for the proposed services;

(c) Experience and capabilities of the sponsoring organization;

(d) Provisions for coordination of services with other organizations providing related services in the geographic area.

(2) The executive director shall develop a system for evaluating initial applications with respect to the above-stated criteria, and make available in the application guidelines a description of the system.

(3) Final selection of initial applications to be approved will be based upon both relative ranking on factors listed in subsection (1) of this section and appropriate geographic distribution.

(4) Renewal contracts. The sponsoring organization may be eligible to renew its contract for one ensuing biennium provided the sponsoring organization was in full compliance with the 1999-2001 contract. Thereafter, the sponsoring organization may be eligible to renew its contract for one subsequent biennium provided the sponsoring organization was in full compliance with the contract and performance indicators established by the executive director.

(5) The executive director shall develop a system for evaluating renewal applications and make available in the application guidelines a description of the system.

**AMENDATORY SECTION** (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

**WAC 250-44-120 Procedure for selection of contracts to be awarded.** (1) Initial contracts. The following steps will be employed in screening and selection of applications to be approved for initial contracts:

(a) Applications will be screened for eligibility and completeness;

PROPOSED

(b) A panel of application readers will be established, to consist of board staff members designated by the executive director, members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive director;

(c) Within each category of application as described in WAC ((~~250-44-150~~)) 250-44-110(1), the panel of readers will evaluate and rank qualifying applications according to the system published in accordance with WAC ((~~250-44-150~~)) 250-44-110(2);

(d) The advisory committee will consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(e) The list of recommended approved applications will be submitted to the executive director of the board for approval. Upon approval the executive director will award the contracts.

(2) Renewal contracts. The following steps will be employed in screening and selection of applications to be approved for renewal contracts:

(a) Applications will be screened for eligibility and completeness;

(b) In cooperation with the advisory committee, or a subset thereof, the board will evaluate qualifying applications in accordance with WAC ((~~250-44-140~~)) 250-44-110(4) and develop a list of recommended approved renewal applications according to the system published in WAC ((~~250-44-150~~)) 250-44-110(5);

(c) The list of recommended approved renewal applications shall be submitted to the executive director of the board for approval. Upon approval the executive director will award the renewal contracts.

PROPOSED

**WSR 01-05-055**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN AIR AGENCY**

[Filed February 15, 2001, 10:04 a.m.]

Date of Adoption: February 1, 2001.

Purpose: The purpose of the proposed changes was to make editorial changes to reflect a name change for the agency, to revise the definitions of Volatile Organic Compound, and to update adoption of existing and new Federal New Source Performance Standards.

Citation of Existing Rules Affected by this Order: Amending SWCAA 400-010, 400-020, 400-030, 400-035, 400-040, 400-050, 400-052, 400-060, 400-070, 400-075, 400-076, 400-080, 400-081, 400-090, 400-091, 400-099, and 400-100.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-082 on December 5, 2000.

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 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, 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 17, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 2001

Robert D. Elliott

Executive Director

**~~((SWAPCA))~~ SWCAA 400**

**General Regulations  
For Air Pollution Sources**

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**~~((SWAPCA))~~ SWCAA 400-010 Policy and Purpose**

[Statutory Authority: Chapter 70.94.057 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68; Board amended 10/29/69 (Sec. 1.01 and 1.02); 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) It is the policy of the Southwest Clean Air ~~((Pollution Control Authority))~~ Agency (herein after referred to as the ~~((Authority))~~ Agency or ~~((SWAPCA))~~ SWCAA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and

be consistent with the economic and industrial well being of the jurisdiction of the ~~((Authority))~~ Agency.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70.94), the ~~((Authority))~~ Agency has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of ~~((SWAPCA))~~ SWCAA is to control and regulate the emission of air contaminants from sources within the jurisdiction of ~~((SWAPCA))~~ SWCAA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington (RCW).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**~~((SWAPCA))~~ SWCAA 400-020 Applicability**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.422 RCW. Original adoption by Board 12/17/68 (Regulation 1); Board amended 10/29/69 (Regulation 2); 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(2) The ~~((Authority))~~ Agency is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by Ecology, the ~~((Authority))~~ Agency does not have jurisdiction over the following sources:

(a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.

(b) Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.

(c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) as provided in Washington Administrative Code (WAC) 463.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

**~~((SWAPCA))~~ SWCAA 400-030 Definitions**

[Statutory Authority: Chapter 70.94.030 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(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. The ~~((Authority))~~ Agency 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) The ~~((Authority))~~ Agency 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))~~ that 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))~~ that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a 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. This includes any substance regulated as an air pollutant under WAC 173-460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established, and volatile organic compounds. "Air pollutant" means the same as "air contaminant". A criteria pollutant is an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified at 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead. Volatile organic compounds as a category are no longer identified as a criteria pollutant.

(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 regulation 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 various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the 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, 61, or 63;

(b) Any applicable State Implementation Plan emission limitation including those with a future compliance date;

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "~~((Authority))~~ Agency" means the Southwest Clean Air ~~((Pollution Control Authority))~~ Agency ~~((SWAPCA))~~ SWCAA.

(9) "Best available control technology, (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified stationary source, which the ~~((Authority))~~ Agency, 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 or treatment, clean fuels, 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 air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 63 as they exist on ~~((August))~~ July 1, ((1998)) 2000, or their later enactments as adopted by reference by the ~~((Authority))~~ Agency 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.

(10) "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))~~ that 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 non-air 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.

(11) "Board" means the Board of Directors of the Southwest Clean Air (~~(Pollution Control Authority)~~) Agency.

(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 (~~(SWAPCA)~~) SWCAA 400-120.

(13) "Capacity factor" means the ratio of the average load on a machine or equipment 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 potentially affected by emissions from sources within (~~(SWAPCA)~~) SWCAA jurisdiction:

Alpine Lakes Wilderness;  
Glacier Peak Wilderness;  
Goat Rocks Wilderness;  
Mount Adams Wilderness;  
Mount Rainier National Park;  
Mt. Hood Wilderness Area;  
Mt. Jefferson Wilderness Area.

(15) "Closure" means permanently stopping or terminating all processes at a facility. Such termination of processes shall result in no emissions of pollutants to the ambient air. Closure does not mean temporary shutdown of operations. A facility shall be considered "permanently closed" if operations have ceased and registration fees are not paid as set forth in (~~(SWAPCA)~~) SWCAA 400-100 (2)(e). Process and pollution control equipment may remain in place and on site but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation). Closure of a facility requires notification to (~~(SWAPCA)~~) SWCAA in accordance with (~~(SWAPCA)~~) SWCAA 400-100 (2)(d). New Source Review and applicable emission control technology requirements in accordance with current requirements for similar facilities will be required of the facility prior to restart if the annual registration fee is not paid.

(16) "Combustion and incineration sources" means emissions units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning.

(17) "Commenced construction" means that an 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. (ref. 40 CFR 52.21)

(18) "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.

(19) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)

(20) "Control Officer" means the Executive Director of the Southwest Clean Air (~~(Pollution Control Authority)~~) Agency.

(21) "Director" means the director of the Washington State Department of Ecology (WDOE) or duly authorized representative.

(22) "Dispersion technique" means a method (~~(which)~~) that 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.

(23) "Ecology" means the Washington State Department of Ecology (WDOE).

(24) "Emission" means a release of air contaminants into the ambient air.

(25) "Emission control technology" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the design of an emission unit or the basic design to the emission unit; i.e., low NOx burner for a boiler or turbine.

(26) "Emission reduction credit (ERC)" means a credit granted pursuant to (~~(SWAPCA)~~) SWCAA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.

(27) "Emission standard" and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation 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.

(28) "Emissions unit" means any part of a stationary source (~~(which)~~) that emits or would have the potential to emit any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW or Chapter 70.98 RCW.

(29) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(30) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in (~~(SWAPCA)~~) SWCAA 400-200(2).

(31) "Executive Director" means the Control Officer of the Southwest Clean Air (~~(Pollution Control Authority)~~) Agency.

(32) "Existing stationary facility" means a stationary source of air pollutants (~~(which)~~) that 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*, 1987.

(33) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 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.

(34) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(35) "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.

(36) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, human 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.

(37) "Fugitive emissions" means emissions which do not pass and which could not reasonably be collected to pass through a stack, chimney, vent, or other functionally equivalent opening.

(38) "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.

(39) "Good agricultural practices" means economically feasible practices (~~which~~) that are customary among or appropriate to farms and ranches of a similar nature in the local area.

(40) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in ((SWAPCA)) SWCAA 400-200 (2)(a)(ii).

(41) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(42) "In operation" means engaged in activity related to the primary design function of the source.

(43) "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.

(44) "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 pro-

posed 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.

(45) "Maintenance Area" or "Maintenance Plan Area" means a geographical area of the jurisdiction of ((SWAPCA)) SWCAA which was formerly designated as a nonattainment area and which has been redesignated as an attainment area as provided under 40 CFR 52. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

(46) "Maintenance Pollutant" means a pollutant for which a maintenance plan area was formerly designated a nonattainment area.

(47) "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 Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen 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 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 an Order of Approval for a Notice of Construction application; or

(ii) The 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~~) that was established after December 21, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application;

(g) Any change in ownership at a stationary source.

(48) "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 Washington State or Federal Clean Air Acts;

(ii) Is located in a "marginal" or "moderate" ozone nonattainment 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;

(iii) 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

(iv) Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.

(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(c) A major stationary source that is major for VOCs or NO<sub>x</sub> shall be considered major for ozone;

(d) 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 (a)(iii) or (iv) 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 (12,600,000 gallons);
- (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.

(e) 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*, 1987.

(49) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas potentially affected by emissions from sources within ((SWAPCA)) SWCAA jurisdiction are as follows:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- Mt. Hood Wilderness Area;
- Mt. Jefferson Wilderness Area.

(50) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(51) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(52) "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.

(53) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61 or Part 63.

(54) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(55) "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 the changes in actual emissions occur 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) The ((Authority)) Agency or Ecology 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 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) The ((Authority)) Agency has not relied on it in issuing any permit, regulatory order 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)) Agency 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.

(56) "New source" means one or more of the following:

(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;

(b) Any other project that constitutes a new source under the Federal Clean Air Act;

(c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees;

(d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.

(e) Relocation of an existing business to a new location.

(57) "New Source Performance Standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60 and

adopted by the ((Authority)) Agency in ((SWAPCA)) SWCAA 400-115.

(58) "Nonattainment area" means a clearly delineated geographic area ((which)) that has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard or standards.

(59) "Notice of Construction application (NOC)" means a written application from the source by which the ((Authority)) Agency records and tracks requests from registered and nonregistered sources for the purpose of obtaining information regarding proposed changes or activities at a source. Types of changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, installation of new sources, control technology determinations, PSD determinations and other items specified by the ((Authority)) Agency. A Notice of Construction application shall be submitted to the ((Authority)) Agency for review and approval prior to construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source or portable source. A Notice of Construction application may be submitted to the ((Authority)) Agency for activities not requiring New Source Review and shall not automatically impose New Source Review requirements. (For more information refer to ((SWAPCA)) SWCAA 400-109.)

(60) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(61) "Open or outdoor 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. Open burning includes all forms of outdoor burning except those listed as exempt in ((SWAPCA)) SWCAA 425-020. Wood waste disposal in wigwam burners is not considered open or outdoor burning.

(62) "Order" or Regulatory Order means any order issued by the ((Authority)) Agency 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, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(63) "Order of Approval" and "Approval Order" mean a regulatory order issued by the ((Authority)) Agency to approve a 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 or portable source. Note: For more information refer to ((SWAPCA)) SWCAA 400-230 (1)(a).

(64) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(65) "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.

(66) "Parts per million (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

(67) "Person" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.

(68) "PM<sub>10</sub>" 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.

(69) "PM<sub>10</sub> 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.

(70) "PM<sub>2.5</sub>" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 50 or by a test method specified in the Washington State Implementation Plan.

(71) "Pollutant" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions 3, 4 and 78)

(72) "Potential to emit" means the maximum capacity (i.e., design 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.

(73) "Prevention of Significant Deterioration (PSD)" means the program set forth in ((SWAPCA)) SWCAA 400-141 and WAC 173-400-141.

(74) "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.

(75) "Reasonably attributable" means attributable by visual observation or any other technique the ((Authority)) Agency deems appropriate.

(76) "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 public notice and opportunity for comment are afforded. RACT shall apply to existing sources.

(77) "Regulatory order" means an order issued by the ((Authority)) Agency to an air contaminant source which applies to that source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the ((Authority)) Agency. Note: For further clarification refer also to the definition of Order and Order of Approval and ((SWAPCA)) SWCAA 400-230.

(78) "Significant" or "significant emission rate" 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:

<u>Pollutant</u>	<u>Tons/Year</u>
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM <sub>10</sub> )	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (including H <sub>2</sub> S)	10
Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-diox- ins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride)	40

(79) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. 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.

(80) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common con-

tol), 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*, 1987.

(81) "Source category" means all sources of the same type or classification as described in the *Standard Industrial Classification Manual*, 1987.

(82) "Southwest Clean Air (~~Pollution Control Authority~~) Agency (~~(SWAPCA)) SWCAA~~" or "~~(Authority)) Agency~~" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(83) "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(84) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(85) "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.

(86) "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Clean Air (~~Pollution Control Authority~~) Agency, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.

(87) "Stationary source" means any building, structure, facility, or installation (~~(which)) that~~ 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 non-road engine or non-road vehicle as defined in Section 216 of the FCAA.

(88) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(89) "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.

(90) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, (~~1998~~) 2000.

(91) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(92) "Upgraded" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping. "Modi-

fication" of a gasoline dispensing facility means the same as "upgraded".

(93) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(94) "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.

(95) "Volatile organic compound (VOC)" means:

(a) 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 any organic compound other than the following, which have negligible photochemical activity: acetone; ethane; methane; methyl acetate; t-butyl acetate (TBAC), 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; 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-236ae); 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-nonafluoro-4-methoxy-butane (C4F9OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); 1-ethoxy-1,1,2, 2,3,3,4,4,4-nonafluorobutane (C4F9O C<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); 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;

(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, VOCs 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.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION**

**~~((SWAPCA))~~ SWCAA 400-035 Open Fires (Deleted)**

[Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79 deleted-now covered by ~~((SWAPCA))~~ SWCAA 425 (WAC 173-425)]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

**~~((SWAPCA))~~ SWCAA 400-040 General Standards for Maximum Emissions**

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79; Amended by Board 3/20/84; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

All sources and emissions units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section. 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))~~ that may be determined for some sources or source categories to be more stringent than the applicable emission limitations of this regulation or any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the ~~((Authority))~~ Agency shall, as provided in RCW 70.94.154, 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 as determined in accordance with Appendix A by a Certified Observer certified in accordance with EPA Method 9 "Visual Determina-

tion of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A 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 the ~~((Authority))~~ Agency shall 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, the ~~((Authority))~~ Agency 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))~~ that 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.**

(a) 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.

(b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.

(c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.

Scentometer Readings

Scentometer No.	Concentration Range No. of Thresholds
0	1 to 2
1	2 to 8
2	8 to 32

PERMANENT

3	32 to 128
4	128

(d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at least fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.

(e) When the source is a manufacturing process, no violation of this section shall have occurred provided that Best Available Control Technology (BACT), Maximum Available Control Technology (MACT), or Lowest Achievable Emission Rate (LAER), as applicable for odor control and abatement, is provided and is operating in compliance with other applicable regulations and emission limits.

(f) When the source is using "good agricultural practices", as provided in RCW 70.94.640, no violation of this section shall have occurred.

(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 of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent CO<sub>2</sub> as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means (~~which~~) that conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.

(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<sub>10</sub> nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the criteria found in ~~(SWAPCA))~~ SWCAA 400-113(3).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

~~(SWAPCA))~~ SWCAA 400-050 Emission Standards for Combustion and Incineration Units

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Combustion and incineration emissions units shall meet all requirements of ~~(SWAPCA))~~ SWCAA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 or other acceptable sampling methods approved in advance by the ~~(Authority))~~ Agency.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the ~~(Authority))~~ Agency including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the ~~(Authority))~~ Agency.

(3) Measured concentrations for combustion and incineration sources shall be adjusted in accordance with the following listing. Source categories not identified shall have measured concentrations for volumes corrected to seven percent oxygen, except when the ~~(Authority))~~ Agency determines that an alternate oxygen correction factor is more representative of normal operations. Concentrations for the following sources shall normally be adjusted to the following oxygen concentrations: gas, diesel, & oil fired boilers: 3%; medical/hospital waste incinerators: 12%; natural gas turbines: 15%.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

~~(SWAPCA))~~ SWCAA 400-052 Stack Sampling of Major Combustion Sources

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 99-07-027 filed 3/10/99, effective 4/11/99]

(1) **General Requirements.** No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.

(2) **Applicability.** All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.

(3) **Emissions Sampling Requirements.** The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major. Emissions testing shall be performed in accordance with ((SWAPCA)) SWCAA 400-106.

(4) **Sampling Methods.** All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the ((Authority)) Agency.

(5) **Additional Requirements.** Nothing in this section shall be construed as to limit the ability of the ((Authority)) Agency to impose additional or supplemental emissions testing requirements for any emissions unit within the ((Authority)) Agency's jurisdiction in accordance with ((SWAPCA)) SWCAA 400-105(4).

(6) **Alternative Sampling Schedules.** The ((Authority)) Agency may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The ((Authority)) Agency may reduce the frequency of the required emissions testing.

(7) **Continuous Emissions Monitors.** The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

((SWAPCA)) SWCAA 400-060 **Emission Standards for General Process Units**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

General process units shall meet all applicable provisions of ((SWAPCA)) SWCAA 400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR 60 Appendix A which are adopted by reference as in effect July 1, ((1998)) 2000 and any other appropriate test procedures approved in advance by the ((Authority)) Agency shall be used to determine compliance.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

((SWAPCA)) SWCAA 400-070 **Emission Standards for Certain Source Categories**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

The ((Authority)) Agency 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.

(1) **Wigwam burners.**

The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of ((SWAPCA)) SWCAA 400-040 and ((SWAPCA)) SWCAA 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 for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the ((Authority)) Agency 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) **Catalytic cracking units.**

(a) All existing catalytic cracking units shall meet all provisions of ((SWAPCA)) SWCAA 400-040:

(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 twenty 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 install BACT ((which)) that may be more stringent than the provisions of ((SWAPCA)) SWCAA 400-115.

(5) **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 H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

(6) **Gasoline dispensing facilities.** All gasoline dispensing facilities shall meet all the provisions of ((SWAPCA)) SWCAA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors".



(7) **Dry cleaning facilities.** All dry cleaning facilities shall meet all the provisions of ((SWAPCA)) SWCAA 494 "Dry Cleaning Operations".

(8) **Abrasive blasting.**

(a) Abrasive blasting shall be performed inside a booth or structure designed to capture the blast grit, overspray, and removed material except that outdoor blasting of structures or items too large to be reasonably handled indoors or in an enclosure shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps.

(b) Outdoor blasting shall be performed with either steel shot or an abrasive material containing less than one percent (by mass) which would pass through a No. 200 sieve.

(c) All abrasive blasting with sand shall be performed inside a blasting booth, enclosure or structure designed to capture fugitive particulate matter.

(d) All abrasive blasting of materials that have a coating or that may contain a substance that is identified as a toxic air pollutant in WAC 173-460 or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

(9) **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, 2000, are adopted by reference.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

((SWAPCA)) **SWCAA 400-074 Gasoline Transport Tankers**

[Statutory Authority: Chapter 70.94.141 RCW; refer to WAC 173-491-040. Original adoption 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within the designated ozone non-attainment area or ozone maintenance plan area of ((SWAPCA)) SWCAA jurisdiction shall register the transport tank with ((SWAPCA)) SWCAA prior to being placed into service. Such registration shall be made annually with ((SWAPCA)) SWCAA.

(2) Each registered gasoline transport tanker shall pay an annual registration fee in accordance with the schedule provided in ((SWAPCA)) SWCAA 400-100 (3)(a)(i). Each transport tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.

(3) Prior to registration, ((SWAPCA)) SWCAA shall review the leak test certification documentation from the testing company required under ((SWAPCA)) SWCAA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, ((SWAPCA)) SWCAA shall issue a registration sticker that shall be applied to the tanker.

(4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline

between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid ((SWAPCA)) SWCAA registration sticker is displayed on the tank(s).

(5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within ((SWAPCA)) SWCAA jurisdiction shall notify ((SWAPCA)) SWCAA of a change in status of a tanker. Change in status shall include sale, operating only out of ((SWAPCA)) SWCAA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to ((SWAPCA)) SWCAA within 10 days of the change of status.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

((SWAPCA)) **SWCAA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

(1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (USEPA) as in effect ((August)) July 1, ((1998)) 2000, as contained in Title 40, Code of Federal Regulations, Part 61 and Part 63, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA, the Director of Ecology and the Control Officer of the ((Authority)) Agency.

(2) The ((Authority)) Agency may require that source tests be conducted and require access to records, books, files, and other information specific to the control, recovery or release of those pollutants regulated under 40 CFR Part 61 and/or Part 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 conform with the requirements of Title 40, Code of Federal Regulations, Part 61 and/or Part 63, as in effect ((August)) July 1, ((1998)) 2000.

(4) This section shall not apply to any source operating pursuant to 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) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by the USEPA. As of ((August)) July 1, ((1998)) 2000 the following standards of performance as set forth in 40 CFR 63 are hereby adopted by reference:

- Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions (40 CFR 63.1 et seq.)
- Subpart B National Emission Standards for Hazardous Air Pollutants for Source Categories:



- Equivalent Emission Limitation By Permit (ref. 40 CFR 63.50 et seq.)
- Subpart D National Emission Standards for Hazardous Air Pollutants for Source Categories: Early Reduction Program (ref. 40 CFR 63.70 et seq.)
- Subpart F National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)
- Subpart G National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)
- Subpart H National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)
- Subpart I National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)
- Subpart L National Emission Standards for Hazardous Air Pollutants for Coke Oven Operations (ref. 40 CFR 63.300 et seq.)
- Subpart M National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (ref. 40 CFR 63.320 et seq.)
- Subpart N National Emission Standards for Hazardous Air Pollutants from Hard and Decorative Electroplating and Anodizing Operations (ref. 40 CFR 63.340 et seq.)
- Subpart O National Ethylene Oxide Air Emission Standards for Commercial Sterilizers (ref. 40 CFR 63.360 et seq.)
- Subpart Q National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)
- Subpart R National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Operations (Stage I) (ref. 40 CFR 63.420 et seq.)
- Subpart S National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)
- Subpart T National Emission Standards for Hazardous Air Pollutants for Halogenated Solvents Cleaning Operations (ref. 40 CFR 63.460 et seq.)
- Subpart U National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins (ref. 40 CFR 63.480 et seq.)
- Subpart W National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)
- Subpart X National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting Manufacturing Operations (ref. 40 CFR 63.541 et seq.)
- Subpart Y National Emission Standards for Hazardous Air Pollutants for Marine Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)
- Subpart CC National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (ref. 40 CFR 63.640 et seq.)
- Subpart DD National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)
- Subpart EE National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.710 et seq.)
- Subpart GG National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing Operations (ref. 40 CFR 63.740 et seq.)
- Subpart II National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)
- Subpart JJ National Emission Standards for Hazardous Air Pollutants for Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)
- Subpart KK National Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)
- Subpart LL National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)
- Subpart OO National Emission Standards for Tanks – Level 1 (ref. 40 CFR 63.900 et seq.)
- Subpart PP National Emission Standards for Containers (ref. 40 CFR 63.920 et seq.)
- Subpart QQ National Emission Standards for Surface Impoundments (ref. 40 CFR 63.940 et seq.)
- Subpart RR National Emission Standards for Individual Drain Systems (ref. 40 CFR 63.960 et seq.)
- Subpart VV National Emission Standards for Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)
- Subpart EEE National Emission Standards for hazardous Air Pollutants from Hazardous Waste Combustors (ref. 40 CFR 63.1211 et seq.)
- Subpart III National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)

Subpart JJJ National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-076 Emission Standards for Sources Emitting Toxic Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

(1) The term toxic air pollutants (TAP) or toxic air contaminant means any air pollutant listed in WAC 173-460-150 or 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 or 460-160. The Chemical Abstract Service (CAS) number shall be the primary means used to specifically identify a substance. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(2) All sources subject to the requirements of ((SWAPCA)) SWCAA 400-110, 400-111, 400-112, 400-113 or 400-114 shall be subject to the requirements of WAC 173-460. All sources subject to review under ((SWAPCA)) SWCAA 400 shall also be reviewed for applicability and/or compliance under WAC 173-460.

(3) The New Source Review fee schedule provided in ((SWAPCA)) SWCAA 400-110 shall be applicable to all sources subject to WAC 173-460. The fees identified in ((SWAPCA)) SWCAA 400-110 shall not be duplicate to any fees collected under WAC 173-460. Only a single fee shall apply to sources that are subject to ((SWAPCA)) SWCAA 400 and WAC 173-460.

(4) A Notice of Construction is a written application to request approval for construction or modification of an air contaminant source. If a Notice of Construction application is required under both ((SWAPCA)) SWCAA 400 and WAC 173-460, then the applications shall be combined. All sources subject to WAC 173-460 shall file a Notice of Construction application in accordance with ((SWAPCA)) SWCAA 400-109 "Notice of Construction Application" and ((SWAPCA)) SWCAA 400-110 "New Source Review".

(5) ((Authority)) Agency actions including issuance of regulatory orders and enforcement actions for sources subject to WAC 173-460 shall be the same as those actions for sources subject to and identified in ((SWAPCA)) SWCAA 400.

(6) Sources subject to WAC 173-460 shall be subject to the registration requirements of ((SWAPCA)) SWCAA 400-100. Where a source is subject to both ((SWAPCA)) SWCAA 400 and WAC 173-460, only one registration shall be provided and only one fee shall be collected in accordance

with the schedule outlined in ((SWAPCA)) SWCAA 400-100.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION**

**((SWAPCA)) SWCAA 400-080 Compliance Schedules** (deleted 3/20/84)

[Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84 deleted-now covered by SWCAA 400-161]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-081 Startup and Shutdown**

[Statutory Authority: Chapter 70.94.141 RCW. 93-21-003 filed 10/7/93, effective 11/8/93; Original adoption 95-17-084 filed 8/21/95, effective 9/21/95]

(1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the ((Authority)) Agency shall consider any physical and operational constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) Where the ((Authority)) Agency determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, the ((Authority)) Agency shall include in regulatory orders or the Operating Permit, appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions.

(3) In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the ((Authority)) Agency shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this section.

(4) Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-090 Voluntary Limits on Emissions** (renumbered to 400-091 9/21/95)

[Statutory Authority: Chapter 70.94.141 RCW. Section originally numbered SWCAA 400-090 - 93-21-003 filed 10/7/93, effective 11/8/93; renumbered to SWCAA 400-091 - 95-17-084 filed 8/21/95, effective 9/21/95]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-091 Voluntary Limits on Emissions**

[Statutory Authority: Chapter 70.94.141 RCW. Section previously numbered SWCAA 400-090 - 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

(1) Voluntary limits on emissions and limitations on potential to emit or process parameters or throughputs may be requested by a source by submittal of a complete Notice of Construction application to the ((Authority)) Agency as provided in ((SWAPCA)) SWCAA 400-109. Confidential information shall be identified as set forth in ((SWAPCA)) SWCAA 400-270. Upon request by the owner or operator of a source, and completion of review of the application by the ((Authority)) Agency, the ((Authority)) Agency shall issue a regulatory order which reduces that source's potential to emit to an amount agreed to by the owner or operator and the ((Authority)) Agency.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of that air contaminant, process parameter or throughputs, under all applicable requirements of Chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington State Implementation Plan (SIP).

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any emission limit, process parameter or throughput, established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of ((SWAPCA)) SWCAA 400-105.

(4) Any order issued under this section shall be subject to the public notice and comment procedures under ((SWAPCA)) SWCAA 400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington State Implementation Plan. Any proposed increase in emissions above limits contained in an order issued under this section shall require revision or revocation of the order.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-030, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-099 Per Capita Fees**

[Statutory Authority: Chapter 70.94.093 RCW. Original Board adoption - 99-07-030 filed 3/10/99, effective 4/11/99]

Each component city or town and county shall pay such proportion of the supplemental income to the ((Authority)) Agency as determined by either one of two methods as provided under RCW 70.94.093. The first method is based on the assessed valuation of property within such city or town and county limits bears to the total assessed valuation of taxable property within the jurisdiction of ((SWAPCA)) SWCAA. The second method is based on the total population of such city or town and county bears to the total population of the jurisdiction of ((SWAPCA)) SWCAA. In addition, a combination of the two methods is allowable provided that such combination is shared at 50 percent each. The ((SWAPCA)) SWCAA Board of Directors has elected to use the second method based on population (per capita). The "per capita" assessment has been established at 30 cents per person. The population shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-032, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-100 Registration Requirements and Operating Permit Fees**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW, 70.94.162 RCW, 70.94.200 RCW, and 70.94.395 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-04-030 filed 1/28/92, effective 2/28/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-032 filed 3/10/99, effective 4/11/99]

(1) **Applicability.** All sources or emission units that emit contaminants to the ambient air shall be registered with the ((Authority)) Agency in accordance with this section as set forth in RCW 70.94.151 except those sources or emission units specifically exempted by ((SWAPCA)) SWCAA 400-100(3) and ((SWAPCA)) SWCAA 400-101.

(2) **General requirements.**

(a) A unique registration number shall be assigned to all sources required to be registered with ((SWAPCA)) SWCAA and a separate registration fee shall be provided for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process. A registration fee shall not be collected for exempt emission units identified at ((SWAPCA)) SWCAA 400-101.

(b) Registration information shall be provided to the source on forms supplied by the ((Authority)) Agency. The forms shall be verified by the source and returned to the ((Authority)) Agency with payment in full within the time specified by the ((Authority)) Agency.

(c) Annual registration fees that are unpaid after June 30 for the effective year shall be considered to be in default and the source shall be considered to be out of business and/or in violation of item (d) below for failure to report closure. At the discretion of the Control Officer, all Orders of Approval for existing equipment shall become invalid for this source and the source shall be required to submit a Notice of Construction and applicable fees in accordance with ((SWAPCA)) SWCAA 400-110 prior to resuming operations. Prior to taking actions to 'un-register' a source, the source must be notified by certified letter. The registration program covers the period of July 1 through June 30. Sources or emission units operating less than six months in the current registration period that are terminated, shall not be liable for registration fees. This does not apply to temporary or portable stationary sources.

(d) A report of closure or discontinuance shall be filed with the ((Authority)) Agency within ninety days after operations producing emissions permanently cease at any source. (Refer to ((SWAPCA)) SWCAA 400-230 for issuance of an Order of Discontinuance.)

(3) **Registration Fees.** Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of \$75.00 for each emission unit, plus \$25 per ton of each criteria air pollutant and VOC (combined) for fiscal year 1998/1999, plus \$10 per ton of total toxic air pollutants greater than 1.0 tons, shall be paid. The \$25 per ton of each criteria air pollutant and VOC shall be adjusted in fiscal year 1999/2000, and beyond, to \$39 per ton.

(a) Exceptions:

(i) An annual registration fee of \$50.00 shall be charged to each gasoline transport tank.

(ii) The registration fee for a small operation may be waived or reduced by the Control Officer provided sufficient demonstration of circumstances is presented, subject to the discretion of the Control Officer.

(iii) Emissions units and activities specifically exempted under ((SWAPCA)) SWCAA 400-101 are not required to comply with the requirements of this section.

(iv) Operating Permit Program sources, as defined in RCW 70.94.030(17) shall pay an operating permit fee in accordance with ((SWAPCA)) SWCAA 400-100(4). Operating Permit Program sources, as defined in RCW 70.94.030(17) are not required to comply with the registration requirements of this section after EPA grants interim or final approval of the ((SWAPCA)) SWCAA Operating Permit Program pursuant to 40 CFR Part 70.

(4) **Operating Permit Fees.** Fee determination and certification for sources subject to 70.94.161 RCW requirements.

(a) **Applicability.** The owner or operator of all sources subject to the requirement to obtain an Operating Permit under 40 CFR 70 or 70.94.161 RCW, shall pay an annual fee, or the equivalent over some other period as approved, subject to the discretion of the Control Officer, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program requirements as specified in this section.

(b) **Pollutants for which fees will be assessed.**

(1) A volatile organic compound.

(2) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.

(3) Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference. PM<sub>10</sub> emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the 40 CFR Part 70 source. Source test data is required to demonstrate the PM<sub>10</sub> portion of total particulate matter emissions.

(4) Emissions of each regulated pollutant emitted in excess of 7500 tons from a source shall be excluded from fee assessment.

(c) **Program cost projections.** The ((Authority)) Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in ((SWAPCA)) SWCAA 400-100(f) and Ecology's development and oversight costs, as provided in RCW 70.94.162 shall be considered in the workload analysis. The projected budget shall be submitted to the ((Authority)) Agency's Technical Advisory Council, as described in ((SWAPCA)) SWCAA 400-172, for comments. The Technical Advisory Council shall be given an opportunity to provide input regarding the projected budget. The Control Officer shall evaluate all comments and revise the projected budget where deemed appropriate. After consideration of the comments, the Control Officer shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine the Operating Permit Program fees. The ((Authority)) Agency shall publish the proposed and approved budgets and workload analysis in the Permit Register.

(d) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three-part fee assessment methodology as described below:

(1) **Participation Fee.** Fees sufficient to cover one-third of the Board approved Operating Permit Program budget shall be assessed such that each source shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:

PF = B÷3+n, where;

PF = Participation fee portion of total fee;

B = The total ((Authority)) Agency budget for the Operating Permit Program;

n = The number of 40 CFR Part 70 sources.

(2) **Emissions Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each source shall pay an amount equal to that source's portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction. The total Operating Permit Program budget shall be

divided by three. The ratio of each source's annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction shall be paid by the owner or operator of each source. The emissions portion of the fee shall be assessed according to the following formula:

$EF = B \div 3 * SE + TE$ , where:

- EF = Emissions fee portion of total fee;
- B = The total ((Authority)) Agency budget for the Operating Permit Program;
- SE = The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 source;
- TE = The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 sources.

(3) Complexity Fee. Fees sufficient to cover one-third of the budget shall be assessed such that each 40 CFR Part 70 source shall pay an amount equal to that source's portion of the total emissions units at all 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's emissions units to the total number of emissions units located at all 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction shall be paid by the owner or operator of each source. The complexity portion of the fee shall be assessed according to the following formula:

$CF = B \div 3 * SU + TU$ , where:

- CF = Complexity fee portion of total fee;
- B = The total ((Authority)) Agency budget for the Operating Permit Program;
- SU = The number of emission units at a source;
- TU = The number of emissions units at all 40 CFR Part 70 sources.

(4) Total Fee. The amount of the annual assessed fees for each 40 CFR Part 70 source shall be the sum of the participation, emissions and complexity fee portions ( $PF + EF + CF =$  Total Fee). The sum of the total fees for all 40 CFR Part 70 sources within the ((Authority)) Agency's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.

**(e) Accountability.**

(1) The sum of the fees assessed by the ((Authority)) Agency to all sources required to obtain Operating Permits within the ((Authority)) Agency's jurisdiction shall not exceed the cost of developing and administering the program. All fees collected from permit program sources as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program.

(2) The ((Authority)) Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the ((Authority))

Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

(3) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

**(f) Fee eligible activities.**

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;

(2) Source inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provision of assistance to small business under jurisdiction of ((SWAPCA)) SWCAA as required under Section 507 of the Federal Clean Air Act; and

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(g) **Late Fee Payments.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit source. Delinquent fees are subject to a late fee equal to three times the operating permit fee. The penalties authorized by this subsection are additional to and in no way prejudice ((SWAPCA)) SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a source's operating permit for failure to pay all or part of its permit fee.

(h) **Schedules of Payment.** A source shall be allowed to pay its annual operating permit fees in one, two or four installments. Each schedule of payment shall specify the terms and dates of payments.

(i) **Transfer of Ownership.** Transfer of ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.

(5) **Inspections.**

(a) Periodic onsite inspections of emission units and sources shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a source as set forth in RCW 70.94.200.

(b) ((Authority)) Agency personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.

(c) No person shall refuse entry or access to ((Authority)) Agency personnel who request entry for the purpose of inspection, who present appropriate credentials.

(d) No person shall obstruct, hamper or interfere with any such inspection.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 01-05-056**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN AIR AGENCY**

[Filed February 15, 2001, 10:06 a.m.]

Date of Adoption: February 1, 2001.

**Purpose:** The purpose of the proposed changes was to reflect a name change for the agency, provide additional details for new source review fees, to change the reporting date for emission inventory submittals from April 15 to March 15, and make administrative clarifications.

Citation of Existing Rules Affected by this Order:  
Amending SWCAA 400-101, 400-105, 400-106, 400-107, 400-109, 400-110, 400-111, 400-112, 400-113, and 400-114.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-083 on December 5, 2000.

Changes Other than Editing from Proposed to Adopted Version: One clarification was added to 400-105 in regards to requiring all emissions to be reported to the agency no later than March 15. This clarification, based on public comment, provides the executive director with discretion to extend the date based on a written request and a demonstrated need.

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 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 2001

Robert D. Elliott

Executive Director

AMENDATORY SECTION (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-101 Sources Exempt from Registration Requirements**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.163 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

All air contaminant emissions units shall be registered with the ((Authority)) Agency except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the ((Authority)) Agency may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the ((Authority)) Agency that the source is entitled to exemption under this section. Any source exempted from registration under this section shall also be considered exempt from the requirements of ((SWAPCA)) SWCAA 400-110, 400-111, 400-112, 400-113, and 400-114. For the purpose of identifying sources or emission units exempt from

registration, the source's or emission unit's potential to emit shall be used as the basis for emissions and shall consider emissions before application of any control equipment. All exempt emission units shall be identified on an ~~Order of Authorization to Operate~~ inspection report for an otherwise registered source (refer to ((SWAPCA)) SWCAA 400-109). An exemption for an entire facility or source shall be valid only if the combined emissions from all emission units at that site or facility are less than 1.0 ton per year for criteria pollutants and VOCs and less than the Small Quantity Emission Rate for each toxic air pollutant identified in WAC 173-460. If any exemption threshold is exceeded for an emission unit or units, either individually or combined, the source or emission unit(s) shall not be considered to be exempt.

#### List of Exempt Emission Units or Sources as a Single Source or Emission Unit:

(1) Air conditioning or ventilating systems designed for space heating and cooling, combined or separate, that are less than 2.0 million Btu per hour which do not exhaust to the atmosphere contaminants generated by or released from process equipment.

(2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year combined of nitrogen oxides, carbon monoxide, PM<sub>10</sub>, sulfur dioxide and volatile organic compounds from all emissions units combined. The one ton exemption does not apply to emissions of toxic air pollutants. Sources or emission units with emissions of toxic air pollutants to the ambient air may be exempted only if the annual emissions quantity for each toxic air pollutant is below the Small Quantity Emission Rate (annual rate) for each toxic air pollutant emitted as identified in WAC 173-460.

(3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new source review fee assessment, from all emission units combined, as specified in Table A under ((SWAPCA)) SWCAA 400-110.

(4) Asphalt roofing and application equipment (not manufacturing or storage equipment).

(5) Fuel burning equipment unless waste-derived fuel is burned, which:

(a) is used solely for a private dwelling serving less than five families; or

(b) has an energy input of less than 2 million Btu per hour.

(6) Fuel burning equipment used exclusively for office space heating other than boilers.

(7) Insecticide, pesticide or fertilizer spray equipment.

(8) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

(9) Portable, manually operated welding, brazing or soldering equipment when used at other than the owner's principal place of business.

(10) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.

(11) Food preparation facilities, establishments or equipment.

(12) Retail paint sales establishments (not including manufacturing).

(13) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.

(14) Sewing equipment.

(15) Sources which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the ((Authority)) Agency to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.

(16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings or other structures.

(17) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in ((SWAPCA)) SWCAA 400-101(2). This exemption applies to incidental fume hoods or laboratory equipment used by a source to perform in-house analyses that do not exceed the small quantity exemption of (2) above. This exemption does not apply to sources whose primary activity is chemical or physical laboratory operations.

(18) Residential wood heaters.

(19) Office equipment, operations and supplies.

(20) Internal combustion including diesel engines used for standby emergency power generation ((which)) that are used less than 100 hours per year and are rated at less than 500 horsepower.

(21) Steam cleaning equipment used exclusively for that purpose.

(22) Refrigeration systems ((which)) that are not in air pollution control service.

(23) Housekeeping activities and equipment.

(24) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.

(25) Natural and forced air vents and stacks for bathroom/toilet facilities.

(26) Personal care activities.

(27) Lawn and landscaping activities.

(28) Flares used to indicate danger to the public.

(29) Fire fighting and similar safety equipment and equipment used to train fire fighters.

(30) Materials and equipment used by, and activities related to operation of an infirmary provided that operation of an infirmary is not the primary business activity at the source in question.

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AMENDATORY SECTION (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-105 Records, Monitoring and Reporting**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 4/17/84 - renumbered to 400-170; Amended by Board (400-170) 12/16/86; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

The owner or operator of each registered source or emission unit shall maintain records of the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations, operating limitations, and control measures. Sources that are not subject to the registration requirements of ((SWAPCA)) SWCAA 400-100 because they are exempt under ((SWAPCA)) SWCAA 400-101 shall maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

**(1) Emission inventory.**

(a) ~~When requested, t~~ Smaller sources. The owner(s) or operator(s) of ~~any all~~ air contaminant sources shall submit an inventory of emissions from the source each year to the ((Authority)) Agency. The inventory shall include stack and fugitive emissions of particulate matter, PM<sub>10</sub>, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and toxic air pollutants identified in WAC 173-460. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon written request, an extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis.

(b) Larger sources. At a minimum, the sources satisfying the criteria of 40 CFR 51.320 et seq. (Subpart Q) will be submitted to EPA for inclusion in the national emission database. The emission inventory form supplied by the ((Authority)) Agency shall be completed and returned to the ((Authority)) Agency by ~~April~~ March 15th for the following sources. Upon written request, an extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis.

(i) Sources with the potential to emit over 100 tons of criteria pollutants, 10 tons of a single hazardous air pollutant or 25 tons of combined hazardous air pollutants, sources subject to NSPS, except Subpart AAA, and sources subject to NES-HAPS, except Subpart M, sources are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for inclusion as hazardous air pollutant emissions for the purpose of determining those sources required to submit an emissions inventory.

(ii) In ozone nonattainment or maintenance plan areas, those sources that emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO<sub>x</sub> are also required to submit emission inventories. Sources subject to this section are also

required to submit average daily emissions or process throughput data for NO<sub>x</sub> and VOCs for ozone season in preparation for the SIP update.

(iii) Sources with actual emissions or potential to emit greater than 50% of the Title V permit thresholds as identified in (i) above.

(iv) Synthetic minor or Title V opt out sources.

(2) **Monitoring.** The ((Authority)) Agency shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the Control Officer or an authorized representative may require any source under the jurisdiction of the ((Authority)) Agency to conduct stack and/or ambient air monitoring and to report the results to the ((Authority)) Agency.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the ((Authority)) Agency shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) **Continuous monitoring and recording.** Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the ((Authority)) Agency by the owner(s) or operator(s).

(b) Sulfuric acid plants. Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.

(ii) Continuous monitoring equipment. The requirements of ((SWAPCA)) SWCAA 400-105(54)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by ((SWAPCA)) SWCAA



400-105 (54)(d) shall be subject to approval by the ((Authority)) Agency.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this section shall demonstrate to the ((Authority)) Agency, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, and 40 CFR 60 Appendices B through F, as appropriate, as in effect ((August)) July 1, ((1998)) 2000 which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the ((Authority)) Agency determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. NSPS sources shall be governed by ((SWAPCA)) SWCAA 400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this section during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of the ((Authority)) Agency that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(5) **Change in raw materials or fuels for sources not subject to requirements of the Operating Permit Program.** Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by ((SWAPCA)) SWCAA 400-105(1) shall require the submittal of sufficient information to the ((Authority)) Agency to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The ((Authority)) Agency may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase or decrease in average annual sulfur content over the initial inventory shall not require such notice.

(6) **Misrepresentation.** No person shall make any false material statement, representation or certification in any form, notice, or report required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(7) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

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**AMENDATORY SECTION** (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-106 Emission Testing at Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-028 filed 3/10/99, effective 4/11/99]

(1) **Requirement to Test.** The ((Authority)) Agency may conduct or require that emission testing be conducted of the source or any emissions unit within the jurisdiction of the ((Authority)) Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions.

(2) **Test Methods.** Any required source emission testing shall be performed using appropriate sampling and analytical methods as approved in advance by the ((Authority)) Agency including, but not limited to, approved EPA methods from 40 CFR 51.60, ((Appendix A)) 61, and 63 which are hereby adopted by reference, Opacity Determination Method ((SWAPCA)) SWCAA Method 9 - Appendix A to ((SWAPCA)) SWCAA 400), Oregon Department of Environmental Quality (DEQ) Method 8 "Sampling Particulate Emissions from Stationary Sources (High Volume Method)" hereby adopted by reference, or alternate procedures approved in writing by the ((Authority)) Agency.

(3) **Accommodations for Sampling.** The operator of a source shall provide the necessary platform and sampling ports for ((Authority)) Agency personnel or others to perform a test of an emissions unit. The ((Authority)) Agency shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) **Notification.** The owner or operator of a source shall notify the ((Authority)) Agency in writing at least 2 weeks (10 business days) prior to any required emissions test and provide the ((Authority)) Agency an opportunity to review the test plan. ((Authority)) Agency personnel shall be informed at least three days prior to testing so that they have an opportunity to be present during testing.

(5) **Test Duration.** A minimum of three test runs one hour in length shall be performed at normal operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. The source shall be operated at or near its maximum rated capacity during testing. Compliance shall be determined by averaging the results of the individual test runs.

(6) **Records.** A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emissions testing to correlate operations with emissions and shall be recorded in the final test report.

(7) **Reports.** Results of all required source or emissions testing shall be submitted to the ((Authority)) Agency within 45 days of test completion. Measured concentrations for

combustion and incineration sources shall be corrected as provided in ((SWAPCA)) SWCAA 400-050(3). The report shall include:

(a) A description of the source including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations.

(b) Time and date of the test and identification and qualifications of the personnel involved.

(c) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit.

(d) A summary of control system or equipment operating conditions.

(e) A summary of production related parameters.

(f) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation.

(g) A description of the analytical procedures used including all laboratory data, quality assurance/quality control procedures and documentation.

(h) Copies of field data and example calculations.

(i) Chain of custody information.

(j) Calibration documentation.

(k) Discussion of any abnormalities associated with the results.

(l) A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

##### ((SWAPCA)) SWCAA 400-107 Excess Emissions

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.07 & 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 5.07); 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The owner or operator of a source shall have the burden of proving to the ((Authority)) Agency or the decision-making entity (e.g., Pollution Control Hearings Board) in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined by the ((Authority)) Agency to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions shall be reported to the ((Authority)) Agency as soon as possible. Upon request by the ((Authority)) Agency, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not

have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded; and.

(d) The owner or operator(s) actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION (Amending WSR 99-07-027, filed 3/10/99, effective 4/11/99)

##### ((SWAPCA)) SWCAA 400-109 Notice of Construction Application

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99]

(1) **Purpose.** A Notice of Construction (NOC) application is the document or form used by the ((Authority)) Agency to record and track requests from individual sources, registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a source. Confidential information shall be identified as set forth in ((SWAPCA)) SWCAA 400-270. Changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, and installation of new sources.

##### (2) **Applicability.**

(a) A Notice of Construction application consistent with ((SWAPCA)) SWCAA 400-110 shall be submitted for all new installations, modifications, changes, and alterations to

process and emission control equipment consistent with the definition of new source.

(b) Submittal of a Notice of Construction application shall not automatically impose New Source Review requirements for meeting emissions standards (including, but not limited to: NSPS, NESHAPs, any ambient air quality standard, etc.).

(3) **Types of Applications.** A Notice of Construction application may be submitted for, but not be limited to, the following activities:

(a) New construction or installation.

(b) Change of existing approved emission limits (including Title V opt-out requests - ((SWAPCA)) SWCAA 400-091).

(c) Review of existing or installed equipment operating without prior approval.

(d) Modification, alteration or replacement of existing process or control equipment.

(e) Change of registered owner (purchase or sale of source, facility or equipment).

(f) Change of location of operations of existing portable and stationary equipment.

(g) Review of existing equipment with an expired or lapsed approval or registration.

(h) Review of a case-by-case RACT, BACT, MACT or other similar determination.

(i) Other activities as identified by the ((Authority)) Agency.

(4) **Fees.** A fee consistent with the fee schedule (Tables A and B) provided in ((SWAPCA)) SWCAA 400-110 shall be paid by the owner or operator to the ((Authority)) Agency prior to review of the Notice of Construction application by the ((Authority)) Agency.

(5) ((Authority)) Agency **Actions.** Each acceptable and complete Notice of Construction application shall have an Order of Approval or other applicable order issued by the ((Authority)) Agency. A Notice of Construction for a gasoline dispensing station shall be submitted and approved as provided in ((SWAPCA)) SWCAA 400-110(8). The requirements of SEPA (State Environmental Policy Act) shall be complied with for each Notice of Construction. Demonstration of completion of an environmental checklist as provided in WAC 197-11 shall be submitted with each Notice of Construction. Issuance of regulatory orders for all Notice of Construction applications shall be consistent with the requirements of ((SWAPCA)) SWCAA 400-110. Requirements for New Source Review are provided in ((SWAPCA)) SWCAA 400-110; 400-111, 400-112, 400-113 & 400-114. A Notice of Construction application may be withdrawn prior to issuance of a final regulatory order by the ((Authority)) Agency as provided in (6) below; or an application may be determined by the ((Authority)) Agency to be exempt as provided under 400-100, 400-101, or 400-110. An application determined to be exempt will be processed as identified in (6) below.

(6) **Withdrawal or Exempt.**

(a) A Notice of Construction application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and

signed request to the ((Authority)) Agency indicating their desire to withdraw a Notice of Construction application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the ((Authority)) Agency. The ((Authority)) Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the ((Authority)) Agency, an application may be determined to be exempt from the registration requirements of ((SWAPCA)) SWCAA 400-100 and New Source Review requirements of ((SWAPCA)) SWCAA 400-110. Written notification shall be provided by the ((Authority)) Agency to the applicant for all applications that are determined to be exempt. For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded, upon request, provided that substantial time has not been expended by the ((Authority)) Agency for review of the Notice of Construction application.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-030, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-110 New Source Review**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.152 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-06-015 filed 2/25/92, effective 3/25/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-030 filed 3/10/99, effective 4/11/99]

**(1) Applicability.**

(a) New Source Review (NSR) means that if the new source, modification or substantial alteration or replacement, meets the definition of "new source" then that new source or modification must demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. A complete Notice of Construction application shall be submitted for each source required to submit an application under the requirements of this section. Confidential information shall be identified as set forth in ((SWAPCA)) SWCAA 400-270.

Before the ((Authority)) Agency may review a Notice of Construction application, a filing fee of \$300.00 and a review fee, as shown in Table A shall be submitted by the applicant. If offsetting emission reductions or other types of review identified in Table B are required to be performed by the ((Authority)) Agency as a result of the proposed installation, alteration, or modification, an additional review fee shall be paid. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).

Notice of Construction application review fees based on emissions are to utilize actual or approved emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on design capacities of the source equipment. Where a source may fall under multiple categories, only one fee per application shall apply; Table A fees are not consid-

ered additive as they apply to an application. In general, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered source.

**TABLE A**

**Notice of Construction Application Review Fees**

i.	Fuel Burning Equipment (Million Btu/hr heat input @ design capacity):	
	(( <del>2 or more but</del> ) (( <del>t</del> ) Less than 5	\$ 300.00
	5 or more but less than 10	400.00
	10 or more but less than 30	550.00
	30 or more but less than 50	700.00
	50 or more but less than 100	1200.00
	100 or more but less than 250	2,500.00
	250 or more but less than 500	4,000.00
	500 or more	6,000.00
ii.	Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):	
	Less than 50	\$ 300.00
	50 or more but less than 5,000	400.00
	5,000 or more but less than 20,000	500.00
	20,000 or more but less than 50,000	600.00
	50,000 or more but less than 100,000	700.00
	100,000 or more but less than 250,000	1,000.00
	250,000 or more but less than 500,000	2,000.00
	500,000 or more	4,000.00
iii.	Refuse Burning Equipment (Incinerators)(Tons/day):	
	0.5 or more but less than 5	\$ 500.00
	5 or more but less than 12	1,000.00
	12 or more but less than 250	3,000.00
	250 or more	4,000.00
iv.	Storage Tanks, Reservoirs, or Containers (Gallons-total capacity): (Other than gasoline or diesel fuel dispensing facilities)	
	250 or more but less than 10,000	\$ 300.00
	10,000 or more but less than 40,000	700.00
	40,000 or more but less than 100,000	1,000.00
	100,000 or more	2,000.00
v.	Gasoline Dispensing Facilities	
	Stage I	\$ 300.00
	Stage II	400.00
	Stages I & II, combined	500.00
	Toxics review for gasoline facility	1500.00
	Stage II removal	300.00
vi.	Other (Not classified in Subsection i., ii., iii., or iv. above)	\$ 200.00/ton of emission

vii.	Toxic Air Contaminants	\$200.00 up to one ton and \$100.00 for each additional ton
viii.	Major Source or Major Modification	\$ 5,000.00
ix.	Synthetic minor application (including, but not limited to: Title V, HAP)	Not to exceed \$5,000.00
x.	Particulate Matter and Fugitive Emissions from Rock Crushing, Material Transfer and Ship Loading (Emissions - tons per year)	
	(( <del>1.0 or more but</del> ) less than or equal to 10	\$ 300.00
	More than 10 but less than or equal to 50	700.00
	More than 50 but less than or equal to 100	1,000.00
	More than 100 but less than 250	2,500.00
	250 or greater	5,000.00
xi.	Modifications to an Existing Order	\$ 300.00
xii.	Installation or Operation of a Temporary, Substitute or Emergency Source	\$ 500.00
<u>xiii.</u>	<u>Dry cleaner</u>	<u>\$ 300.00</u>
<u>xiv.</u>	<u>Standby diesel generators</u>	<u>\$ 400.00</u>
<u>xv.</u>	<u>Crematory/Small Incinerators/Small Flares</u>	<u>\$ 400.00</u>
<u>xvi.</u>	<u>Gluing/flow coating operations without active ventilation</u>	<u>\$ 500.00</u>
<u>xvii.</u>	<u>Soil remediation</u>	<u>\$ 500.00</u>

**TABLE B**

**Other Review Fees**

The following fees are considered additive to the filing and review fees assessed for Notice of Construction applications (Table A). These fees apply to activities that may be requested of and performed by the ((~~Authority~~)) Agency with or without submittal of a Notice of Construction application and are not part of the activities normally performed by the ((~~Authority~~)) Agency as part of the Notice of Construction application review.

(( <del>xiii</del> )) <u>xviii.</u>	Emission Offset Analysis or Bubble	\$ 400.00
(( <del>xiv</del> )) <u>xix.</u>	Emission Reduction Credit (ERC) Application (Deposit or withdrawal)	\$ 400.00
(( <del>xv</del> )) <u>xx.</u>	State Environmental Policy Act (SEPA) - Lead Agency	\$ 1000.00
(( <del>xvi</del> )) <u>xxi.</u>	Environmental Impact Statement (EIS) Review	\$ 500.00
(( <del>xvii</del> )) <u>xxii.</u>	RACT/BACT/MACT/BART/LAER Determination	\$ 50.00/hr
(( <del>xviii</del> )) <u>xxiii.</u>	Variance request	\$ 500.00

PERMANENT

(b) A Notice of Construction application that meets the minimum requirements for New Source Review must be filed by the owner or operator and an Order of Approval issued by the ((Authority)) Agency prior to the establishment of any new source or emission unit or modification which is listed in ((SWAPCA)) SWCAA 400-100 or required to obtain an Operating Permit under RCW 70.94.161.

(c) The ((Authority)) Agency may require that:

(i) a Notice of Construction application be filed by the owner or operator of a proposed new source or modification,  
 (ii) the source meets all New Source Review requirements, and

(iii) an Order of Approval be issued by the ((Authority)) Agency prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(d) New Source Review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(e) New Source Review is not required for those sources whose facility wide combined emissions (potential to emit) do not exceed the limits specified in ((SWAPCA)) SWCAA 400-101 or whose emission unit capacities are less than the minimum quantities specified in Table A of ((SWAPCA)) SWCAA 400-110 (1)(a). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the ((Authority)) Agency to substantiate that the source is entitled to exemption under this section. An emission unit exempt from registration under ((SWAPCA)) SWCAA 400-100 or 400-101 may be exempt from New Source Review requirements.

(f) New Source Review is not required when the following conditions are met:

(i) Performance of routine maintenance or repair that involves the replacement of like-in-kind air pollution control equipment or controls. This includes upgrades of parts or components where due to wear or breakage, parts or components must be replaced and exact replacement parts or components are no longer available from the original equipment manufacturer or after market vendors. In no case shall the replacement parts result in an increase in actual emissions above allowable emissions;

(ii) A process change is made that does not result in an emission of a different type not previously approved or an increase in capacity and total air pollutant emissions;

(iii) A process change is made that does not result in an emission of a different type of toxic air pollutant, as provided in WAC 173-460, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in WAC 173-460-080 (annual rate);

(iv) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in WAC 173-460-080 (annual rate);

(g) Any source required to submit a Notice of Construction application for New Source Review is required to demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. Examples of applicable emissions standards may include, but not be limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, and any ambient air quality standards as identified in Table C below. Requirements for new and modified sources and replacement or alteration of control equipment are further addressed in ((SWAPCA)) SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151.

TABLE C

Emission Concentration Regulatory Standards and Significance Levels

Pollutant	Averaging Period	Class II Significant Impact Criteria µg/m <sup>3</sup> (ppm)	Class I PSD Increments µg/m <sup>3</sup> (ppm)	Class II PSD Increments µg/m <sup>3</sup> (ppm)	NAAQS		Washington
					Primary Ambient Standards µg/m <sup>3</sup> (ppm)	Secondary Ambient Standards µg/m <sup>3</sup> (ppm)	Ambient Standards µg/m <sup>3</sup> (ppm)
Carbon Monoxide (CO) (WAC 173-475)	8-Hour	500	—	—	10,000 <sup>b</sup> (9.0)	10,000 <sup>b</sup> (9.0)	10,000 <sup>b</sup> (9.0)
	1-Hour	2,000	—	—	40,000 <sup>b</sup> (35.0)	40,000 <sup>b</sup> (35.0)	40,000 <sup>b</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> ) (WAC 173-475)	Annual <sup>a</sup> (arithmetic mean)	1	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> ) (WAC 173-475)	1-Hour <sup>c</sup>	—	—	—	(0.12)	(0.12)	(0.12)
Ozone (O <sub>3</sub> ) (40 CFR Part 50) (62 FR 38856)	8-Hour <sup>d</sup>	—	—	—	(0.08)	(0.08)	
Sulfur Dioxide (SO <sub>2</sub> ) (WAC 173-474)	Annual <sup>a</sup>	1	2	20	80 (0.03)	—	53 (0.02)
	24-Hour	5	5	91	365 <sup>b</sup> (0.14)	—	260 <sup>b</sup> (0.10)
	3-Hour	25	25	512	—	1,300 <sup>b</sup> (0.50)	—
	1-Hour	—	—	—	—	—	1,065 <sup>b</sup> (0.40) <sup>d</sup>

PERMANENT

TABLE C

Emission Concentration Regulatory Standards and Significance Levels

Total Reduced Sul- fur (TRS)	1-Hour	—	—	—	—	—	—
Total Suspended Particulates (TSP)	Annual <sup>a</sup> (geometric mean)	1	5	19	75	60 <sup>c</sup>	60
(WAC 173-470)	24-hour	5	10	37	260 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 10 µm (PM <sub>10</sub> )	Annual (geometric mean)	1	—	17	50	50	50
(WAC 173-470)	24-Hour <sup>d</sup>	5	—	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 2.5 µm (40 CFR Part 50) (62 FR 38652)	Annual <sup>e</sup>	—	—	—	15	15	—
	24-Hour <sup>h</sup>	—	—	—	65	65	—
Lead	Quarterly Average	—	—	—	1.5	1.5	1.5

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million

<sup>a</sup> Never to be exceeded.

<sup>b</sup> Not to be exceeded more than once per year.

<sup>c</sup> This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.

<sup>d</sup> Also, 0.25 ppm not to be exceeded more than twice in seven days.

<sup>e</sup> Not to be exceeded on more than 1 day per calendar year as provided in WAC 173-475

<sup>f</sup> Based on the three year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at each monitor.

<sup>g</sup> Based on the 3-year average of annual arithmetic mean PM<sub>2.5</sub> concentrations.

<sup>h</sup> Based on the 3-year average of the 98th percentile of 24-hour PM<sub>2.5</sub> concentrations at each monitor within an area.

<sup>i</sup> Based on the 99th percentile of 24-hour PM<sub>10</sub> concentrations at each monitor.

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted.

Sources include the EPA New Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

The significant impact criteria are used to determine if a proposed project or modification will cause a significant deterioration in ambient air quality for Class II areas. If a proposed project impacts (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) are predicted to be less than the significant impact criteria, then the air quality analysis is complete at that point. If the ambient impact of a proposed project or modification exceeds these levels, compliance with available PSD increments and AAQS must then be demonstrated. If a proposed project or modification exceeds the significant ambient concentrations for Class II areas, monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(2) **Completeness determination.** Within thirty (30) calendar days of receipt of a Notice of Construction application, the ((Authority)) Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application as provided under RCW 70.94.152. For a project subject to PSD review under ((SWAPCA)) SWCAA 400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review. The ((Authority)) Agency may request additional clarification of information submitted

from the source after a completeness determination has been made for a Notice of Construction application.

(3) **Final determination/Regulatory Orders.**

(a) Within sixty (60) calendar days of receipt of a complete application, the ((Authority)) Agency shall either issue a final decision on the application or, for those projects subject to public notice, issue a preliminary determination and initiate notice and comment procedures under ((SWAPCA)) SWCAA 400-171 on a proposed decision, followed as promptly as possible by a final decision. An owner or operator seeking to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction application required by this section. A Notice of Construction application designated for integrated review shall be processed in accordance with WAC 173-401 procedures and deadlines.

(b) Every final determination on a Notice of Construction application that results in the issuance of an Order of Approval by the ((Authority)) Agency shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the ((Authority)) Agency.

(c) If the new source is a major stationary source or the change is a major modification, the ((Authority)) Agency shall submit any control technology determination(s)

PERMANENT

included in a final Order of Approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) **Appeals.** An Order of Approval, any conditions contained in an Order of Approval, the denial of a Notice of Construction application, or any other regulatory order issued by the ((Authority)) Agency, may be appealed to the Board of Directors as specified in ((SWAPCA)) SWCAA 400-220 of this regulation or appealed directly to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW. The ((Authority)) Agency shall promptly mail copies of each order approving or denying a Notice of Construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a Notice of Construction application for each location provided that:

(a) The source/emissions units are registered with the ((Authority)) Agency.

(b) The source/emissions units have an Order of Approval as a portable source.

(c) The owner(s) or operator(s) notifies the ((Authority)) Agency of intent to operate at the new location at least ten business days prior to starting the operation.

(d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the ((Authority)) Agency to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

(e) The owner(s) and/or resident(s) of immediately adjacent properties shall be notified by the owner(s) or operator(s) of the portable source in writing at least 10 business days prior to commencement of operations at the proposed location with copies mailed to the ((Authority)) Agency. Written notification to the adjacent landowners/residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for ((SWAPCA)) SWCAA. Written notification shall indicate that all comments shall be directed to the ((Authority)) Agency.

Sources that do not operate within the jurisdiction of the Agency for a period of more than 5 years shall be considered to be nonoperational and will be removed from active registration. Any such source shall be required to go through new source review prior to operating again within the jurisdiction of the Agency consistent with the definition of new source.

(6) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other

requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) **Expiration.** Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The ((Authority)) Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The ((Authority)) Agency may specify an earlier date for commencement of construction in an Order of Approval.

(8) **Temporary, Emergency, or Substitution Sources.**

(a) A temporary source shall be considered to be a new source. The ((Authority)) Agency may require that a Notice of Construction application and applicable review fees be submitted before reviewing a request for a temporary, emergency or substitution source. The ((Authority)) Agency may provide approval for special situations for a source without meeting the requirements for New Source Review when one or more of the following conditions are met:

(i) The temporary source is needed to replace a previously approved similar source where the approved source is non-functional due to breakdown or other similar circumstances beyond the control of the owner or operator. This may include replacement steam or power supply units where facilities have an immediate need to continue production or service to public or private industries, or have a need for an extended or unscheduled shutdown of equipment that is of a duration not otherwise planned for. The ((Authority)) Agency may provide written approval for a temporary source that may include but not be limited to emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. Installation of a temporary source due to poor or improper maintenance or operations is required to submit a Notice of Construction application for permanent replacement within 30 days of installation.

(ii) The temporary source is necessary to support public or private needs in the event of a local or regional disaster when proper planning could not be accommodated. In no event shall the temporary source be authorized for operations for durations greater than three months. Written approval shall be provided by the ((Authority)) Agency that may contain, but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. For operations greater than three months the owner or operator shall submit a Notice of Construction application under New Source Review requirements ((SWAPCA)) SWCAA 400-110) for approval from the ((Authority)) Agency.

(iii) The temporary source is a one time special need, urgent application, that can not otherwise be accommodated through the New Source Review process due to the critical nature of the source and time constraints. As a condition of

approval under this expedited approval process, a new source of this type could not request to be allowed or expected to operate within the jurisdiction of the ((Authority)) Agency for the following three years. Written approval shall be provided by the ((Authority)) Agency that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements and testing requirements. In no case shall approval be provided for operation greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of ((SWAPCA)) SWCAA 400-110.

(b) An emergency source is the result of an emergency situation that could not otherwise be planned for. The ((Authority)) Agency shall provide written approval for an emergency source provided that the owner or operator has provided sufficient documentation or demonstration of the need for the source to the satisfaction of the Control Officer. The written approval may include but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. In no case shall approval be provided for operations greater than three months.

(c) A substitute source is the same as a temporary source as in (a) above. A substitute source may be of a different manufacturer and model number and size and may result in increased emissions from installation from previously approved equipment on a short-term basis. The ((Authority)) Agency shall provide written approval for a substitute source that may include but not be limited to: emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. In no event shall the substitute source be authorized for operations for durations greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of ((SWAPCA)) SWCAA 400-110.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-111 Requirements for Sources in a Maintenance Plan Area**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

Any person proposing to install, construct or operate a new source or emission unit or make a modification to an existing source or emission unit shall file a Notice of Construction application with the ((Authority)) Agency in accordance with ((SWAPCA)) SWCAA 400-109 and shall be subject to the New Source Review provisions of ((SWAPCA)) SWCAA 400-110. Confidential information shall be identified as set forth in ((SWAPCA)) SWCAA 400-270. A Notice of Construction application to establish a new source or make

a modification to a source in an area that is covered by a maintenance plan, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the requirements of this section. New sources or modifications within a designated maintenance plan area, including sources of VOC or NO<sub>x</sub> in a designated ozone maintenance plan area, shall meet the requirements listed below.

(1) **Emission Standards.** The proposed new source or modification shall:

(a) comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the ((Authority)) Agency; and

(b) not cause any ambient air quality standard as provided in ((SWAPCA)) SWCAA 400-113(3) to be exceeded; and

(c) not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and

(d) minimize emissions to the extent that the new source or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) **BACT.** Except as provided in Section (7) of this section, the owner or operator of the proposed new source or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

(3) **Source Compliance.** The owner or operator of the proposed new source or modification shall certify that all sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act (RCW 70.94).

(4) **Offsets or Growth Allowance.** The owner or operator of a proposed new major source or major modification shall provide offsets as specified in Section (8) of this section. Except as provided in Section (7) of this section, the requirements of this Section may be met in whole or in part in an ozone maintenance plan area with an allocation by ((SWAPCA)) SWCAA from a growth allowance, if available, in accordance with Section (8) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.

(5) **Net Air Quality Benefit.** For cases in which emission reduction or offsets are required in accordance with Section (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area.



If the proposed new source or the proposed modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed new source or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the following requirements of Section (8).

**(6) Alternative Analysis.**

(a) Except as provided in Subsection (c) of this section, the owner or operator of a proposed major source or major modification shall conduct an alternatives analysis;

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification ~~((which))~~ that demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis shall not be required for a major source or major modification that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

**(7) Contingency Plan Requirements.** If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this Section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.

(a) The requirements for BACT in Section (2) of this Section shall be replaced by a requirement for LAER. If the new source is a major stationary source or the proposed modification is a major modification, it must achieve LAER for the maintenance pollutant and for which the proposed new source or modification is major.

(b) An allocation from a growth allowance shall not be used to meet the requirement for offsets in Section (4) of this Section. The growth allowance emissions shall be unavailable until such time as sufficient demonstration is made to reinstate the growth allowance emissions.

**(8) Industrial Growth Allowance and Offset Allocation.**

(a) Industrial growth allowances for sources in a maintenance plan area are identified in and governed by the Washington State Implementation Plan and the applicable maintenance plan for the applicable maintenance plan area.

(b) The growth allowance emissions may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. In the event of a confirmed ozone violation, the growth allowance for VOC and NO<sub>x</sub> emissions shall be eliminated and new sources shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.

(c) The owner or operator of a proposed new major source or major modification emitting VOCs or NO<sub>x</sub>, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete notice of construction and allowance allocation request;

(ii) No single source may receive an emissions allocation of more than 50% of any remaining growth allowance, or up to 10.0 tons per year, which ever is greater. On a case-by-case basis, the ~~((SWAPCA))~~ SWCAA Board of Directors may approve an emissions allocation of greater than 50% upon consideration of the following:

(A) Information submitted by the source to ~~((SWAPCA))~~ SWCAA justifying its request for exceeding the 50% emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new major source or major modification;

(B) Information provided by ~~((SWAPCA))~~ SWCAA on other known new major sources or major modifications seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the source or ~~((SWAPCA))~~ SWCAA.

(iii) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, ~~((SWAPCA))~~ SWCAA shall allocate only a portion of the VOC and NO<sub>x</sub> growth allowances each year. ~~((SWAPCA))~~ SWCAA will track use of VOC and NO<sub>x</sub> emissions from the growth allowances. The amount of the growth allowance that can be allocated each year is identified in the applicable ozone maintenance plan.

(iv) The amount of the CO growth allowance that can be allocated is identified in the applicable CO Maintenance Plan, if any.

(d) If no emissions remain in the respective growth allowance or the contingency plan has been triggered which effectively zeros the growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets. Applicants in a maintenance area shall demonstrate the following:

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed source. Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants shall be less than the level of significant air quality impact. (Refer to ~~((SWAPCA))~~ SWCAA 400-110 (1)(g) for significance levels).

(iii) New sources or modifications shall meet the following offset requirements:

(A) Within a designated maintenance plan area, the offsets shall provide reductions ~~((which))~~ that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) Outside a designated maintenance plan area, owners or operators of new sources or modifications which have a significant air quality impact on the maintenance plan area as provided in ((SWAPCA)) SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level with the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New major sources within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.

(II) Sources within an ozone maintenance plan area undergoing major modifications shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New major sources within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) Sources within a carbon monoxide maintenance plan area undergoing major modifications shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(D) New major sources or major modifications with CO emissions greater than 250 tpy are required to obtain offsets and comply with the PSD requirements of ((SWAPCA)) SWCAA 400-141.

(iv) The emission reduction shall be of the same type of pollutant as the emissions from the new source or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.

(v) The emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete notice of construction application for the new source or modification. This time limitation may be extended through banking, as provided in ((SWAPCA)) SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, ((SWAPCA)) SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) New major sources or major modifications in a maintenance plan area shall:

(A) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be

less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions ((which)) that exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. ((SWAPCA)) SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facility wide emissions do not exceed the new emission limit.

(9) **PSD Applicability.** If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program as described in ((SWAPCA)) SWCAA 400-141, the new source or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the source shall meet all PSD requirements in addition to the additional requirements of this Section.

(10) **Toxics.** If the proposed new source or modification will emit any toxic air pollutants regulated under WAC 173-460, the source shall meet all applicable requirements of that regulation.

(11) **Visibility.** If the proposed new source is a major stationary source or the proposed modification is a major modification, the source shall meet all the visibility protection requirements of 40 CFR 52.27 as in effect on July 1, ((1998)) 2000.

(12) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

((SWAPCA)) **SWCAA 400-112 Requirements for New Sources in Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

A Notice of Construction application to establish a new source or make a modification to a source in a nonattainment area, shall result in the issuance of an Order of Approval or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if the ((Authority)) Agency determines

that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the ((Authority)) Agency.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it must achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington State Implementation Plan and will comply with ((SWAPCA)) SWCAA 400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, and the ((Authority)) Agency has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions of the pollutant for which the area has been designated nonattainment from the proposed new source or modification are offset by reductions in actual emissions of the pollutant for which the area has been designated nonattainment from existing sources in the nonattainment area so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions ((which)) that exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit.

(i) New major sources within a marginal ozone nonattainment area shall:

(A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(B) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.

(ii) Sources within a marginal ozone nonattainment area undergoing major modifications shall:

(A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(B) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(iii) New major sources within a moderate carbon monoxide nonattainment area shall:

(A) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(iv) Sources within a moderate carbon monoxide nonattainment area undergoing major modifications shall:

(A) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under SWAPCA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the EPA-approved Washington State Implementation Plan.

(8) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in ((SWAPCA)) SWCAA 400-141 it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(9) If the proposed new source or modification will emit any toxic air pollutants regulated under WAC 173-460, the source meets all applicable requirements of that Chapter.

(10) If the proposed new source is a major stationary source or the proposed modification is a major modification, the ((Authority)) Agency has complied with the visibility protection review requirements of 40 CFR 52.28 (c) through (h), as in effect on ((August)) July 1, ((1998)) 2000, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in ((SWAPCA)) SWCAA

400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either Ecology or the ((Authority)) Agency) processing the Notice of Construction application.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

~~((SWAPCA))~~ SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

Any person proposing to install, construct or operate a new source or emission unit or modification to an existing source or emission unit shall file a Notice of Construction application with the ((Authority)) Agency and shall be subject to the New Source Review provisions of ((SWAPCA)) SWCAA 400-110. Confidential information shall be identified as set forth in ((SWAPCA)) SWCAA 400-270. A Notice of Construction application to establish a new source or make a modification to a source in an area that is in attainment or unclassifiable for any air contaminant the proposed new source would emit and that is in attainment or unclassifiable

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in ((SWAPCA)) SWCAA 400-141, it meets all applicable requirements of that section.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under WAC 173-460, the source meets all applicable requirements of that Chapter.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If, within the meaning of the PSD program described in ((SWAPCA)) SWCAA 400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.

**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.

for ozone if the proposed new or modified source would emit VOCs or NO<sub>x</sub>, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the ((Authority)) Agency.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment or unclassifiable nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

AMENDATORY SECTION (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

~~((SWAPCA))~~ SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.153 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the ((Authority)) Agency and shall be subject to the New Source Review process of ((SWAPCA)) SWCAA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the new source emissions standards of ((SWAPCA)) SWCAA 400-111, 400-112 or ((SWAPCA)) SWCAA 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification" then RACT or other requirements shall apply.

PERMANENT

Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under ((SWAPCA)) SWCAA 400-110, the ((Authority)) Agency may:

(a) Require that the owner or operator employ RACT for the affected emission unit;

(b) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(c) Prescribe other requirements authorized by Chapter 70.94 RCW.

(3) Within thirty calendar days of receipt of a Notice of Construction application under this section the ((Authority)) Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete Notice of Construction application under this section the ((Authority)) Agency shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

(4) Construction shall not commence, as defined in ((SWAPCA)) SWCAA 400-030(16), on a project subject to review under this section until the ((Authority)) Agency issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the ((Authority)) Agency takes no action within thirty days of receipt of a complete Notice of Construction application. The ((Authority)) Agency may request clarification of information submitted in support of the application after the application has been determined to be complete.

(5) An Order of Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The ((Authority)) Agency may extend the eighteen month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The ((Authority)) Agency may specify an earlier date for commencement of construction in an Order of Approval.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 01-05-057**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN AIR AGENCY**

[Filed February 15, 2001, 10:09 a.m.]

Date of Adoption: February 1, 2001.

Purpose: The purpose of the proposed changes was to reflect a name change for the agency, to update the adoption date for the Federal New Source Performance Standards and adopt new standards, and to provide administrative clarifications.

Citation of Existing Rules Affected by this Order: Amending SWCAA 400-115, 400-116, 400-120, 400-130, 400-131, 400-135, 400-136, 400-141, 400-150, 400-151, 400-160, 400-161, 400-170, 400-171, 400-172, 400-180, 400-190, 400-200, 400-205, 400-210, 400-220, 400-230, 400-240, 400-250, 400-260, 400-270, 400-280, 400-290, and Appendix A.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-084 on December 5, 2000.

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 29, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 29, 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 29, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 2001

Robert D. Elliott

Executive Director

**AMENDATORY SECTION** (Amending WSR 99-07-028, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-115 Standards of Performance for New Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Originally adopted by Board 12/18/79; Amended by Board 4/17/84 (renumbered to 400-135); Amended by Board 12/16/86; 93-16-007 filed 7/22/93, effective 8/22/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-028 filed 3/10/99, effective 4/11/99]

Title 40, Code of Federal Regulations, Part 60 (Standards of Performance for New Sources), as in effect on ((August)) July 1, ((1998)) 2000, 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 the Administrator of EPA, the Director of Ecology and the Control Officer of the ((Authority)) Agency.

PERMANENT

As of ~~((August))~~ July 1, ~~((1998))~~ 2000, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- 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 (ref. 40 CFR 60.40 et seq.)
- 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 (ref. 40 CFR 60.40a et seq.)
- 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 (ref. 40 CFR 60.40b et seq.)
- Subpart Dc Small industrial-commercial-institutional steam generating units (ref. 40 CFR 60.40c et seq.)
- Subpart E Incinerators (ref. 40 CFR 60.50 et seq.)
- Subpart Ea Municipal waste combustors for which construction commenced after December 20, 1989 and on or before September 20, 1994 (ref. 40 CFR 60.50a et seq.)
- Subpart Eb Large Municipal waste combustors for which construction is commenced after September 20, 1994 or for which Modification of reconstruction is commenced after June 19, 1996 (ref. 40 CFR 60.50b et seq.)
- Subpart Ec Hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (ref. 40 CFR 60.50c et seq.)
- Subpart F Portland cement plants (ref. 40 CFR 60.60 et seq.)
- Subpart G Nitric acid plants (ref. 40 CFR 60.70 et seq.)
- Subpart H Sulfuric acid plants (ref. 40 CFR 60.80 et seq.)
- Subpart I Hotmix asphalt facilities ((concrete plants)) (ref. 40 CFR 60.90 et seq.)
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products (ref. 40 CFR 60.100 et seq.)
- 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 (ref. 40 CFR 60.110 et seq.)
- Subpart Ka Storage vessels for petroleum liquids for which construction, reconstruction or modification commenced after May 18, 1978, and prior to July 23, 1984 ~~((which))~~ have a capacity greater than 40,000 gallons (ref. 40 CFR 60.110a et seq.)
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984 (ref. 40 CFR 60.110b et seq.)
- Subpart L Secondary lead smelters (ref. 40 CFR 60.120 et seq.)
- Subpart M Brass and bronze ingot production plants (ref. 40 CFR 60.130 et seq.)
- Subpart N Iron and steel plants (ref. 40 CFR 60.140 et seq.)
- Subpart O Sewage treatment plants (ref. 40 CFR 60.150 et seq.)
- Subpart P Primary copper smelters (ref. 40 CFR 60.160 et seq.)
- Subpart Q Primary zinc smelters (ref. 40 CFR 60.170 et seq.)
- Subpart R Primary lead smelters (ref. 40 CFR 60.180 et seq.)
- Subpart S Primary aluminum reduction plants (ref. 40 CFR 60.190 et seq.)
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants (ref. 40 CFR 60.200 et seq.)
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants (ref. 40 CFR 60.210 et seq.)
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants (ref. 40 CFR 60.220 et seq.)
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants (ref. 40 CFR 60.230 et seq.)
- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities (ref. 40 CFR 60.240 et seq.)
- Subpart Y Coal preparation plants (ref. 40 CFR 60.250 et seq.)
- Subpart Z Ferroalloy production facilities (ref. 40 CFR 60.260 et seq.)
- Subpart AA Steel plants: Electric arc furnaces (ref. 40 CFR 60.270 et seq.)
- Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels (ref. 40 CFR 60.270a et seq.)
- Subpart BB Kraft pulp mills (ref. 40 CFR 60.280 et seq.)
- Subpart CC Glass manufacturing plants (ref. 40 CFR 60.290 et seq.)
- Subpart DD Grain elevators (ref. 40 CFR 60.300 et seq.)
- Subpart EE Industrial surface coating: metal furniture (ref. 40 CFR 60.310 et seq.)

Subpart GG	Stationary gas turbines (ref. 40 CFR 60.330 et seq.)	tillation operations (ref. 40 CFR 60.660 et seq.)
Subpart HH	Lime manufacturing plants (ref. 40 CFR 60.340 et seq.)	Subpart OOO Nonmetallic mineral processing plants (ref. 40 CFR 60.670 et seq.)
Subpart KK	Lead-acid battery plants (ref. 40 CFR 60.370 et seq.)	Subpart PPP Wool fiberglass insulation manufacturing plants (ref. 40 CFR 60.680 et seq.)
Subpart LL	Metallic mineral processing plants (ref. 40 CFR 60.380 et seq.)	Subpart QQQ VOC emissions from petroleum refinery waste water emissions (ref. 40 CFR 60.690 et seq.)
Subpart MM	Automobile and light duty truck surface coating operations (ref. 40 CFR 60.390 et seq.)	Subpart RRR Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes (ref. 40 CFR 60.700 et seq.)
Subpart NN	Phosphate rock plants (ref. 40 CFR 60.400 et seq.)	Subpart SSS Magnetic tape coating facilities (ref. 40 CFR 60.710 et seq.)
Subpart PP	Ammonium sulfate manufacture (ref. 40 CFR 60.420 et seq.)	Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines (ref. 40 CFR 60.720 et seq.)
Subpart QQ	Publication rotogravure printing (ref. 40 CFR 60.430 et seq.)	<u>Subpart UUU</u> <u>Calciners and dryers in mineral industries</u> (ref. 40 CFR 60.730 et seq.)
Subpart RR	Pressure sensitive tape and label surface coating operations (ref. 40 CFR 60.440 et seq.)	Subpart VVV Polymeric coating of supporting substrates facilities (ref. 40 CFR 60.740 et seq.)
Subpart SS	Industrial surface coating: Large appliances (ref. 40 CFR 60.450 et seq.)	Subpart WWW Municipal solid waste landfills (ref. 40 CFR 60.750 et seq.)
Subpart TT	Industrial surface coating: Metal coils (ref. 40 CFR 60.460 et seq.)	
Subpart UU	Asphalt processing and asphalt roofing manufacture (ref. 40 CFR 60.470 et seq.)	
Subpart VV	Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC) (ref. 40 CFR 60.480 et seq.)	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.
Subpart WW	Beverage can surface coating operations (ref. 40 CFR 60.490 et seq.)	
Subpart XX	Bulk gasoline terminals (ref. 40 CFR 60.500 et seq.)	<b>Reviser's note:</b> The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.
Subpart AAA	New residential wood heaters (ref. 40 CFR 60.530 et seq.)	<b>Reviser's note:</b> 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.
Subpart BBB	Rubber tire manufacturing industry (ref. 40 CFR 60.540 et seq.)	
Subpart DDD	VOC emissions from the polymer manufacturing industry (ref. 40 CFR 60.560 et seq.)	<b>AMENDATORY SECTION</b> (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)
Subpart FFF	Flexible vinyl and urethane coating and printing (ref. 40 CFR 60.580 et seq.)	<b>((SWAPCA)) SWCAA 400-116 Maintenance of Equipment</b>
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources (ref. 40 CFR 60.590 et seq.)	[Statutory Authority: Chapter 70.94.152(7) RCW, and 70.94.155 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95]
Subpart HHH	Synthetic fiber production facilities (ref. 40 CFR 60.600 et seq.)	(1) Any equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. Defective or malfunctioning equipment that emit air pollutants shall be repaired immediately or shall be taken out of service.
Subpart III	VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes (ref. 40 CFR 60.610 et seq.)	(2) Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with <b>((Authority)) Agency</b> approval conditions. Defective or malfunctioning equipment shall be repaired immediately or shall be taken out of service.
Subpart JJJ	Petroleum dry cleaners (ref. 40 CFR 60.620 et seq.)	(3) <b>((SWAPCA)) SWCAA</b> shall have the authority to require that an Operations and Maintenance (O&M) plan be
Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants (ref. 40 CFR 60.630 et seq.)	
Subpart LLL	Onshore natural gas processing; SO <sub>2</sub> emissions (ref. 40 CFR 60.640 et seq.)	
Subpart NNN	VOC emissions from Synthetic Organic Chemical Manufacturing Industry dis-	

developed and implemented for each emission unit or piece of control or capture equipment in order to assure continuous compliance with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shut down and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the source or owner at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in an Order of Approval.

(4) Noncompliance with any emission limit, test requirement, reporting or record keeping requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-120 Bubble Rules**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.155 RCW. Original adoption by Board 4/17/84 under 400-115; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) **Applicability.** The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law or regulations established to implement such laws for which the emission requirement may be stated as an allowable limit in weight of air contaminant per unit time for the emissions units involved.

(2) **Conditions.** A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of the ((Authority)) Agency.

(a) The contaminants exchanged must be of the same type, that is, PM<sub>10</sub> for PM<sub>10</sub>, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of ambient air quality standards.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous air contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized solely for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the

opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulate matter emission limit(s) and/or PM<sub>10</sub> emission limit(s);

(iii) An opacity greater than twenty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrent with or prior to the authorization of a bubble, each emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by the ((Authority)) Agency.

(3) **Jurisdiction.** Whenever a bubble application involves emissions units, some of which are under the jurisdiction of Ecology and some of which are under the jurisdiction of the ((Authority)) Agency, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the agency of original jurisdiction.

(4) **Additional information.** Within thirty calendar days, after the receipt of a bubble application and all supporting data and documentation, the ((Authority)) Agency may require the submission of additional information needed to review the application.

(5) **Approval.** Within thirty calendar days after all the required information has been received, the ((Authority)) Agency shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit affected by the bubble. The regulatory order or equivalent document shall include any conditions required to assure that subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document shall prohibit operation of the affected equipment.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.



**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-130 Use of Emission Reduction Credits**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/16/86; Amended by Board 9/21/93; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) **Applicability.** The owner(s) of any emission reduction credits (ERCs) shall maintain its ability to use said ERCs through approval and registration with the ((Authority)) Agency. An ERC shall be considered an emission unit and subject to registration. If the owner of said ERCs fails to maintain or renew its annual registration 6 months beyond the due date or fails to pay its operating permit fee 6 months beyond the due date or has not applied for emission reduction credits, then said amount of emission reductions credit shall revert back to the ((Authority)) Agency. The ((Authority)) Agency may keep said credits in a credit bank to be used by the ((Authority)) Agency in the best interest of the area or credits may be dissolved by the ((Authority)) Agency.

(2) **Permissible use.** An ERC may be used to satisfy the requirements for authorization of a bubble under ((SWAPCA)) SWCAA 400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per ((SWAPCA)) SWCAA 400-111, 400-112, ((SWAPCA)) SWCAA 400-113(3) or ((SWAPCA)) SWCAA 400-113(6), or to satisfy requirements for PSD review per ((SWAPCA)) SWCAA 400-113(4). The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(3) **Conditions of use.** An ERC may be used only for the contaminant(s) for which it was issued and in the area for which it was issued except in the case of transportable pollutants which will be determined on a case by case basis and per interagency agreement for interstate transfers. The ((Authority)) Agency may impose additional conditions of use of ERCs to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC. An ERC may not be used in place of a growth allowance as required under ((SWAPCA)) SWCAA 400-111.

**(4) Procedures to use ERC.**

(a) **Individual use.** When an ERC is used under subsection (2) of this section, an application must be submitted to the ((Authority)) Agency and the ((Authority)) Agency must issue a Regulatory Order for use of the ERC(s).

(b) **Sale or transfer of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. An application for the sale or transfer must be submitted by the original ERC owner to the ((Authority)) Agency. After receiving an application, the ((Authority)) Agency shall reissue a Regulatory Order to the new owner. The ((Authority)) Agency shall update the ERC bank to reflect the availability or ownership of ERCs. No discounting shall happen as part of this type of transaction.

(5) **Expiration of ERC.** An unused ERC and any unused portion thereof shall expire five years after the date the emission reduction was accomplished and not the date of the Regulatory Order.

(6) **Maintenance of ERCs.** The ((Authority)) Agency has established its policy and procedure for maintenance of said credits in SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Originally adopted by Board as 400-120 on 3/20/84; renumbered to 400-131 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) **Applicability.** The owner(s) or operator(s) of any source(s) may apply to the ((Authority)) Agency for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law or regulations established to implement such law(s) for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) **Time of application.** The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) **Conditions.** An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the ((Authority)) Agency.

(a) No part of the emission reductions claimed for credit shall have been required pursuant to an adopted rule.

(b) The quantity of emissions reductions claimed for credit shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(c) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices and any other pertinent supporting information.

(d) The quantity of emission reductions claimed must be greater than 1 ton/year and be readily quantifiable for the emissions unit(s) involved.

(e) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under ((SWAPCA)) SWCAA 400-112(5) nor as part of a bubble transaction under ((SWAPCA)) SWCAA 400-120 nor to satisfy NSPS, NESHAPS, BACT, MACT, RACT, LAER or other applicable emission standard.

(f) Concurrent with or prior to the authorization of an ERC, the applicant shall have received a regulatory order or

permit that establishes total allowable emissions from the source or emissions unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.

(g) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) **Additional information.** Within thirty days after the receipt of an ERC application, supporting data and documentation, the ((Authority)) Agency may require the submission of additional information needed to review the application.

(5) **Approval.** Within thirty days after all required information has been received, the ((Authority)) Agency shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (f) of this section have been satisfied or not. If the application is approved, the ((Authority)) Agency shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The regulatory order or equivalent document shall include any conditions required to assure that subsection (3)(a) through (f) of this section will be satisfied. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment; and,

(b) Issue a Regulatory Order with emission reduction credit. The Regulatory Order shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the Regulatory Order is issued.

(6) **Maintenance and use of ERCs.** The ((Authority)) Agency has established its policy and procedure for maintenance of said ERCs in ((SWAPCA)) SWCAA 400-136. The ((Authority)) Agency has established its policy and procedure for use of ERCs in ((SWAPCA)) SWCAA 400-130.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-135 Criminal Penalties** (renumbered 4/17/84 to 400-210)

[Originally adopted by Board 12/18/79; Amended by Board 4/17/84 renumbered to 400-210; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Original Board adoption as 400-125 4/17/84; renumbered to 400-136 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) **Applicability.** The ((Authority)) Agency shall maintain a bank for the purpose of administering emission reduction credits (ERCs) pursuant to the provisions of RCW 70.94.850.

(2) **Conditions for ERC Bank.**

(a) ERCs established under ((SWAPCA)) SWCAA 400-131 or used under ((SWAPCA)) SWCAA 400-130 shall be available for said credit bank.

(b) ERCs shall not have been used, sold or transferred to another entity for use; e.g. ERCs cannot be banked or used by two sources at one time.

(c) ERCs established under ((SWAPCA)) SWCAA 400-131 or used under ((SWAPCA)) SWCAA 400-130 for a specific source shall be allocated privately and not be included in the bank for public allocation unless 1) specifically requested by the owner(s) of the ERCs or 2) if the owner of the ERCs fails to maintain registration with the ((Authority)) Agency.

(3) **Maintenance of the Bank.**

(a) The ((Authority)) Agency shall maintain an emission inventory of all allowed and actual emissions (including any growth allowances identified in a Maintenance Plan) in each of the nonattainment or maintenance areas by pollutant or in the case of ozone, it shall be volatile organic compounds and oxides of nitrogen.

(b) The ERCs contained in the bank shall be discounted by 10% to allow for minor emissions increases in nonattainment areas by minor sources each of which would emit less than one ton per year. Minor emitting sources shall be ineligible to receive or expend an emission reduction credit as identified in ((SWAPCA)) SWCAA 400-131 or 400-130. ERCs shall be discounted at the applicable ratio on a one-time basis at the time of deposit into the bank. ERCs shall not be discounted each time a transaction is completed. If reductions in emission beyond those identified in the Washington State Implementation Plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, ERCs may be discounted by the ((Authority)) Agency over and above the initial 10% without compensation to the holder after public involvement per ((SWAPCA)) SWCAA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach or maintain attainment status.

(c) The Control Officer shall not provide greater than 25% of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the Board of Directors after a public notice at the next regularly scheduled meeting.

(d) When the Control Officer issues credits for a new or modified source, the amount of emission credits shall be removed from the bank and a Regulatory Order allocating the emission credits shall be issued. The applicant shall start a continuous program of construction or process modification within 18 months. If the applicant does not exercise the approval, the emission credit shall expire and revert to the

bank. If there is a six month delay in construction after the start of a continuous program to construct or modify a source or emissions unit the remaining amount of the emission reduction credit shall be reviewed by the Control Officer and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Control Officer shall notify the applicant that the credit has expired and shall revert to the bank. The applicant shall reapply, as needed, for use of the emission reduction credits when a continuous program of construction or modification begins.

(4) **Annual Review.** The ((Authority)) Agency shall review the content and administration of this section annually to ensure regulatory consistency and equity of impact as a portion of the Washington State Implementation Plan review. The results of the review shall be reported to the Board with recommendations for correction if the Control Officer deems that such corrections are necessary to properly administer the emission credit bank.

(5) **Issuance and use of ERCs.** The ((Authority)) Agency has established its policy and procedure for deposit of ERCs in ((SWAPCA)) SWCAA 400-131. The ((Authority)) Agency has established its policy and procedure for use of ERCs in ((SWAPCA)) SWCAA 400-130.

(6) **Expiration of Public Credits.**

(a) Emissions reduction credits deposited in the bank for public allocation (public bank) as the result of the shutdown of the Carborundum facility expired on July 8, 1996 as provided in Regulatory Order ((SWAPCA)) SWCAA 86-843 establishing such credits.

(b) Emission reduction credits deposited in the bank for public allocation as the result of Board Resolution 1988-3 amended by Board Resolution 1989-3 expire on January 24, 1999.

(c) Credits and Regulatory Orders/certificates assigned to sources from this public bank expired on July 8, 1996.

(d) Each source which had credits assigned from the public bank by issuance of a Regulatory Order shall be approved for the total of previous emissions plus any additional amount approved under a Regulatory Order assigning public credits to that source effective July 8, 1996.

(e) Emission reduction credits deposited into the public bank shall not be available to be assigned to any source after July 8, 1996.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-141 Prevention of Significant Deterioration (PSD)**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, ((1998)) 2000, are incorporated by reference with the following additions and modifications:

(1) **Administrator.** In 40 CFR 52.21 (b)(17), federally enforceable, (f)(l)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "Administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) Administrator shall mean the Administrator of EPA, Director of Ecology and Control Officer of the ((Authority)) Agency.

(2) **Contemporaneous.** Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "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. If a decrease occurred more than one year prior to the date of submittal of the Notice of Construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) **Public participation.** Subpart 40 CFR 51.166(q) public participation, as in effect July 1, ((1998)) 2000 is hereby incorporated by reference except that in 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days and the word "Administrator" shall mean the EPA Administrator.

(4) **Section 40 CFR 51.166 Subpart (p)(1).** Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on July 1, ((1998)) 2000, is herein incorporated by reference.

(5) **Secondary emissions.** Subpart 40 CFR 52.21 (b)(18) is changed to read: Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification ((which)) that causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(6) **Significant.** The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA § 112.

[Note - ((SWAPCA)) SWCAA has not been delegated authority by Ecology for the PSD program.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-150 Variance** (renumbered 11/93 to 400-180)

[Original Board adoption 12/17/68 (Regulation 1 Sec 2.07); Amended by Board 12/18/79; Amended by Board 4/17/84; Repealed and renumber to 400-180 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-151 Retrofit Requirements for Visibility Protection**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93]

(1) **Determination of best available retrofit technology (BART).** The ((Authority)) Agency shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) **Initially defined BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) **Future definitions of BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

(a) The source emits more than 250 tons per year of the contaminant; and,

(b) The controls representing BART have not previously been required in this section.

(4) **Appeal.** Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA Administrator for an exception from that requirement pursuant to 40 CFR 51.303.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-160 Use of Dispersion Techniques** (renumbered 11/93 to 400-200)

[Original Board adoption 4/17/84 (Refer to WAC 403); Amended by Board and renumbered to 400-200 in 93-21-005 filed 10/7/93, effective 11/8/93]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-161 Compliance Schedules**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 5.08); Amended by Board 12/18/79 renumbered to 400-080; Amended by Board 4/17/84 deleted section; New section added 93-21-005 filed 10/7/93, effective 11/8/93]

(1) **Issuance.** Whenever a source is found to be in violation of an emission standard or other provision of this regulation the ((Authority)) Agency may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation of emission control technology, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement ((SWAPCA)) SWCAA 400-171) must be met.

(2) **Federal action.** A source shall be considered to be in compliance with this regulation if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the State Implementation Plan.

(3) **Penalties for delayed compliance.** Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-170 Requirements for Board and Director** (renumbered on 11/93 to 400-220)

[Original Board adoption 12/18/79; Amended by Board 12/18/79 renumbered to 400-190; Amended by Board 11/93 deleted section renumbered to 400-220, 93-21-005 filed 10/7/93, effective 11/8/93]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-171 Public Involvement**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) **Applicability.** The ((Authority)) Agency shall provide public notice for a preliminary determination of a regu-

latory order prior to issuance of the final approval or denial of any of the following types of applications or other actions:

(a) Notice of Construction application for any new or modified source or emissions unit that results in a significant increase in emissions (actual or potential to emit) of any pollutant regulated by state or federal law (significant as defined in ~~((SWAPCA))~~ SWCAA 400-030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) Any order to establish a compliance schedule or a variance. A variance shall be handled as provided in SWCAA 400-180; or

(e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or

(f) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) Any order to authorize a bubble; or

(h) Issuance of an Order of Discontinuance as provided in SWCAA 400-230(1)(g); or

~~((h))i~~ An order issued under ~~((SWAPCA))~~ SWCAA 400-091 which establishes limitations on a source's potential to emit for the purpose of opting out of the Title V Air Operating Permit program (WAC 173-401); or

~~((i))j~~ Any Notice of Construction application or other proposed action made pursuant to this regulation in which there is a substantial public interest according to the discretion of the Control Officer; except:

~~((j))k~~ Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the ~~((Authority))~~ Agency that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program (WAC 173-401).

~~((k))l~~ Any Notice of Construction application or other proposed action ~~((which))~~ that does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the ~~((Authority))~~ Agency.

~~((l))m~~ Public notice for a preliminary determination of a regulatory order may run concurrently with immediate approval to operate provided that a corporate officer of the source submits an affidavit that they understand the liability associated with the action and agree to implement any necessary changes that would have otherwise resulted from the public comment process.

(2) **Public notice.** Public notice shall be made only after all information required by the ~~((Authority))~~ Agency has been submitted and after applicable preliminary determinations, if any, have been made. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary informa-

tion submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the ~~((Authority))~~ Agency;

(iv) Advising that a public hearing may be held if the ~~((Authority))~~ Agency determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice shall be sent to the EPA Regional Administrator.

(d) Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify a Title V Air Operating Permit shall be conducted as provided in WAC 173-401.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The ~~((Authority))~~ Agency may, at the discretion of the Control Officer, hold a public hearing if it determines significant public interest exists. Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the ~~((Authority))~~ Agency deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of Notices of Construction, regulatory orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at the ~~((Authority))~~ Agency.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

~~((SWAPCA))~~ SWCAA 400-172 **Technical Advisory Council**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.240 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.06); Amended by Board 12/18/79 recodified and removed; Amended by Board new section 93-21-005 filed 10/7/93, effective 11/8/93]

(1) **Purpose.** To provide input to the Board of Directors regarding technical and practical aspects of present and proposed regulations. To provide a cross section of knowledge of air quality problems and methods of reducing air pollution in the Southwest Clean Air Pollution Control ((Authority)) Agency's jurisdiction.

(2) **Objectives.** Review regulations and make recommendations to conform with the federal and state requirements and SIP.

(a) Study changes of the federal and state clean air acts. Draft and make recommendations for necessary revisions to ((SWAPCA)) SWCAA regulations. Provide technical support for those recommendations.

(b) Participate, as requested by the Board of Directors, in SIP revisions required by the FCAA as the revisions affect the region.

(3) **Committee.** The committee shall consist of at least seven members. These members shall represent, with technical interest, the public at large and the legal profession, with at least two members being representatives of industry. Each member shall retain the right to vote.

(4) **Chair.** The Chair of the Board of Directors shall serve as the ex officio member and Chair of the Technical Advisory Council. The Technical Advisory Council may adopt rules of procedure and shall meet on call subject to timely notice. The Technical Advisory Council shall elect a Vice Chair from the Council who shall retain the right to vote.

(5) **Term of Office.** Members may be appointed for a three year term ending June 30 of the third year of said term. No member shall serve for more than two consecutive three year terms.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-180 Variance**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.181 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.07); Amended by Board 12/18/79; Amended by Board 4/17/84; Repealed and renumbered to 400-180 93-21-005 filed 10/7/93, effective 11/8/93, previous 400-180 (Maintenance of Pay was deleted; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99)]

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the ((Authority)) Agency for a variance from provisions of ((SWAPCA)) SWCAA regulations governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) **Jurisdiction.** Sources in any area over which the ((Authority)) Agency has jurisdiction shall make application to the ((Authority)) Agency. Variances to State rules shall require approval of Ecology prior to being issued by the

((Authority)) Agency. The Board of Directors may grant a variance only after public involvement per ((SWAPCA)) SWCAA 400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the ((Authority)) Agency for sources under its jurisdiction shall be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-190 Requirements for Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93]

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per ((SWAPCA)) SWCAA 400-171. Requirements for new or modified sources in nonattainment areas are found in ((SWAPCA)) SWCAA 400-110 and ((SWAPCA)) SWCAA 400-112.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-200 Creditable Stack Height and Dispersion Techniques**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 400-160 4/17/84 (Refer to WAC 403); Amended by Board 92-04-030 filed 1/28/92; Amended by Board and renumbered to 400-200 in 93-21-005 filed 10/7/93, effective 11/8/93, original 400-200 was renumbered to 400-230; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) **Applicability.** These provisions shall apply to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open or outdoor burning for agricultural or silvicultural purposes as covered under the Smoke Management Plan;

(e) Residential wood combustion and open or outdoor burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) **Prohibitions.** No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack (~~(which)~~) that exceeds the greater of:

(i) Sixty-five meters (213.25 feet), measured from the ground level elevation at the base of the stack; or

(ii)  $H_g = H + 1.5L$  where:

$H_g$  = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

$H$  = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

$L$  = lesser dimension, height or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) **Exception.** The ~~((Authority))~~ Agency may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the *EPA Guideline for Determination of Good Engineering Practice Height* (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid

model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect (~~(which)~~) that contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the State Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**~~((SWAPCA))~~ SWCAA 400-205 Adjustment for Atmospheric Conditions**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93]

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations as specified at ~~((SWAPCA))~~ **SWCAA 400-230(5)**.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**~~((SWAPCA))~~ SWCAA 400-210 Emission Requirements of Prior Jurisdictions**



[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93, previous 400-210 (Criminal Penalties) was renumbered to 400-240]

Any emissions unit that was under the jurisdiction of the ((Authority)) Agency and now is under the jurisdiction of Ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this regulation or the specific regulation relating to that source.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-220 Requirements for Board Members**

[Statutory Authority: Chapter 70.94.100 RCW, and 70.94.141 RCW. Original Board adoption as 400-170 12/18/79; Amended by Board 4/17/84 renumbered to 400-190; Amended by Board deleted section and renumbered to 400-220 in 93-21-005 filed 10/7/93, effective 11/8/93]

(1) **Public interest.** A majority of the members of the ((Authority)) Agency's Board of Directors shall represent the public interest. A majority of the members of the Board shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts. An elected public official and the Board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program ((which)) that involves these persons to an assistant.

(2) **Disclosure.** Each member of the ((Authority)) Agency's Board of Directors shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a Board member in any action or voting on such matter.

(3) **Define significant income.** For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income".

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-230 Regulatory Actions & Civil Penalties**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431, and 70.94.435 RCW. Original Board

adoption 12/17/68 (Regulation 1 Sec 2 & 3); Amended by Board renumbered to 400-130 12/18/79; Amended by Board renumbered to 400-200 4/17/84; Amended by Board 12/16/86; Amended by Board 1/21/92, 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) The ((Authority)) Agency shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 as provided in, including but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.332. The ((Authority)) Agency may issue orders for establishing limits and controls for sources of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:

(a) **Order of Approval.** An Order of Approval may be issued by the ((Authority)) Agency to provide approval for a Notice of Construction application. An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the ((Authority)) Agency. An Order of Approval which constitutes the final determination of the ((Authority)) Agency, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in ((SWAPCA)) SWCAA 400-171 (2), (3), and (4).

(b) **Order of Denial.** An Order of Denial may be issued by the ((Authority)) Agency in response to a Notice of Construction application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or emission standards in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in ((SWAPCA)) SWCAA 400-171 (2), (3), and (4).

(c) **Order of Violation.** An Order of Violation may be issued by the ((Authority)) Agency to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. An Order of Violation may be prepared by the ((Authority)) Agency only after formal written notice has been served on the source as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in ((SWAPCA)) SWCAA 400-171.

(d) **Order of Prevention.** An Order of Prevention may be issued by the ((Authority)) Agency to a source to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior ((Authority)) Agency review and approval or actions are being conducted in addition to a previous ((Authority)) Agency approval without prior approval. An Order of Pre-



vention shall not be subject to the public notice and comment period set forth in ((SWAPCA)) SWCAA 400-171.

(e) **Consent Order.** A Consent Order may be issued by the ((Authority)) Agency to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls as necessary that are determined by the ((Authority)) Agency to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a source may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. The Consent Order shall be agreed to and signed by an appropriate officer of the company or source for which the Consent Order is prepared and the Control Officer, or designee, of the ((Authority)) Agency. Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of ((SWAPCA)) SWCAA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in ((SWAPCA)) SWCAA 400-171 at the discretion of the Control Officer.

(f) **Compliance Schedule Order.** A Compliance Schedule Order may be issued by the ((Authority)) Agency to a source to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWAPCA 400-171 (2), (3), and (4). Refer to ((SWAPCA)) SWCAA 400-161 for further guidance.

(g) **Order of Discontinuance.** The ((Authority)) Agency may issue an Order of Discontinuance for any source that has discontinued operations and/or has not maintained their source registration for emission units. (Refer to ((SWAPCA)) SWCAA 400-100 (2)(d)). An Order of Discontinuance may also be issued to a source that continues to operate in violation of applicable regulations and requirements. Such issuance may require that the source cease operations that result in emissions to the ambient air that are in violation of applicable regulatory orders, requirements and regulations.

(i) Any source that fails to maintain registration fees (i.e., payment of registration fees by June 30 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.

(ii) The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.

(iii) The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in ((SWAPCA)) SWCAA 400-171 (2), (3), and (4).

(iv) For sources that have ceased doing business in ((SWAPCA)) SWCAA jurisdiction, or the state of Washington, the ((Authority)) Agency shall make a reasonable effort

to establish contact with the source. If the ((Authority)) Agency is unable to establish contact with the source, the ((Authority)) Agency shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.

(v) The source shall have 30 calendar days from the date of the final regulatory order after public notice in which to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of ((SWAPCA)) SWCAA 400-110 prior to resuming or restarting operations.

(vi) Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of ((SWAPCA)) SWCAA 400-110.

(vii) Sources that continue to operate in violation of established regulatory orders and regulations, the ((Authority)) Agency may issue an Order of Discontinuance that is effective immediately.

(h) **Corrective Action Order.** The ((Authority)) Agency may issue a Corrective Action Order to any source within its jurisdiction, including an unregistered source, to provide measures to correct or rectify a situation that has immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in ((SWAPCA)) SWCAA 400-171.

(i) **Administrative Order.** An Administrative Order may be issued to a source by the ((Authority)) Agency to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the ((Authority)) Agency. All Administrative Orders shall be subject to the public notice and comment procedures set forth in ((SWAPCA)) SWCAA 400-171 (2), (3), and (4).

(j) **Resolutions.** A Resolution may be issued by the ((Authority)) Agency as a means to document or record a Board of Directors decision, authorize or approve budget transactions, establish policies, or other actions as determined by the ((Authority)) Agency. Resolutions shall not be subject

to the public notice and comment procedures set forth in ((SWAPCA)) SWCAA 400-171.

(2) The ((Authority)) Agency may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) **Enforcement Actions by the ((Authority)) Agency—Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the ((Authority)) Agency shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the ((Authority)) Agency may require that the alleged violator or violators appear before it for the purpose of providing the ((Authority)) Agency information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the ((Authority)) Agency prior to the commencement of enforcement action. Enforcement action may be commenced by the ((Authority)) Agency by issuance of a regulatory order as provided in ((SWAPCA)) SWCAA 400-230(1).

(b) **Civil Penalties.**

(i) In addition to or as an alternate to any other penalty provided by law, any person (e.g. owner, owner's agent, contractor, operator) who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission ((which)) that procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113 (e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance

of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.

(iv) All penalties recovered under this section by the ((Authority)) Agency, shall be paid into the treasury of the ((Authority)) Agency and credited to its funds.

(v) To secure the penalty incurred under this section, the ((Authority)) Agency shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The ((Authority)) Agency shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the source. Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining Orders & Injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency Episodes.** The ((Authority)) Agency may issue such orders as authorized by ((SWAPCA)) SWCAA 435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The ((Authority)) Agency may issue a compliance order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-240 Criminal Penalties**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.430 RCW. Original Board adoption 12/17/68 (Regulation I Sec 2.09); Amended by Board

10/29/69 (Regulation 2 Sec 2.03); Amended by Board and renumbered to 400-135 12/18/79; Amended by Board renumber to 400-210 4/17/84; Amended by Board 1/21/92, 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93]

Persons in violation of the ((Authority)) Agency's regulations or Title 173 WAC may be subject to the provisions of RCW 70.94.430.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-250 Appeals**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.221 RCW. Original Board adoption 12/18/79 as 400-140; Amended by Board renumbered to 400-220 4/17/84; renumbered to 400-250 93-21-005, filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

(1) Any decision or regulatory order issued by the ((Authority)) Agency may be appealed to the Board of Directors as provided herein or appealed directly to the Pollution Control Hearings Board as provided by RCW 43.21B and WAC 371-08. In addition, Orders of Approval and permits issued in accordance with the PSD program may be appealed to the EPA Environmental Appeals Board, to the extent authorized in 40 CFR 124. If appealed to the Board of Directors, the procedure shall be as follows:

(a) The decision, Notice of Violation, or Order issued by the Control Officer shall become final unless, not later than 15 calendar days after the date the Order is served upon the owner or applicant, the owner or applicant petitions the Control Officer for reconsideration, with reasons for the reconsideration. If the Control Officer refuses to reconsider, the Control Officer shall so notify the owner or applicant in writing, giving reasons for the decision. Such ruling on the petition shall become final unless not later than 15 calendar days after such notice of refusal is served, the owner or applicant appeals to the Board setting forth the reasons for the appeal.

(b) The Control Officer may reverse or modify the Order and issue such an Order in replacement thereof as deemed proper. Such Order also may be appealed to the Board of Directors as in (a) above.

(c) Any failure of the Control Officer to act upon a petition for reconsideration 15 calendar days after the petition is delivered to the ((Authority)) Agency, shall be considered as a refusal to reconsider.

(d) In lieu of a petition for reconsideration, the owner or applicant may appeal directly to the Board of Directors within the time specified in (a) above.

(2) The Board shall promptly hear and consider all appeals after providing reasonable notice to the appellant. The Board shall, within 30 calendar days of the hearing sustain, reverse or modify the Order of the Control Officer as it deems proper. Such ruling of the Board shall be communicated to the appellant in writing and the appellant if aggrieved, may appeal de novo to the Pollution Control Hearings Board as provided in RCW 43.21B.230 and WAC 371-08.

(3) It is the intent of the Board in establishing this regulation concerning appeals to provide for a method of resolving issues at the ((Authority)) Agency level. Consequently, Decisions and Orders of the Control Officer on compliance, new source review, or any other matter regulated herein except violations shall not be considered as commencing any appeal period for appeals to the Pollution Control Hearings Board. Such appeal period shall commence only when the final Order is issued by the Board of Directors and served upon the person aggrieved as provided in RCW 43.21B.120.

(4) Nothing contained herein shall be construed as denying the exclusive jurisdiction of the Pollution Control Hearings Board on violations as provided by RCW 43.21B.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-21-005, filed 10/7/93, effective 11/8/93)

**((SWAPCA)) SWCAA 400-260 Conflict of Interest**

[Statutory Authority: Chapter 70.94.100 RCW, and 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93]

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 95-17-084, filed 8/21/95, effective 9/21/95)

**((SWAPCA)) SWCAA 400-270 Confidentiality of Records and Information**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.205 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 2.05); Amended by Board 12/18/79 recodified and removed; new section 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The owner or operator (or person submitting the information) is responsible for clearly identifying the information that is considered proprietary and confidential prior to submittal to the ((Authority)) Agency. Information submitted to the ((Authority)) Agency that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the ((Authority)) Agency by an owner or operator shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the ((Authority)) Agency, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Requests for such information under the Freedom of Information Act shall be released only after:

(a) Legal opinion by the ((Authority)) Agency's legal counsel, and

(b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the ((Authority)) Agency, related to processes or production unique to the owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the ((Authority)) Agency as provided in RCW 70.94.205, Title 18 USC 1905, Section 114 of the 1990 Federal Clean Air Act Amendments, and 40 CFR 2 "Public Information".

(4) Emissions data furnished to or obtained by the ((Authority)) Agency shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the ((Authority)) Agency.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

**((SWAPCA)) SWCAA 400-280 Powers of ((Authority)) Agency**

[Statutory Authority: Chapter 70.94.141 RCW. 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99]

In addition to any other powers vested in the ((Authority)) Agency, consistent with RCW 70.94.141, the ((Authority)) Agency shall have the power to:

(1) Adopt, amend, and repeal its own rules and regulations, implementing RCW 70.94 and consistent with it, after consideration at a public hearing held in accordance with RCW 42.30. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with RCW 42.30, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with RCW 34.08, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the ((Authority)) Agency shall be in accordance with Part V of RCW 34.05.

(2) Hold hearings relating to any aspect of or matter in the administration of RCW 70.94 not prohibited by the provisions of Chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate RCW 70.94 and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the ((Authority)) Agency.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of RCW 70.94.

(8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with RCW 70.94, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of RCW 70.94, except:

(13) ((SWAPCA)) SWCAA may not hold adjudicative proceedings pursuant to the Administrative Procedures Act (RCW 34.05). Such hearings shall be held by the Pollution Control Hearings Board as provided at RCW 43.21B.240.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION**

**((SWAPCA)) SWCAA 400-290 Severability**

[Statutory Authority: Chapter 70.94.141 RCW, and RCW 43.21B.001 notes. Original Board adoption 12/17/68 (Regulation 1 Sec 2.08); Amended by Board 10/29/69 (Regulation 2 Sec 2.02); Amended by Board 12/18/79 numbered to 400-175; Amended by Board 4/17/84 removed section;]

The provisions of this regulation are severable. If any provision, meaning phrase, clause, subsection or section, or its application to any person or circumstance is held to be invalid by any court of competent jurisdiction, the application of such provision to other circumstances and the remainder of the regulation to other persons or circumstances will not be affected.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 99-07-029, filed 3/10/99, effective 4/11/99)

## APPENDIX A

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-029 filed 3/10/99, effective 4/11/99]

### ((SWAPCA)) SWCAA METHOD 9

#### VISUAL OPACITY DETERMINATION METHOD

##### 1. Principle

The opacity of emissions from stationary sources is determined visually by a qualified observer.

##### 2. Procedure

The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9, as in effect on July 1, ((1998)) 2000.

##### 2.1 Position

The observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his/her back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his/her observations from a position such that his/her line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, non-circular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his/her observations with his/her line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

##### 2.2 Field Records

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, a sketch of the observer's position relative to the source, and the date on a field data sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

##### 2.3 Observations

Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15-second intervals.

##### 2.3.1 Attached Steam Plumes

When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall

record the approximate distance from the emission outlet to the point in the plume at which the observations are made.

##### 2.3.2 Detached Steam Plumes

When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

##### 2.4 Recording Observations

Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on a field data sheet. A minimum of 24 observations shall be recorded. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.

##### 2.5 Data Reduction

The number of observation at each opacity level shall be determined and recorded on the field data sheet. Opacity shall be determined by the highest 13 observations in any consecutive 60-minute period. The opacity standard or emissions limit is exceeded if there are more than 12 observations during any consecutive 60-minute period for which an opacity greater than the standard or emission limit is recorded. The opacity standard is a 1 hour standard (rolling 60 minutes). Only one violation of the standard per hour may be recorded meaning that a violation for any given consecutive 60-minute period may be recorded in substantially fewer than 60 minutes. No one-hour time sets shall overlap for purpose of determining a violation or violations. Data used to establish a violation in one consecutive 60-minute period can not be used to establish a violation in a second consecutive 60-minute period.

##### 3. References

Federal Register, Vol. 36, No. 247, page 24895, December 23, 1971.

"Criteria for Smoke and Opacity Training School 1970 - 1971" Oregon-Washington Air quality Committee."

"Guidelines for Evaluation of Visible Emissions" EPA 340/1-75-007."

Notes: (1) The difference between the ((SWAPCA)) SWCAA Method 9 and WDOE Method 9 or WDOE Method 9A is the ((SWAPCA)) SWCAA method does not recommend that the observer make note of the ambient relative humidity, ambient temperature, the point in the plume that the observations were made, the estimated depth of the plume at the point of observation, and the color and condition of the plume. In addition, the SWAPCA method does not recommend that pictures be taken.

(2) The difference between the ((SWAPCA)) SWCAA Method 9 and EPA Method 9 is in the data reduction section. The ((SWAPCA)) SWCAA method establishes a three-minute period in any one-hour period where opacity can not exceed an opacity limit. For the ((SWAPCA)) SWCAA method, 13 readings in a 1-hour period or less, above the established opacity limit, no matter how much, constitutes a violation. The EPA method is an arithmetic average of any 24 consecutive readings at 15-second intervals. These values are averaged and this average value cannot exceed the established opacity limit.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 01-05-065**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN AIR AGENCY**

[Filed February 15, 2001, 10:17 a.m.]

Date of Adoption: February 1, 2001.

Purpose: The purpose of the proposed changes was to reflect a name change for the agency. All changes were administrative in nature.

Citation of Existing Rules Affected by this Order: Amending SWCAA 476 Standards for Asbestos Control, Demolition, and Renovation.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-092 on December 5, 2000.

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.

February 9, 2001

Robert D. Elliott  
Executive Director

((SWAPCA)) **SWCAA 476**

**STANDARDS FOR ASBESTOS CONTROL, DEMOLITION, AND RENOVATION**

**476-010 Purpose**

**476-020 Applicability**

**476-030 Definitions**

**476-040 Asbestos Survey Requirements**

**476-050 Notification Requirements and Fees**

**476-060 Procedures for Asbestos Emission Control**

**476-070 Disposal of Asbestos-Containing Waste Material**

**476-080 Demolition By Intentional Burning**

**476-090 Severability**

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-010 Purpose**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

The purpose of this regulation is to control asbestos emissions from the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-020 Applicability**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

This regulation shall apply to all demolition and renovation activities, removal of asbestos containing material, storage, transport, and disposal of asbestos containing materials and other specific activities as referenced in 40 CFR 61.140 et seq. (Subpart M).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-030 Definitions**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

(1) "**Adequately wet**" means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

(2) "**AHERA Building Inspector**" means a person who has successfully completed the training requirements for a building inspector established by the EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act - AHERA)

(3) "**AHERA Project Designer**" means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.

(4) "**Asbestos**" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

(5) "**Asbestos-Containing Material**" means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include nonfriable asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

(a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and

(b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and

(c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(d) The building, vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.

(6) "**Asbestos-Containing Waste Material**" means any waste that contains, or is contaminated with, asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos containing material taken for testing or enforcement actions.

(7) "**Asbestos Project**" means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance and other non-abatement projects that may minimally disturb ACM.

(8) "**Asbestos Survey**" means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior approval from the ((**Authority**)) **Agency**, to determine whether materials or structures to be worked on, removed, remodeled, renovated or demolished, (including material on the outside of structures) contain asbestos.

(9) "**Authority**" or "**Agency**" means the Southwest Clean Air ((**Pollution Control Authority**)) **Agency** (((**SWAPCA**)) **SWCAA**).

(10) "**Certified Asbestos Worker/Supervisor**" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.

(11) "**Collected for Disposal**" means sealed in a leak-tight container while adequately wet.

(12) "**Competent Person**" means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been

trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

(13) "**Component**" means any equipment, pipe, structural member, or other item covered with, coated with, or containing asbestos-containing material.

(14) "**Controlled Area**" means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access. For owner-occupied, single-family residence dwellings, the controlled area is the interior of the dwelling.

(15) "**Demolition**" means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For owner-occupied, single-family residence dwellings, a demolition means the wrecking, dismantling, or removal of any load bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.

(16) "**Emergency Asbestos Project**" or "**Emergency Renovation Project**" means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or of vital utilities. Such events may include earthquakes, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.

(17) "**Encapsulant**" means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

(18) "**Encapsulation**" means the application of an encapsulant on surfaces that are covered, coated or manufactured from asbestos containing material to control the release of asbestos fibers into the air. For purposes of this regulation, encapsulation includes the construction of enclosures.

(19) "**Enclosure**" means an airtight protective overlay, such as a ceiling, floor, or wall or a plastic wrapper or barrier, covering surfaces that are coated with, covered with, or containing asbestos-containing material to control the release of asbestos fibers into the air.

(20) "**Friable Asbestos-Containing Material**" means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(21) "**HEPA Filter**" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.

(22) "**Leak Tight Container**" means a dust tight container, at least 6 mil thick that encloses the asbestos-contain-



ing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.

(23) "**Local Exhaust Ventilation and Collection System**" means a system as described in Appendix J of EPA 560/565-024, *Guidance for Controlling Asbestos-Containing Materials in Buildings*.

(24) "**Nonfriable Asbestos-Containing Material**" means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(25) "**Owner**" or "**Operator**" means any person who owns, leases, operates, controls, or is responsible for activities at a project site, or a project operation, or both.

(26) "**Owner-Occupied, Single-Family Residence**" means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(27) "**Person**" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(28) "**Presumed Asbestos Containing Material**" means thermal system insulation and surfacing material found in buildings constructed no later than 1980 (29 CFR 1926.1101).

(29) "**Project**" means an asbestos project, maintenance activity, renovation, or demolition activity.

(30) "**Renovation**" means the modification of any existing building, vessel, structure, component, or portion thereof, involving the removal, encapsulation, alteration, disposal, or disturbance of any asbestos-containing material, or a project that is releasing, or likely to release asbestos fibers into the air. A renovation project is only covered under this regulation if the renovation involves asbestos-containing material or the potential to disturb asbestos-containing material. If no asbestos-containing material is present on the project, there are no notification requirements or special handling procedures.

(31) "**Suspect Asbestos-Containing Material**" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.

(32) "**Visible Emissions**" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.

(33) "**Waste Generator**" means any owner or operator of a source whose act or process produces asbestos-containing waste material.

(34) "**Waste Shipment Record**" means the shipping document required to be originated and signed by the owner

or operator, used to track and substantiate the disposition of asbestos-containing waste material.

(35) "**Working Day**" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

~~((SWAPCA))~~ SWCAA 476-040 Asbestos Survey Requirements

[Statutory Authority: Chapter 70.94.141 RCW. WSR 96-20-073 filed 9/30/96, effective 11/1/96]

(1) **Renovation**

(a) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos except for renovations of an owner-occupied, single-family residence performed by the owner/occupant, however, must handle all presumed asbestos-containing material as provided in ~~((SWAPCA))~~ SWCAA 476-050.

(2) **Demolition**

(a) Prior to performing any demolition project the property owner or the owner's agent shall obtain an asbestos survey of the facility or part of the facility where the demolition will occur for the presence of asbestos. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector.

(b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-contain-



ing material shall be handled as though it was asbestos-containing material.

(d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos-containing materials.

(e) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition activity must be submitted to the ((Authority)) Agency on ((Authority)) Agency approved forms prior to commencing a demolition project in accordance with ((SWAPCA)) SWCAA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification.

(f) If the facility is to be demolished by intentional burning, all the asbestos-containing material shall be removed as an asbestos project in accordance with ((SWAPCA)) SWCAA 476-080.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-050 Notification Requirements and Fees**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

(1) **Applicability.** No person shall cause or allow work on an asbestos project, maintenance, renovation, or demolition activity involving asbestos containing material unless the owner or operator has submitted a complete notification to the ((Authority)) Agency on ((Authority)) Agency approved forms, in accordance with the advance notification period requirements and fees as provided in ((SWAPCA)) SWCAA 476-050(2).

(a) An Asbestos Notification is not required for any asbestos project involving less than 10 linear feet or 48 square feet (per structure, per year) of any asbestos-containing material unless the facility is to be demolished by intentional burning. If the facility is to be demolished by intentional burning, all asbestos-containing material shall be removed as an asbestos project. An Asbestos Notification is not required for removal of nonfriable roofing material. The owner/operator shall maintain documentation to substantiate qualification for the exemption;

(b) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition activity must be submitted to the ((Authority)) Agency on ((Authority)) Agency approved forms prior to commencing a demolition in accordance with ((SWAPCA)) SWCAA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification;

(c) The approval date to perform a project will be the date that all required submittals and fees are received at ((SWAPCA)) SWCAA;

(d) The duration of the asbestos project, maintenance activity, renovation, or demolition activity or project shall not exceed one (1) year beyond the original project starting date. The project starting and completion date for an asbestos

project shall be commensurate with the amount of asbestos-containing material involved. In no event shall a project or activity start or end on a date other than the date contained on the notification;

(e) The written notification shall expire on the project completion date as specified by the owner or operator;

(f) A copy of the written notification, all amendments and the asbestos survey shall be available for inspection at the project site at all times until completion of the project;

(g) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date later than the date contained in the original notification, the owner/operator or the owner's agent shall notify ((SWAPCA)) SWCAA by telephone (360-574-3058) as soon as possible before the original start date and provide written notification (facsimile acceptable) to ((SWAPCA)) SWCAA of the new start date no later than the original start date. In no event shall a project or activity begin on a date other than the date indicated in the revised notification;

(h) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date earlier than the one contained in the original notification, the owner/operator or owner's agent shall provide written notification (facsimile acceptable) to ((SWAPCA)) SWCAA of the new start date at least 10 working days before commencement of the project or activity. In no event shall a project or activity begin on a date other than the date indicated in the revised notification; and

(i) All asbestos projects, maintenance, renovation or demolition activities shall be completed on the date identified on the notification. When a project or activity will be completed prior to the date specified on the notification, the owner or operator shall notify ((SWAPCA)) SWCAA by telephone as soon as possible but in no event later than the actual completion date. The owner or operator shall provide ((SWAPCA)) SWCAA with written notification (facsimile acceptable) of actual completion within 5 calendar days if the completion date is before the date on the notification. If the actual completion date will be after the date indicated on the notification, the owner or operator shall submit an amendment to the written notification with the new completion date (facsimile acceptable) to ((SWAPCA)) SWCAA prior to the completion date on the original or amended previous notification.

(2) **Advance Notification Period and Fee.** Any notification required by ((SWAPCA)) SWCAA 476-050(1) shall be considered incomplete until all the information required by ((SWAPCA)) SWCAA 476-050(1) is received by the ((Authority)) Agency and accompanied by the appropriate fee. A facsimile of the completed notification form shall be acceptable documentation for the start of the notification period, but the appropriate fee shall be received before the project can proceed. The advance notification period and appropriate fee shall be determined as follows:

Project Type	Notification Period	Notification Fee	Forms Required
Owner-Occupied, Single Family Asbestos -Occupant Performed	Prior Notification	\$ 25	Asbestos Notification
<10 linear ft <48 square ft Asbestos	None	None	None
10-259 linear ft 48-159 square ft Asbestos	10 Working Days	\$ 100	Asbestos Notification
260-999 linear ft 160-4999 square ft	10 Working Days	\$ 250	Asbestos Notification
1,000 linear ft 5,000 square ft	10 Working Days	\$ 500	Asbestos Notification
Amendments to All Projects	Prior Notification	\$ 25 3rd amendment & after	Amended Copy of Asbestos Notification
Annual Asbestos Notification	10 Working Days	\$ 500	Annual Asbestos Notification
Renovation With Asbestos	10 Working Days	Normal Asbestos Fee	Asbestos Notification
Renovation Without Asbestos	None	None	None
Demolition With Asbestos	10 Working Days	\$ 50 Plus Normal Asbestos Fee	Asbestos Notification & Demolition Notification
Demolition Without Asbestos	10 Working Days	\$ 50	Demolition Notification
Temporary Asbestos Storage Facility	Prior Notification	\$ 50	Temporary Storage Facility Application
Emergencies	Prior Notification	Double the Normal Notification Fee	Emergency Waiver Request Letter

(3) **Annual notification.** In lieu of the notification requirements of ((SWAPCA)) SWCAA 476-050(1) and 476-050(2), the owner or operator of a facility may submit to the ((Authority)) Agency an annual written notification to conduct asbestos projects (not including demolition or renovation) on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of ((SWAPCA)) SWCAA 476-050(1) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) Annual written notifications shall be submitted to the ((Authority)) Agency for approval before commencing work on any asbestos projects specified in an annual application.

(b) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.

(c) Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for

each building, vessel, or structure at the facility shall be subject to the notification requirements of ((SWAPCA)) SWCAA 476-050(1) and 476-050(2) in addition to the annual notification requirements.

(d) A copy of the annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.

(e) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:

(i) All asbestos-containing waste material shall be treated in accordance with ((SWAPCA)) SWCAA 476-070(1); and

(ii) Accumulated asbestos-containing waste materials collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and

(iii) For storage of asbestos-containing waste material longer than 10 days, the owner/operator or owner's agent shall apply to ((SWAPCA)) SWCAA for a Temporary Asbestos Storage Facility Authorization unless the asbestos-containing waste material is handled as dangerous waste in

accordance with WAC 173-303. Asbestos-containing waste material shall only be disposed of at sites operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(f) Annual written notifications shall be submitted by the facility owner or operator on forms provided by the ((Authority)) Agency. Notifications shall be submitted to the ((Authority)) Agency at least 10 days in advance of the start date and shall be accompanied by an annual fee as identified in ((SWAPCA)) SWCAA 476-050(2).

(g) The facility owner or operator shall submit quarterly written reports to the ((Authority)) Agency within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by the ((Authority)) Agency or an alternate format approved by the ((Authority)) Agency.

(4) **Amendments.** An amended notification shall be submitted to the ((Authority)) Agency prior to deviating from any of the information contained in a notification. Amended notifications addressed by this section shall be filed by the original applicant, received by the ((Authority)) Agency no later than the last filed completion date, and are limited to the following revisions:

(a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for the new job size category as specified in ((SWAPCA)) SWCAA 476-050(2);

(b) The project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended notifications. If an amended notification results in a job size category that requires a waiting period as specified in ((SWAPCA)) SWCAA 476-050(2) and the original notification did not require a waiting period, the advance notification period shall commence on the date the original application was submitted;

(c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;

(e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of ((SWAPCA)) SWCAA 476-060 and 450-070;

(f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and

(g) Any other information requested by the ((Authority)) Agency.

(5) **Emergencies.**

(a) The ((Authority)) Agency may waive the required ten (10) working day advance notification period if the property owner or occupant demonstrates in writing to the ((Author-

ity)) Agency that an asbestos project or maintenance, renovation or demolition activity must be conducted immediately because of any of the following:

(i) There was a sudden, unexpected event that resulted in a public health or safety hazard; or

(ii) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or

(iii) The project must proceed to avoid imposing an unreasonable burden.

(b) Each emergency waiver request shall include a fee as identified in ((SWAPCA)) SWCAA 476-050(2).

(c) If the emergency asbestos project occurs during non-business hours, notification to ((SWAPCA)) SWCAA must occur no later than the next business day.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-060 Procedures for Asbestos Emission Control**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

(1) **Project requirements.** No person shall cause or allow work on an asbestos project unless the following procedures are employed, except as provided in ((SWAPCA)) SWCAA 476-060(2):

(a) Any work on an asbestos project shall be performed by certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. This requirement shall not apply to certain limited asbestos projects conducted in accordance with ((SWAPCA)) SWCAA 400-060(2) for owner-occupied, single-family dwellings performed by the owner/occupant.

(b) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

(c) All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.

(d) No visible emissions shall result from an asbestos project.

(e) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:

(i) Kept adequately wet until collected for disposal;

(ii) Collected for disposal at the end of each working day;

(iii) Contained in a controlled area at all times until transported to a waste disposal site; and

(iv) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or

(v) Transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.

(f) Mechanical assemblies or components covered with, coated with, or containing asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and shall be labeled in accordance with ((SWAPCA)) SWCAA 476-070 (1)(a)(iii).

(i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.

(ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak tight wrapping if:

(A) All access to the asbestos-containing material is welded shut; or

(B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand; and

(C) The components are labeled in accordance with ((SWAPCA)) SWCAA 476-070 (1)(a)(iii).

(f) Local exhaust ventilation and collection systems used on an asbestos project shall:

(i) Be maintained to ensure the integrity of the system; and

(ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing of all components inside the enclosure. When available, existing windows may be utilized for viewing ports.

(g) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.

**(2) Exemptions for Owner-Occupied, Single-Family Dwellings.** The requirements of ((SWAPCA)) SWCAA 476-060 (1)(a) shall not apply to asbestos projects conducted in a owner-occupied, single-family dwelling by the resident owner of the dwelling.

#### **Alternate Means of Compliance.**

##### **(a) Friable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the ((Authority)) Agency that the planned control method will be effective as the work practices contained in ((SWAPCA)) SWCAA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the con-

trolled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The ((Authority)) Agency may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternate removal method for cause.

##### **(b) Nonfriable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the ((Authority)) Agency that the planned control method will be equally as effective as the work practices in ((SWAPCA)) SWCAA 476-060(1) in controlling asbestos emissions.

The ((Authority)) Agency may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternative removal method for cause.

##### **(c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition**

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the ((Authority)) Agency that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air.

The ((Authority)) Agency may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Alternate Approval Notification for cause.

**Exceptions for Hazardous Conditions.** Asbestos-containing material need not be removed prior to a demolition if the property owner demonstrates to the ((Authority)) Agency that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing material.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-070 Disposal of Asbestos-Containing Waste Material**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93; 96-20-073 filed 9/30/96, effective 11/1/96]

(1) **Disposal Requirements.** No person shall cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material:

(a) Treat all asbestos-containing waste material as follows:

(i) Adequately wet all asbestos-containing waste material and mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry;

(ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;

(iii) Permanently (indelible markers or labels made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated;

(iv) Ensure that the exterior of each container is free of all asbestos residue; and

(v) Exhibit no visible emissions during any of the operations required by this section.

(b) All asbestos-containing waste material shall be deposited within ten (10) calendar days after collection at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. Asbestos-containing waste material may remain onsite longer than 10 if the facility has a current Temporary Asbestos Storage Facility Authorization and the asbestos-containing waste material is stored within that temporary storage facility as provided in ((SWAPCA)) SWCAA 476-070(2).

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of ((SWAPCA)) SWCAA 476-070 (1)(a)(iii) and 476-070 (1)(b).

(2) **Alternative Storage Method - Temporary Asbestos Storage Facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the ((Authority)) Agency to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) No person shall cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the ((Authority)) Agency.

(b) The owner or operator must submit a complete application for establishment of a temporary asbestos storage

facility on forms provided by the ((Authority)) Agency. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by ((SWAPCA)) SWCAA to be posted at the entrance to the facility or on file at the facility office.

(c) An asbestos storage facility shall meet the following general conditions:

(i) Asbestos-containing waste material must be stored in a container with a single piece liner at least 6 mil in thickness; and

(ii) Said container must be in a secured building or in a secured exterior enclosure; and

(iii) The enclosure must be locked except during transfer of asbestos-containing waste material; and

(iv) Return of the waste shipment record to the waste generator shall not exceed the 45-day requirement of 40 CFR Part 61.150 except as otherwise approved by the ((Authority)) Agency.

(3) **Alternative Disposal Method - Asbestos-Cement Water Pipe.** Asbestos-cement water pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of ((SWAPCA)) SWCAA 476-070 (1)(b) if the following conditions are met:

(a) Any asbestos-cement water pipe greater than one (1) linear foot in size may be buried on public right-of-ways or public easements if covered with at least three (3) feet or more of non-asbestos fill material; and

(b) All asbestos-containing waste material, including asbestos-cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, shall be subject to the requirements of ((SWAPCA)) SWCAA 476-010 through 476-070.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

**((SWAPCA)) SWCAA 476-080 Demolition by Intentional Burning**

[Statutory Authority: Chapter 70.94.141 RCW. WSR 96-20-073 filed 9/30/96, effective 11/1/96]

Prior to performing any fire training exercise involving intentional burning as a method of demolition, the following steps shall be completed:

(1) The owner or owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials (including non-friable roofing materials). The asbestos survey shall be performed by an AHERA building inspector as provided in ((SWAPCA)) SWCAA 476-040.

(2) If asbestos-containing material is present, regardless of amount, the asbestos-containing material shall be removed as an asbestos project in accordance with ((SWAPCA)) SWCAA 476-050.

(3) If there is no asbestos-containing material in the work area, this determination shall either be posted at the work area or communicated in writing to all persons involved in the demolition project by the owner or owner's agent.

(4) A summary of the results of the asbestos survey shall be submitted to ((SWAPCA)) SWCAA by the owner or owner's agent along with the Demolition Notification as provided in ((SWAPCA)) SWCAA 476-050.

(5) The fire district or other organization involved in the fire training exercise as a method of demolition shall notify ((SWAPCA)) SWCAA of the date, time, and location of the proposed exercise and the fire district contact person and phone number for that exercise at least five calendar days in advance of the exercise.

(6) The owner or owner's agent shall provide notice of the fire to the owners of property adjoining the property on which the fire will occur at least five calendar days in advance of the exercise.

(7) No fire training exercise that involves intentional burning as a method of demolition shall be allowed without prior written approval from ((SWAPCA)) SWCAA.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-20-073, filed 9/30/96, effective 11/1/96)

((SWAPCA)) SWCAA 476-090 Severability

[Statutory Authority: Chapter 70.94.141 RCW. WSR 96-20-073 filed 9/30/96, effective 11/1/96]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 01-05-066

### PERMANENT RULES

### SOUTHWEST CLEAN AIR AGENCY

[Filed February 15, 2001, 10:18 a.m.]

Date of Adoption: February 1, 2001.

Purpose: The purpose of the proposed changes was to reflect a name change for the agency. All changes were administrative in nature.

Citation of Existing Rules Affected by this Order: Amending SWCAA 490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC).

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-093 on December 5, 2000.

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.

February 9, 2001

Robert D. Elliott

Executive Director

## ((SWAPCA)) SWCAA 490

### EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING VOLATILE ORGANIC COMPOUNDS

490-010 Policy and Purpose

490-020 Definitions

490-025 General Applicability

490-030 Registration and Reporting

490-040 Requirements

490-080 Exceptions and Alternative Methods

490-090 New Source Review

490-200 Petroleum Refinery Equipment Leaks

490-201 Petroleum Liquid Storage in External Floating Roof Tanks

490-202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems

490-203 Perchloroethylene Dry Cleaning Systems

490-204 Graphic Arts Systems

490-205 Surface Coating of Miscellaneous Metal Parts and Products

490-207 Surface Coating of Flatwood Paneling

490-208 Aerospace Assembly and Component Coating Operations

AMENDATORY SECTION (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

((SWAPCA)) SWCAA 490-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

(1) It is the policy of the Southwest Clean Air ((~~Pollution Control Authority~~) Agency ((SWAPCA)) SWCAA) under the authority vested in it by Chapter 43.21A, 70.94.141, and 70.94.152 ((~~and 70.94.331~~)) RCW to provide for the systematic control of air pollution from air contaminant sources within Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

(2) The purpose of this regulation is to establish technically feasible and reasonably attainable emission standards for sources emitting volatile organic compounds (VOCs).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

**((SWAPCA)) SWCAA 490-020 Definitions**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

The definitions of terms contained in ((SWAPCA)) SWCAA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

- (1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.
- (2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.
- (3) "Class II hardboard paneling finish" means finishes ((which)) that meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.
- (4) "Closed refinery system" means a system that will process or dispose of those VOCs collected from another system. The mass quantity of collected VOCs emitted to the ambient air from the closed refinery system shall not exceed that required for a disposal system.
- (5) "Condensate" means hydrocarbon liquid separated from a gas stream ((which)) that condenses due to changes in the temperature or pressure and remains liquid at standard conditions.
- (6) "Condenser" means a device for cooling a gas stream to a temperature where specific VOCs become liquid and are removed.
- (7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.
- (8) "Crude oil" means a naturally occurring mixture ((which)) that consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.
- (9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.
- (10) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.
- (11) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification system(s), waste disposal system(s), holding tank(s), pump(s) and attendant piping and valve(s).

(12) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(13) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(14) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, and is used as a fuel for internal combustion engines.

(15) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(16) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(17) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(18) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.

(19) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(20) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof.

(21) "Liquid service" means equipment that processes, transfers or contains a VOC or VOCs in the liquid phase.

(22) "Low organic solvent coating" refers to coatings ((which)) that contain less organic solvent than the conventional coatings used by the industry. Low organic solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.

(23) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(24) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(25) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

(26) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals,

processing finished petroleum products, separating blended products, or air blowing asphalt.

(27) "Prime coat" means the first of two or more films of coating applied in an operation.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper (~~(which)~~) that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(32) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(33) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique (~~(which)~~) that involves intaglio or recessed image areas in the form of cells.

(34) "Single coat" means only one film of coating is applied to the metal substrate.

(35) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(36) "Submerged loading" means the filling of a tank with a submerged fill line descending nearly to the bottom.

(37) "Suitable closure or cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(38) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles (~~(which)~~) that have been coated with a binder and formed into flat sheets by pressure.

(39) "Tileboard" means paneling that has a colored waterproof surface coating.

(40) "Topcoat" means the final film or series of films of coating applied in a two-coat (or more) operation.

(41) "Transport tank" means a container used for shipping gasoline on land.

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) "Unit turnaround" means the procedure of shutting down, repairing, inspecting, and restarting a unit.

(44) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(45) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(46) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOCs, or to recover the VOCs to prevent their emission into the ambient air.

(47) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(48) "Volatile organic compound (VOC)" means any organic compound (~~(which)~~) that participates in atmospheric photochemical reactions; that is, any organic compound other than those (~~(which)~~) that the administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard.

(49) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

**((SWAPCA)) SWCAA 490-025 General Applicability**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

In addition to the general applicability of ((SWAPCA)) SWCAA 400 to all emission sources, specific emission standards listed in this regulation will take precedence over the general emission standards of ((SWAPCA)) SWCAA 400.

(1) This regulation shall apply to the specified emission sources of VOCs located in or operating within designated ozone nonattainment areas and areas covered by a maintenance plan within the jurisdiction of ((SWAPCA)) SWCAA.

(2) This regulation does not apply to those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC).

(3) A source of VOC emissions not belonging to any of the categories listed in ((SWAPCA)) SWCAA 490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the



same person as a regulated emission source, shall not be required to comply with this regulation.

(4) Sources of VOC emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of VOCs when:

(a) The source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of VOCs from such operations do not exceed 300 kg (660 lbs) per month; or

(b) The source has emissions of VOCs which do not exceed 18 kg (40 lbs) per month and registration is not required under ((SWAPCA)) SWCAA 490-030; or

(c) The source is a spray booth ((which)) that is used solely for maintenance and utility activities and whose emissions do not exceed 18 kg (40 lbs) per month.

(5) Sources of VOCs may be granted exemptions from emissions standards for a period not to exceed thirty days if the source is a newly permitted source ((which)) that is to replace a similar permitted source and the new source is intended to utilize the existing emission control system. This provision is intended to apply to a break-in period prior to the shutdown and removal of the existing source.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

**((SWAPCA)) SWCAA 490-030 Registration and Reporting**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

(1) The owner or operator of a stationary emission source of VOCs in the following source categories and located in a designated ozone nonattainment area or area covered by a maintenance plan shall register the source with ((SWAPCA)) SWCAA unless registration is required by the Energy Facility Site Evaluation Council (EFSEC) as provided under RCW 80.50.

- (a) Petroleum refineries.
- (b) Petroleum liquid storage tanks.
- (c) Gasoline loading terminals.
- (d) Bulk gasoline plants.
- (e) Gasoline dispensing facilities.
- (f) Surface coaters.
- (g) Open top vapor degreasers.
- (h) Conveyorized degreasers.
- (i) Gasoline transport tanks.
- (j) Vapor collection systems.
- (k) Perchloroethylene dry cleaning systems.
- (l) Graphic arts systems.
- (m) Surface coaters of miscellaneous metal parts and products.
- (n) Synthesized pharmaceutical manufacturing facilities.
- (o) Flatwood panel manufacturers and surface finishing facilities.

(2) A new emission source of VOCs that must comply with any requirements in ((SWAPCA)) SWCAA 490-040, 490-200, 490-201, 490-202, 490-203, 490-204, 490-205, 490-206 and 490-207, shall comply with the requirements of ((SWAPCA)) SWCAA 400-100 and shall register with ((SWAPCA)) SWCAA prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this regulation. An opportunity shall be provided for an inspection of the new source by ((SWAPCA)) SWCAA inspectors prior to its operation.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

**((SWAPCA)) SWCAA 490-040 Requirements**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

To demonstrate compliance with this regulation, refer to ((SWAPCA)) SWCAA 400-105.

**(1) Petroleum refineries.**

This regulation shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million four hundred thirty thousand liters (1,430,000 l or 9,000 bbl) per day.

(a) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(b) Wastewater separator.

(i) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed, totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(ii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(c) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by ((SWAPCA)) SWCAA 490-040 (1)(c)(ii).

(d) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or dis-

posal of VOC shall be maintained and operated in a manner consistent with the level of maintenance and housekeeping of the overall plant.

**(2) Petroleum liquid storage tanks.**

(a) All fixed-roof tanks (except as noted in subparagraph (d) of this subsection) storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K); or

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in ((SWAPCA)) SWCAA 490-040 (2)(a)(i) or its equivalent; or

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's specifications in effect when installed.

(b) All seals used in ((SWAPCA)) SWCAA 490-040 (2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in ((SWAPCA)) SWCAA 490-040 (4)(b) shall be exempt from the requirements of ((SWAPCA)) SWCAA 490-040(2).

**(3) Gasoline loading terminals.**

(a) This regulation shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (75,000 l or 20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in ((SWAPCA)) SWCAA 490-040 (3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and shall operate during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure

shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

**(4) Bulk gasoline plants.**

(a) This regulation shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (15,000 l or 4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (2100 l or 550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in ((SWAPCA)) SWCAA 490-040 (4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of ((SWAPCA)) SWCAA 490-040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (15,000 l or 4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under ((SWAPCA)) SWCAA 490-040 (4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of April, May, June, July, August, September and October, failures of the vapor balance system to comply with this regulation shall require that gasoline transfer operations stop for the failed part of the system. Other transfer points that can operate in compliance may be used.

(ii) Loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall also comply with the provisions of ((SWAPCA)) SWCAA 400-105(5).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

**(5) Gasoline dispensing facilities (Stage I).**

(a) This regulation shall apply to all gasoline dispensing facilities with a total annual gasoline throughput greater than 200,000 gallons (16,670 gallons per month) and total gasoline storage capacity greater than 10,000 gallons.

(b) All gasoline storage tanks of the facilities defined in ((SWAPCA)) SWCAA 490-040 (5)(a) shall be equipped with submerged or bottom fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of ((SWAPCA)) SWCAA 490-040 (5)(b) if installed prior to January 1, 1979.

(d) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

**(6) Surface coaters.**

The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the potential uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 18 kg (40 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve-hour period after application of the coating.

Process	VOC Limitation (Excluding Water)	
	Grams/Liter of Coating	lb/Gallon of Coating
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

**(7) Open top vapor degreasers.**

(a) All open top vapor degreasers shall:

(i) Have a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75; or

(B) A freeboard chiller; or

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

PERMANENT

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively); and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

#### (8) Conveyorized degreasers.

(a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation shall not exceed twenty cubic meters per minute per square meter (65 cfm per ft.<sup>2</sup>) of

degreaser opening, unless necessary to meet OSHA requirements.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively); and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm (~~which~~) that processes solvents for disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m<sup>2</sup> or greater shall have a carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m<sup>3</sup> per min per m<sup>2</sup> of air/vapor area, when downtime covers are open), or a system with control effectiveness equal to or better than a carbon adsorption system.

#### (9) Cutback asphalt paving.

(a) All paving applications of cutback asphalts are prohibited during the months of April, May, June, July, August, September and October, except as provided for in ((SWAPCA)) SWCAA 490-040 (9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this regulation.

(10) **Cold cleaners.**

(a) The owners or operators of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drain rack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm (~~which~~) that processes solvents for disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent. The solvent must be more dense and insoluble in water.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

~~((SWAPCA))~~ SWCAA 490-080 Exceptions and Alternative Methods

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

(1) Other emission reduction methods may be used if the source operator demonstrates to ~~((SWAPCA))~~ SWCAA that they are at least as effective as the required methods; and

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this regulation shall be required only during the months of April, May, June, July, August, September and October, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

~~((SWAPCA))~~ SWCAA 490-090 New Source Review

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

The provisions of ~~((SWAPCA))~~ SWCAA 400-110 shall apply to all new sources and emissions units to which this regulation is applicable.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

~~((SWAPCA))~~ SWCAA 490-200 Petroleum Refinery Equipment Leaks

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all petroleum refineries as qualified in ~~((SWAPCA))~~ SWCAA 490-025.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a petroleum refinery shall:

(i) Develop and conduct a monitoring program consistent with the provisions in ~~((SWAPCA))~~ SWCAA 490-200(3), 490-200(4), 490-200(5), and 400-105;

(ii) Record all leaking components (~~which~~) that have a VOC concentration greater than 10,000 ppm when tested according to the provisions in ~~((SWAPCA))~~ SWCAA 490-200(3) and place an identification tag on each component consistent with the provisions of ~~((SWAPCA))~~ SWCAA 490-200 (4)(c);

(iii) Correct and retest the leaking component, as defined in ~~((SWAPCA))~~ SWCAA 490-200 (2)(a)(ii), as soon as prac-

PERMANENT

licable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(iv) Identify all leaking components, as defined in ((SWAPCA)) SWCAA 490-200 (2)(a)(ii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Testing procedures. To demonstrate compliance with this regulation, refer to ((SWAPCA)) SWCAA 400-105(5).

(4) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in ((SWAPCA)) SWCAA 490-200(3) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in ((SWAPCA)) SWCAA 490-200(3) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;

(iv) Monitor immediately any pump seal from which liquids are observed leaking;

(v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and

(vi) After a leaking component is repaired, monitor for leaks prior to return to service.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in ((SWAPCA)) SWCAA 490-200 (4)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in ((SWAPCA)) SWCAA 490-200 (2)(a)(ii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(5) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in ((SWAPCA)) SWCAA 490-200 (2)(a)(ii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to ((SWAPCA)) SWCAA, upon verbal or written request, at any reasonable time.

(6) Reporting. The owner or operator of a petroleum refinery shall notify ((SWAPCA)) SWCAA in writing within forty-five days following each quarterly or annual inspection for component leaks when:

(a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;

(b) The number of leaking components has increased for two consecutive quarterly or annual inspections;

(c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;

(d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.

(7) Petition for alternative monitoring.

(a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.

(b) A petition for alternative monitoring procedures shall contain:

(i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;

(ii) A detailed description of the problems encountered under ((SWAPCA)) SWCAA 490-200(4); and

(iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under ((SWAPCA)) SWCAA 490-200(4).

(c) A petition for a reduction in monitoring frequency shall contain:

(i) The information requested in ((SWAPCA)) SWCAA 490-200 (7)(b)(i);

(ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under ((SWAPCA)) SWCAA 490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At

the time of the last inspection in the twelve quarters, a new submittal of the information required in ((SWAPCA)) SWCAA 490-200 (7)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) ((SWAPCA)) SWCAA may approve a part or all of a petition for alternative monitoring requested under ((SWAPCA)) SWCAA 490-200 (7)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by ((SWAPCA)) SWCAA. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

**((SWAPCA)) SWCAA 490-201 Petroleum Liquid Storage in External Floating Roof Tanks**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

(1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in ((SWAPCA)) SWCAA 490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heavy pour crude oil; or

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer; or

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia); or

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by ((SWAPCA)) SWCAA; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under ((SWAPCA)) SWCAA 490-201 (2)(a)(i)(A) and approved by ((SWAPCA)) SWCAA.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in<sup>2</sup> per foot of tank diameter), as determined by the method in ((SWAPCA)) SWCAA 490-201(3).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank ((which)) that remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers ((which)) that cover at least ninety percent of the area of the opening.

(b) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof subject to this regulation shall:

(i) Perform routine inspections annually in order to insure compliance with ((SWAPCA)) SWCAA 490-201 (2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with ((SWAPCA)) SWCAA 490-201(3) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in ((SWAPCA)) SWCAA 490-201 (2)(b)(i) and (ii).

(c) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof exempted from this regulation by ((SWAPCA)) SWCAA 490-201 (1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under ((SWAPCA)) SWCAA 490-201 (2)(b) and (c) shall be retained by the owner(s) or operator(s) for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under ((SWAPCA)) SWCAA 490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under ((SWAPCA)) SWCAA 490-201 shall demonstrate

compliance by the methods of this subsection or an alternative method approved by ((SWAPCA)) SWCAA.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify ((SWAPCA)) SWCAA of the intent to measure not less than five working days before the measurement so the director or a representative may observe the measurement if desired.

(c) Compliance with ((SWAPCA)) SWCAA 490-201 (2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-21-101, filed 10/21/96, effective 11/21/96)

**((SWAPCA)) SWCAA 490-202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93; 96-21-101 filed 10/21/96, effective 11/21/96]

(1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in ((SWAPCA)) SWCAA 490-025 and 490-040.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner(s) or operator(s) of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the schedule in ((SWAPCA)) SWCAA 490-202 (3)(b) and the test procedure referenced in ((SWAPCA)) SWCAA 490-202 (3)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (460 mm H<sub>2</sub>O or 18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (150 mm H<sub>2</sub>O or 6 inches of water) during the testing required in ((SWAPCA)) SWCAA 490-202 (2)(b)(i). Effective December 15, 1997, certification and allowable pressures shall be as provided below in accordance with 40 CFR 63.420 et seq. (Subpart R);

<u>Tank or Compartment Capacity</u> liters (gallons)	<u>Certification Pressure</u> mm H <sub>2</sub> O (in. H <sub>2</sub> O)	<u>Pressure Change Any Time</u> mm H <sub>2</sub> O (in. H <sub>2</sub> O)
9464 or more (2500 or more)	25 (1.0)	64 (2.5)

9463 to 5676 (2499 to 1500)	38 (1.5)	76 (3.0)
5679 to 3785 (1499 to 1000)	51 (2.0)	89 (3.5)
3782 or less (999 or less)	64 (2.5)	102 (4.0)

(iii) Is repaired by the owner(s) or operator(s) and retested within fifteen days of testing if it does not meet the criteria of ((SWAPCA)) SWCAA 490-202 (2)(b)(ii);

(iv) All transport tanks transferring gasoline at bulk plants and stationary tanks (including dispensing facilities) shall use gasoline vapor recovery equipment as provided in ((SWAPCA)) SWCAA 491-040(3).

(c) The owner(s) or operator(s) of a transport tank shall:

(i) Have a current leak test certification for the transport tank on file with each gasoline loading or unloading facility where gasoline is transferred; or

(ii) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in ((SWAPCA)) SWCAA 490-202 (2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck tank;

(C) Shows the certification number of the tanker; and

(D) Shows the expiration date.

(d) The owner(s) or operator(s) of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in ((SWAPCA)) SWCAA 490-202(3); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of ((SWAPCA)) SWCAA 490-202 (2)(d)(i) within fifteen days.

(e) ((SWAPCA)) SWCAA may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in ((SWAPCA)) SWCAA 490-202 (3)(d) to confirm continuing compliance with ((SWAPCA)) SWCAA 490-202 (2)(b) or (d).

(f) ((SWAPCA)) SWCAA may, at any time, require that a cargo tank be tested for leak detection, pressure decay, or vapor tightness using the procedures identified in 40 CFR 63.425 (f), (g), and (h). The allowable pressure change for testing under 40 CFR 425 (g) and (h) shall be as provided in column three of the table in 2(b) of this section.

(3) Testing and monitoring.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with ((SWAPCA)) SWCAA 490-

PERMANENT



202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests. Persons or companies performing the testing shall be approved by ((SWAPCA)) SWCAA. Persons or companies performing testing shall submit a copy of their test procedures and test equipment calibration procedures to ((SWAPCA)) SWCAA for review and approval for initial qualification. ((SWAPCA)) SWCAA may request calibration and test procedures as necessary to assure continued proper test protocol.

(b) Certification testing shall be performed annually and the certification sticker shall be replaced annually. Certification testing shall be performed no later than the expiration date on the sticker and no sooner than 30 days prior to the expiration date. Renewals shall be made for a period of one year from the previous expiration date. Expiration dates shall initially be established by ((SWAPCA)) SWCAA based on a successful certification test. The expiration date may be requested to be adjusted by an owner or operator but, if adjusted, shall not exceed one year from the date of the last valid certification test.

(c) Compliance shall be demonstrated for each required test by the following methods:

TEST TYPE	METHOD
Annual certification (40 CFR 63.425(e))	EPA Method 27
Leak detection test (40 CFR 63.425(f))	EPA Method 21
Nitrogen pressure decay field test (40 CFR 63.425(g))	See 40 CFR 63.425(g)
Continuous performance pressure decay (40 CFR 63.425(h))	EPA Method 27

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures in ((SWAPCA)) SWCAA 490-202 (3)(c).

(4) Recordkeeping.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by ((SWAPCA)) SWCAA 490-202 (4)(a) shall, as a minimum, contain:

- (i) The transport tank identification number and tank capacity;
- (ii) The initial test pressure and the time of the reading;
- (iii) The final test pressure and the time of the reading;
- (iv) The initial test vacuum and the time of the reading;
- (v) The final test vacuum and the time of the reading;
- (vi) At the top of each report page, the company name, date and location of the tests on that page; and
- (vii) Name, signature, and title of the person conducting the test.

(c) The owner(s) or operator(s) of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Each owner or operator of a gasoline transport tank shall pay a fee and register annually for each gasoline transport tank as provided in ((SWAPCA)) SWCAA 400-100(3).

The registration fee is due at the time of initial certification and subsequently at the time of annual certification renewal.

(e) Copies of all records required under ((SWAPCA)) SWCAA 490-202 shall immediately be made available to ((SWAPCA)) SWCAA, upon written request, at any reasonable time.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

**((SWAPCA)) SWCAA 490-203 Perchloroethylene Dry Cleaning Systems**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in ((SWAPCA)) SWCAA 490-203 (1)(a) and (b) and 490-025.

(a) The following dry cleaning systems are exempt from the requirements of ((SWAPCA)) SWCAA 490-203 (2)(a)(i) and (ii):

- (i) Coin-operated systems;
- (ii) Systems located in a facility with inadequate space to accommodate an adsorber;
- (iii) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in ((SWAPCA)) SWCAA 490-203 (2)(a)(i) and (ii) may be granted by ((SWAPCA)) SWCAA when sufficient evidence is submitted by the owner(s) or operator(s) of the dry cleaning system to justify the exemption.

(c) A material balance will be used to determine VOC losses.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a perchloroethylene dry cleaning facility subject to this regulation shall:

- (i) Vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device;
  - (ii) Emit no more than 100 ppmv when demonstrated in accordance with ((SWAPCA)) SWCAA 490-203 (3)(c)(i), of VOCs from the dryer control device before dilution;
  - (iii) Immediately repair all components found to be leaking liquid VOCs;
  - (iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of VOCs per 100 kg of wet waste material;
  - (v) Reduce the VOCs from all solvent stills to 60 kg or less per 100 kg of wet waste material;
  - (vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and
  - (vii) When possible, dry all drained cartridges without emitting VOCs to the atmosphere.
- (3) Testing and monitoring.

(a) Compliance with ((SWAPCA)) SWCAA 490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with ((SWAPCA)) SWCAA 490-203 (2)(a)(iii) shall be determined by means of visual inspection of the following components:

- (i) Hose connections, unions, couplings and valves;
- (ii) Machine door gaskets and seatings;
- (iii) Filter head gasket and seating;
- (iv) Pumps;
- (v) Base tanks and storage containers;
- (vi) Water separators;
- (vii) Filter sludge recovery;
- (viii) Distillation unit;
- (ix) Diverter valves;
- (x) Saturated lint from lint basket; and
- (xi) Cartridge filters.

(c) Compliance with ((SWAPCA)) SWCAA 490-203 (2)(a)(ii) shall be demonstrated by:

(i) A test consistent with the procedures on file with and approved by ((SWAPCA)) SWCAA; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner(s) or operator(s) to adequately meet the emission limits in ((SWAPCA)) SWCAA ~~WAC 173-490-203~~ (2)(a)(ii).

(d) Compliance with ((SWAPCA)) SWCAA ~~WAC 173-490-203~~ (2)(a)(iv) and (v) shall be demonstrated by tests consistent with the procedures on file with and approved by ((SWAPCA)) SWCAA.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

**((SWAPCA)) SWCAA 490-204 Graphic Arts Systems**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of VOCs as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by ((SWAPCA)) SWCAA 490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under ((SWAPCA)) SWCAA 490-204 rather than ((SWAPCA)) SWCAA 490-040(6), Surface Coaters.

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may

operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner(s) or operator(s) installs and operates a system that captures at least ninety percent by weight and;

(A) A carbon adsorption system ((which)) that reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system ((which)) that oxidizes at least ninety percent of the nonmethane VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative VOC emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by ((SWAPCA)) SWCAA.

(b) A collection system shall be used with the emission controls of ((SWAPCA)) SWCAA 490-204 (2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of VOCs of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Testing and monitoring.

(a) To demonstrate compliance with this regulation, refer to ((SWAPCA)) SWCAA 400-105.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit;

and

(iv) Any other continuous monitoring or recording device required by ((SWAPCA)) SWCAA.

(c) The owner or operator of a facility shall be responsible for all expenses of monitoring required by ((SWAPCA)) SWCAA 490-204 (3)(b).

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

**((SWAPCA)) SWCAA 490-205 Surface Coating of Miscellaneous Metal Parts and Products**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries, if the potential uncontrolled emissions of VOC is greater than 10 tons per year and as qualified in ((SWAPCA)) SWCAA 490-205 (1)(b), (c), and (d), and 490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category ((which)) that coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), Major Group 39 (miscellaneous manufacturing industries), Major Group 40 (railroad transportation), and Major Group 41 (transit passenger transportation).

(b) This section is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This regulation applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in ((SWAPCA)) SWCAA 490-205 (1)(a). This regulation also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in ((SWAPCA)) SWCAA 490-205 (2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of ((SWAPCA)) SWCAA 490-205(2). Such a determination shall be approved by ((SWAPCA)) SWCAA.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of VOCs greater than those

listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings	0.52 kg/liter	(4.3 lb/gallon)
(ii) Extreme performance coatings	0.42 kg/liter	(3.5 lb/gallon)
(iii) Air dried coatings	0.42 kg/liter	(3.5 lb/gallon)
(iv) All others	0.36 kg/liter	(3.0 lb/gallon)
(v) Powder coatings	0.05 kg/liter	(0.4 lb/gallon)

(b) When more than one emission limitation listed in ((SWAPCA)) SWCAA 490-205 (2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in ((SWAPCA)) SWCAA 490-205 (2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in ((SWAPCA)) SWCAA 490-205 (2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner(s) or operator(s) and approved by ((SWAPCA)) SWCAA.

(e) A collection system shall be used together with the incinerator of ((SWAPCA)) SWCAA 490-205 (2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of ((SWAPCA)) SWCAA 490-205 (2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Testing and monitoring.

(a) ((SWAPCA)) SWCAA may require the owner(s) or operator(s) of a source to demonstrate at his/her own expense, compliance by the methods of ((SWAPCA)) SWCAA 490-205 (3)(c).

(b) The owner(s) or operator(s) of a source shall notify ((SWAPCA)) SWCAA at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation, refer to ((SWAPCA)) SWCAA 400-105.

(d) ((SWAPCA)) SWCAA may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

**((SWAPCA)) SWCAA 490-207 Surface Coating of Flat-wood Paneling**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

## (1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in ((SWAPCA)) SWCAA 490-207 (1)(b) and (c) and 490-025.

(b) These regulations shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin particleboard;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These regulations do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

## (2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a facility shall not emit VOCs from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) 5.9 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 4.9 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in ((SWAPCA)) SWCAA 490-207 (2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system ((which)) that oxidizes at least ninety percent of the nonmethane VOCs entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner(s) or operator(s) and approved by ((SWAPCA)) SWCAA.

(c) A capture system shall be used in conjunction with the emission control systems in ((SWAPCA)) SWCAA 490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in ((SWAPCA)) SWCAA 490-207 (2)(a).

## (3) Testing and monitoring.

(a) ((SWAPCA)) SWCAA may require the owner or operator of a facility to demonstrate at his/her own expense compliance by the methods of ((SWAPCA)) SWCAA 490-207 (3)(c).

(b) The owner(s) or operator(s) of a facility shall notify ((SWAPCA)) SWCAA at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation, refer to ((SWAPCA)) SWCAA 400-105.

(d) ((SWAPCA)) SWCAA may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

((SWAPCA)) SWCAA 490-208 **Aerospace Assembly and Component Coating Operations**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of VOCs per operating day and as qualified in ((SWAPCA)) SWCAA 490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components ((which)) that contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of VOCs of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of VOCs for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the VOCs by weight, are collected and disposed so that they are not emitted to the atmosphere.

(e) The use of a stripper ((which)) that contains more than 400 grams of VOC per liter or has a composite vapor pressure of VOCs more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner(s) or operator(s) and approved by ((SWAPCA)) SWCAA.

(4) The provisions of ((SWAPCA)) SWCAA 490-208 (2)(a) and (2)(b) shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, ((SWAPCA)) SWCAA may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of

((SWAPCA)) SWCAA 490-208. All alternative coating evaluations shall contain, as a minimum:

- (a) Types of products to be coated,
- (b) Types of coatings evaluated,
- (c) Results of performance tests,
- (d) Status of research into development of low VOC coatings for the application,
- (e) Feasibility of installing control equipment,
- (f) Mitigating measures that could be implemented to reduce VOC emissions.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 01-05-067

### PERMANENT RULES

### SOUTHWEST CLEAN AIR AGENCY

[Filed February 15, 2001, 10:19 a.m.]

Date of Adoption: February 1, 2001.

Purpose: The purpose of the proposed changes was to reflect a name change for the agency. All changes were administrative in nature.

Citation of Existing Rules Affected by this Order: Amending SWCAA 491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 00-24-094 on December 5, 2000.

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.

February 9, 2001

Robert D. Elliott

Executive Director

((SWAPCA)) SWCAA 491

## EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING GASOLINE VAPORS

491-010 Policy and Purpose

491-015 Applicability

491-020 Definitions

491-030 Registration

491-040 Gasoline Vapor Control Requirements

491-050 Failures, Certification, Testing and Recordkeeping

491-060 Severability

AMENDATORY SECTION (Amending WSR 96-21-102, filed 10/21/96, effective 11/21/96)

((SWAPCA)) SWCAA 491-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96]

(1) It is the policy of the Southwest Clean Air ((Pollution Control Authority)) Agency ((SWAPCA)) SWCAA under the authority provided in Chapter 70.94.141, and 70.94.152 and 70.94.((334))165 RCW to provide for the systematic control of air pollution from air contaminant sources within the jurisdiction of ((SWAPCA)) SWCAA.

(2) It is the purpose of this regulation to establish standards for the control of air contaminants emitted from gasoline marketing and dispensing sources within the jurisdiction of ((SWAPCA)) SWCAA including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 00-11-149, filed 5/24/2000, effective 6/24/2000)

((SWAPCA)) SWCAA 491-015 Applicability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96, WSR 00-11-149 filed 5/24/2000, effective 6/24/2000]

This regulation applies to gasoline marketing operations within ((SWAPCA)) SWCAA jurisdiction, including the storage, transport, and transfer of gasoline, transfer from storage tanks into transport tanks, marine vessel loading and unloading, and transfer from storage tanks into motor vehicles. This regulation applies to facilities with above ground and underground storage tanks.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 00-11-149, filed 5/24/2000, effective 6/24/2000)

((SWAPCA)) SWCAA 491-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96, WSR 00-11-149 filed 5/24/2000, effective 6/24/2000]

The definitions of terms contained in ((SWAPCA)) SWCAA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Bunkering" means, for purpose of this rule, refueling a vessel with a fuel product where the intended use of that gasoline or fuel product is for combustion in the onboard engine of the marine vessel.

(4) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(5) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(6) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

(7) "Certified vapor recovery system" means a vapor recovery system ~~((which)) that~~ has been certified by the California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. ~~((SWAPCA)) SWCAA~~ may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.

(8) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

(9) "Gasoline" means a petroleum distillate ~~((which)) that~~ is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20°C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20°C) shall be considered "gasoline" for purpose of this regulation.

(10) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).

(11) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(12) "Leak free" means a liquid leak of less than four drops per minute.

(13) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.

(14) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank(s) into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(15) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.

(16) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

(17) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

(18) "Modified" means any physical change in equipment, or change in the method of operation, of a gasoline dispensing facility, terminal, or loading or unloading facility, 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. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

(19) "NAAQS" means National Ambient Air Quality Standard.

(20) "Ozone contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violation of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

(21) "Permanent residence" means a single-family or multi-family dwelling or any other facility designed for use as permanent housing.

(22) ~~((SWAPCA)) SWCAA~~ means the Southwest Clean Air ~~((Pollution Control Authority))~~ Agency.

(23) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

(24) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

(25) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of (upper cut of the bevel on) the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;

- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

(26) "Submerged loading" means the filling of a tank with a submerged fill line.

(27) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

(28) "Throughput" means the amount of material passing through a facility.

(29) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

(30) "Transport tank" means a container used for shipping gasoline over roadways.

(31) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.

(32) "Upgraded" means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overflow protection that involved removal of ground or ground cover above a portion of the product piping.

(33) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

(34) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(35) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

(36) "Vapor-mounted seal" means a primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(37) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

(38) "WDOE" or "Ecology" means the Washington Department of Ecology.

(39) "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 00-11-149, filed 5/24/2000, effective 6/24/2000)

**((SWAPCA)) SWCAA 491-030 Registration**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96, WSR 00-11-149 filed 5/24/2000, effective 6/24/2000]

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of ((SWAPCA)) SWCAA 491-040 (2) through (5) shall register the facility annually with ((SWAPCA)) SWCAA. Facilities subject to registration under this section shall be assessed fees consistent with and as required in ((SWAPCA)) SWCAA 400-100.

(2) Administration of the registration program shall be consistent with the Registration Program requirements of ((SWAPCA)) SWCAA 400-100.

(3) ((SWAPCA)) SWCAA will provide a written verification of registration to owners or operators of facilities subject to the provisions of ((SWAPCA)) SWCAA 491-040 (2) through (6). Such verification shall be available for inspection by ((SWAPCA)) SWCAA personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility (non-major source) shall maintain total annual gasoline throughput records for the most recent three calendar years. Such records shall be available for inspection by ((SWAPCA)) SWCAA personnel during normal business hours.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 00-11-149, filed 5/24/2000, effective 6/24/2000)

**((SWAPCA)) SWCAA 491-040 Gasoline Vapor Control Requirements**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96, WSR 00-11-149 filed 5/24/2000, effective 6/24/2000]

**(1) Fixed-roof gasoline storage tanks.**

(a) All fixed-roof gasoline storage tanks having a nominal storage capacity greater than forty thousand (40,000) gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subparts K, Ka and Kb).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards-referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings consistent with 40 CFR 60 subparts Ka and Kb.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

**(2) Gasoline loading terminals.**

PERMANENT

(a) This section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded.

(b) Facilities loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (35 mg/l) (three hundred twenty-two milligrams per gallon or 322 mg/gal) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

**(3) Bulk gasoline plants and transport tanks.**

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993, or when the throughput is exceeded, and gasoline transport tanks.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty (550) gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline that meet all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and

(B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

**(4) Gasoline dispensing facilities (Stage I).**

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar year basis. All facilities subject to this section shall comply when the throughput is exceeded.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or



PERMANENT

bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily. In addition, no owner or operator of a transport tank shall load gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or ((SWAPCA)) SWCAA certified Stage I vapor recovery fittings or equipment.

(f) Only two point Stage I fittings shall be used with vacuum assist type Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from ((SWAPCA)) SWCAA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing"). Results of the testing shall be submitted to ((SWAPCA)) SWCAA within 14 calendar days of testing.

(j) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

**(5) Gasoline dispensing facilities (Stage II).**

(a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline-dispensing facilities as follows:

(1) For Clark County, all facilities dispensing 600,000 gallons in a calendar year or greater;

(2) For Cowlitz County, all facilities dispensing 1.2 million gallons in a calendar year or greater;

(3) For Lewis, Skamania and Wahkiakum Counties, Stage II vapor control equipment is not required unless the facility exceeds the throughput and distance requirements below:

Gallons Throughput (millions)	Distance to Property Line (meters)
1.5	20
2.0	25
2.5	28
3.0	32
3.5	35
4.0	38
5.0	43
6.0	49
8.0	58
10.0	66
12.0	75
16.0	90
20.0	103
25.0	118

(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of (3) of this subsection shall not apply.

(b) Stage II vapor control equipment may be removed from any gasoline dispensing facility located in Lewis, Wahkiakum or Skamania County as in (a) above, or from any facility in Cowlitz County dispensing less than 1.2 million gallons annually, by submittal of a complete Notice of Construction and receipt of an Order of Approval, provided that the requirements of subsection (a) above are met.

(c)(i) Beginning on July 1, 2001, and each year thereafter, the Department of Ecology will publish the canister capture rate for use with this rule.

(ii) When the canister capture rate reaches 15% and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the Department of Ecology will revise the state rules and incorporate the effect of canisters.

(d) The owner or operator of a new or modified gasoline dispensing facility shall file a Notice of Construction as provided in ((SWAPCA)) SWCAA 400-110, and obtain an Order of Approval prior to commencing construction or modification.

(e) The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under (a) of this subsection and request the Department of Ecology to evaluate it subject to the fees described in (f) of this subsection. The Department of Ecology will review and evaluate a second tier analysis described under WAC 173-460-090 within 45 days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

(f) The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under ((SWAPCA)) SWCAA 400-110 except, if a site-specific review is elected under (e) of this subsection, the fee

shall be as provided under WAC 173-400-116 (3)(c) for a tier two analysis.

(g) All gasoline dispensing facilities subject to this section shall be equipped with a CARB or ((SWAPCA)) SWCAA certified Stage II vapor recovery system.

(h) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

(i) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

(j) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

(k) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ((SWAPCA)) SWCAA's or Department of Ecology's toll free telephone number (800-633-0709 or 800-272-3780) for complaints regarding the operation and condition of the vapor recovery system.

(l) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) handling over 10,000 gallons per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22 Subpart B.

(m) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. For vacuum assist systems, the owner/operator shall conduct and pass performance testing every 12 months. Results of all testing shall be submitted to ((SWAPCA)) SWCAA within 14 calendar days of test completion.

(n) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

#### (6) Loading or Unloading Gasoline into Marine Tank Vessels

(a) Applicability. This rule applies to loading events at any location within the Vancouver ozone air quality maintenance area when gasoline is placed into a marine tank vessel cargo tank; or when any liquid is placed into a marine tank vessel cargo tank that had previously held gasoline. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule. All facilities shall be in compliance no later than June 1, 2001.

(b) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(i) Marine vessel bunkering (refueling);

(ii) Lightering when neither vessel is berthed at a marine terminal dock;

(iii) Loading when both of the following conditions are met:

The vessel has been gas freed (regardless of the prior cargo), and

When loading any products other than gasoline.

(c) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(d) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must meet one of the following:

(i) Vapors must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined by EPA Method 25 or other methods approved in writing by ((SWAPCA)) SWCAA, or

(ii) Vapor emissions shall not exceed 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(e) Operating Practice and Maintenance.

(i) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of fuel product into marine tank vessels must be maintained to be leak free and vapor tight.

(ii) The owner or operator of any marine tank vessel must certify to ((SWAPCA)) SWCAA that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21 or other methods approved in writing by ((SWAPCA)) SWCAA.

(iii) Gaseous leaks must be detected using EPA Method 21 or other methods approved in writing by ((SWAPCA)) SWCAA.

(iv) Loading must cease anytime gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to ((SWAPCA)) SWCAA that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gaseous leak detected by ((SWAPCA)) SWCAA staff is a violation of this rule.

(f) Monitoring and Record-Keeping.

Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to ((SWAPCA)) SWCAA

upon request. These records must include but are not limited to:

- (i) The location of each loading event.
- (ii) The date of arrival and departure of the vessel.
- (iii) The name, registry and legal owner of each marine tank vessel participating in the loading event.
- (iv) The type and amount of fuel product loaded into the marine tank vessel.
- (v) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(vi) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(g) Lightering exempted from controls by subsection 6(b) of this rule must be curtailed from 2:00 AM until 2:00 PM when ((SWAPCA)) SWCAA declares a Clean Air Action (CAA) day. If ((SWAPCA)) SWCAA declares a second CAA day before 2:00 PM of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 PM on the second day. If a third CAA day in a row is declared, then uncontrolled lightering is permissible for a 12 hour period starting at 2 PM on the second CAA day and ending at 2 AM on the third CAA day. Uncontrolled lightering must be curtailed from 2 AM until 2 PM on the third CAA day. If ((SWAPCA)) SWCAA continues to declare CAA days consecutively after the third day, the curtailment and loading pattern used for the third CAA day will apply.

(h) Safety/Emergency Operations. Nothing in this rule is intended to:

- (i) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or
- (ii) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

**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 Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 00-11-149, filed 5/24/2000, effective 6/24/2000)

**((SWAPCA)) SWCAA 491-050 Failures, Certification, Testing and Recordkeeping**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.165 RCW. Original adoption WSR 93-16-011 filed 7/22/93, effective 8/22/93; WSR 96-21-102 filed 10/21/96, effective 11/21/96, WSR 00-11-149 filed 5/24/2000, effective 6/24/2000]

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of ((SWAPCA)) SWCAA 491-040.

(1) Failures.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gas-

oline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank or a marine vessel if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle or marine vessel. Certification is required annually as provided in ((SWAPCA)) SWCAA 490-202 and ((SWAPCA)) SWCAA 491-040 (6)(e).

(b) The owner or operator of a transport tank shall not make any connection to the tank or marine vessel for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank or marine vessel has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

(i) Having on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) For transport tanks (tanker trucks), displaying a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in (3) of this subsection;

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(iii) For marine vessels, displaying a sticker/certification with the other Coast Guard required certifications (e.g. in the vessel ecology box, ship's bridge or tankerman's shack) which:

(A) Shows the date that the marine vessel last passed the test required in (3) of this subsection;

(B) Shows the identification number of the marine vessel; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks and marine vessels equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(ii) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) ((SWAPCA)) SWCAA may, at any time, monitor a gasoline transport tank, marine vessel and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or ((SWAPCA)) SWCAA.

(b) Testing to determine compliance with this section shall use procedures approved by ((SWAPCA)) SWCAA. See testing requirements in ((SWAPCA)) SWCAA 490 for transport tanks and section 491-040 (6)(e) for marine vessels.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by ((SWAPCA)) SWCAA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by this section shall, as a minimum, contain:

(i) The transport tank or marine vessel identification number;

(ii) The transport tank or marine vessel capacity;

(iii) The transport tank initial test pressure and the time of the reading;

(iv) The transport tank final test pressure and the time of the reading;

(v) The transport tank initial test vacuum and the time of the reading;

(vi) The transport tank final test vacuum and the time of the reading;

(vii) At the top of each report page the company name, date, and location of the tests on that page; and

(viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank or marine vessel passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to ((SWAPCA)) SWCAA, upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-21-102, filed 10/21/96, effective 11/21/96)

((SWAPCA)) SWCAA 491-060 Severability

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption WSR 96-21-102 filed 10/21/96, effective 11/21/96]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 01-06-014

### PERMANENT RULES

### LIQUOR CONTROL BOARD

[Filed February 26, 2001, 4:14 p.m.]

Date of Adoption: February 7, 2001.

Purpose: 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. Chapter 314-11 WAC outlines general requirements for liquor licenses.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-10-020, 314-12-115, 314-12-120, 314-12-125, 314-12-130, 314-12-195, 314-16-025, 314-16-030, 314-16-050, 314-16-060, 314-16-070, 314-16-075, 314-16-090, 314-16-120, 314-16-122, 314-16-125, 314-16-145, 314-70-020, 314-70-040 and 314-70-050; and amending WAC 314-16-020, 314-16-040, and 314-16-160.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW.

Adopted under notice filed as WSR 00-23-109 on November 21, 2000.

Changes Other than Editing from Proposed to Adopted Version:

- Change to proposed WAC 314-11-015 (3)(c) to clarify licensee's responsibilities to control behavior on their licensed premises that presents a threat to public safety.
- Change to proposed WAC 314-11-015 (3)(d) to clarify the exception to licensees or employees consuming liquor while working on the licensed premises that would allow breweries and wineries, under the limited circumstances outlined in the rule, to sample product.
- Technical change for clarification to proposed WAC 314-11-050 regarding conduct on licensed premises.
- Change to proposed WAC 314-11-055 to clarify the lighting standards (change from the standards being able to read 8 point type to standard being the ability to check ID and observe patrons).

- Change to proposed WAC 317-11-095 to clarify that records must be available for inspection by the board, as opposed to requiring that some records be kept on the licensed premises and other be made available to the board.
- Change to proposed revisions to existing WAC 314-16-020, regarding labeling for beer taps. (The current rule says the brand name of the beer must be clearly labeled on both sides of the tap. The proposed change originally published deleted the requirement altogether, while the attached proposed language states the brand name of beer must be put somewhere on the tap.)

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 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 1, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 22, 2001

Eugene Prince

Chair

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 314-10-020 General—Applicable to all tobacco license holders.
- WAC 314-12-115 Expired card of identification is not valid for proof of age.
- WAC 314-12-120 Licensed premises open for inspection—Sampling of liquor.
- WAC 314-12-125 Maintaining operation of licensed premises in accordance with law and rules of the board is responsibility of licensee—Failure to do so is cause for revocation of license.
- WAC 314-12-130 No liquor deliveries on Sunday—Exceptions.
- WAC 314-12-195 Mandatory signs to be posted warning of the possible dan-

- gers of consumption of alcohol during pregnancy.
- WAC 314-16-025 "Minor prohibited" posting required in classified premises.
- WAC 314-16-030 Sanitation, equipment and lighting
- WAC 314-16-050 Hours of operation.
- WAC 314-16-060 Curb service prohibited.
- WAC 314-16-070 Minors—Employment.
- WAC 314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire
- WAC 314-16-090 Bottles and containers—Reuse
- WAC 314-16-120 Conduct on licensed premises.
- WAC 314-16-122 Licensee-employees—Prohibited conduct with patrons, fighters and law enforcement officers employment.
- WAC 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises
- WAC 314-16-145 Presentation of card of identification penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises
- WAC 314-70-020 Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090.
- WAC 314-70-040 Procedures for board purchase of liquor from governmental agencies.
- WAC 314-70-050 Destruction of liquor by liquor enforcement officers.

**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.

PERMANENT

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98)

**WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.** (1) ~~((No retail licensee shall draw any beer from any f))~~ Faucets, spigots, or other dispensing apparatus ~~((unless the))~~ must be labeled with the correct brand name of the beer being drawn. ~~((shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus.))~~ Brewers and beer distributors may furnish "tap marking devices" to retail dispensers ~~((as hereinabove provided))~~ at a nominal value or cost to the brewer or beer distributor. Brewers and beer distributors may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer distributor.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on ~~((the))~~ a licensed premises ~~((shall))~~ must be ((truly)) labeled with the correct brand name, type and manufacturer's name of ((said)) the wine. Wineries and wine distributors may furnish ~~((said))~~ labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers ~~((as hereinabove provided))~~ at a nominal value or cost to the winery or wine distributor.

AMENDATORY SECTION (Amending WSR 00-12-051, filed 6/5/00)

**WAC 314-16-040 ~~((Service limited to license and order—Removal of liquor in open containers—Room service—))~~ Price list.** ~~((1))~~ No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

~~((2))~~ Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

~~((3))~~ No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recocked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.320 and 66.24.400.

~~((4))~~ No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A spirits, beer and wine restaurant licensee shall display prices

for all liquor either by posting a price list or by using menus listing such prices, or by both.

~~((5))~~ No holder of a beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98)

**WAC 314-16-160 ~~((Records—))~~ Purchases—Reports.** ~~((1))~~ The originals or copies of all purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and copying.)

~~((2))~~ (1) ~~((No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof. Provided, That a retail licensee may pay cash prior to delivery of liquor purchased.))~~ Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer, importer, or distributor through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

~~((3))~~ (2) A retail licensee shall purchase beer from a beer distributor pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed distributor except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine distributor except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer distributor except in accordance with the provisions of WAC 314-20-070.

~~((4))~~ (3) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

~~((5) Each retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business.~~

~~(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:~~

- ~~(a) Records proposed to be reproduced.~~
- ~~(b) Reproduction process.~~
- ~~(c) Manner of preserving the reproduction.~~
- ~~(d) Facilities provided for examining or viewing such reproduction.~~

~~If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.~~

~~(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:~~

~~(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.~~

~~(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.~~

~~(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.~~

~~(8) All spirits, beer and wine licensees in addition to the requirements of subsection (1) of this section shall at all times:~~

~~(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.~~

~~(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.~~

~~(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b) of this section.~~

~~(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.~~

~~(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and~~

~~records relative to purchases, sales and inventories of liquor, food and supplies.))~~

**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.

## Chapter 314-11 WAC

### General Requirements for Licensees

#### NEW SECTION

**WAC 314-11-005 What is the purpose of chapter 314-11 WAC?** Chapter 314-11 WAC outlines general requirements for liquor licensees, including:

- (1) licensee areas of responsibility;
- (2) restrictions against alcohol service to persons under twenty-one years of age and apparently intoxicated persons;
- (3) persons under twenty-one years of age entering a restricted area;
- (4) conduct on licensed premises;
- (5) mandatory signs;
- (6) hours of operation;
- (7) keeping liquor on licensed premises; and
- (8) record keeping requirements.

#### NEW SECTION

**WAC 314-11-015 What are my responsibilities as a liquor licensee?** (1) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(2) Licensees also have the responsibility to conduct their premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155 and 82.24 RCW, which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) be disorderly or intoxicated on the licensed premises;
- (b) permit any disorderly person to remain on the licensed premises;
- (c) engage in or allow behavior that provokes conduct which presents a threat to public safety;
- (d) consume liquor of any kind while working on the licensed premises; except that:

(i) licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(ii) licensed wine manufacturers and their employees may:

(A) sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for the purpose of soliciting a patron;

(b) spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

#### NEW SECTION

**WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?** (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) On the request of any law enforcement officer, a person must present a card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it will be considered a violation of Title 66 RCW and:

(a) the person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) the person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

#### NEW SECTION

**WAC 314-11-025 What are the forms of acceptable identification?** (1) Per RCW 66.16.040, following are the forms of identification that are acceptable to verify a person's

age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) liquor control authority card of identification of any state or province of Canada;

(b) driver's license, instruction permit, or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(c) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;

(d) passport; and

(e) Merchant Marine identification card issued by the United States Coast Guard.

(2) In order for the identification to be acceptable to verify a person's age, it must:

(a) show the person's photo, date of birth, signature, and expiration date; and

(b) not be expired (except that an expired Washington driver's license card together with a current temporary paper license or a current expiration extension sticker is acceptable).

#### NEW SECTION

**WAC 314-11-030 What if a person's identification meets the legal requirements but I still have doubts about his or her age?** (1) Per RCW 66.20.190 and 66.20.210, if a patron presents proper identification as outlined in WAC 314-11-025 but the licensee or employee still has doubts about the patron's age, the licensee or employee may require the patron to sign a certification card. Certification cards are provided by the board.

(2) The certification card must be completely filled out and filed alphabetically by the licensee or employee by the close of business on the day used. Certification cards are subject to examination by any law enforcement officer.

#### NEW SECTION

**WAC 314-11-035 What are the rules regarding sales to intoxicated persons?** Per RCW 66.44.200, licensees or employees may not supply liquor to any person apparently under the influence of liquor, or allow an apparently intoxicated person to possess or consume liquor on the licensed premises.

#### NEW SECTION

**WAC 314-11-040 What duties can an employee under twenty-one years of age perform on a licensed premises?** A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

(1) Per RCW 66.44.340 and RCW 66.44.350, persons between eighteen and twenty-one years of age may perform the following duties:



	Duties 18, 19, and 20 years old employees may perform	Duties 18, 19, and 20 years old employees may not perform
(a) In a grocery store or beer/wine specialty shop:	<ul style="list-style-type: none"> <li>Sell, stock, and handle beer and wine, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor; and</li> <li>Deliver beer and /or wine to a customer's car with the customer.</li> </ul>	Supervise employees who sell, stock, or handle beer and/or wine.
(b) In an establishment that sells liquor for on-premises consumption:	<ul style="list-style-type: none"> <li>Take orders for, serve, and sell liquor in areas classified as open to persons under twenty-one years of age; and</li> <li>Enter areas designated as off-limits to persons under twenty-one years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties.</li> </ul>	Functions of a bartender, including: <ul style="list-style-type: none"> <li>mixing drinks;</li> <li>drawing beer or wine from a tap;</li> <li>pouring beer or wine anywhere except at the patrons table; and</li> <li>providing an employee spirits, beer by the pitcher or glass, or wine by the carafe or glass for delivery to a customer.</li> </ul>

(2) Per 66.44.316 and RCW 66.44.318, the following persons that are eighteen, nineteen, or twenty years of age may remain on licensed premises or portions of premises that are restricted from persons under twenty-one years of age, but only during the course of his or her employment:

- (a) persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;
- (b) employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;
- (c) security or law enforcement officers and fire fighters during the course of their official duties and if they are not the direct employees of the licensee; and
- (d) professional musicians, per WAC 314-11-045.

**NEW SECTION**

**WAC 314-11-045 Can musicians under twenty-one years of age entertain on a licensed premises that is restricted to persons twenty-one or older?** Per RCW 66.44.316 and 66.44.318, musicians, disk jockeys, and sound or lighting technicians paid by the licensee who are eighteen, nineteen, or twenty years of age may work in a licensed premises or a portion of a licensed premises that is restricted to

persons twenty-one years of age or older, under the following conditions:

- (1) The musicians must remain on the stage or bandstand during their performance, except:
  - (a) strolling musicians; and
  - (b) disk jockeys and sound and lighting technicians may remain in locations as required to actively support the professional musician or disk jockey.
- (2) The musicians may not consume alcohol, and must have acceptable identification available for inspection at all times.
- (3) The musicians are permitted on the licensed premises no more than one hour prior to the start of their performance and not more than one hour after their performance, in order to properly set up and secure their equipment.
- (4) During breaks, minor musicians may not remain in an area that is off-limits to persons under twenty-one years of age.

**NEW SECTION**

**WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?**

(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:	(a) Be unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:	(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict: <ul style="list-style-type: none"> <li>sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;</li> <li>the touching, caressing, or fondling of the breast, buttocks, anus or genitals; or</li> <li>the displaying of the pubic hair, anus, vulva, or genitals.</li> </ul> (b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.
(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:	(a) Expose to public view any portion of his or her genitals or anus; <ul style="list-style-type: none"> <li>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</li> <li>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</li> </ul>

PERMANENT

(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:

(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:

(i) the dancers are compensated by the licensee;

(ii) at all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer:

- true name and professional or stage name, if any;
- residence address and phone number;
- terms of the agreement of employment; and
- signature of both the licensee and the dancer or entertainer;

(iii) the traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

**NEW SECTION**

**WAC 314-11-055 What are the lighting requirements for a licensed premises?** On all portions of the premises where alcohol is served or consumed, licensees must maintain sufficient lighting so that identification may be

checked and patrons may be observed for the enforcement of liquor laws and rules.

**NEW SECTION**

**WAC 314-11-060 What are the mandatory signs a licensee must post on a licensed premises? (1) Notices regarding persons under twenty-one years of age must be posted on the premises as follows:**

Type of licensee	Sign must contain the following language:	Required location of sign
Tavern licensees and spirits, beer, and wine licensees who do not allow persons under twenty-one years of age.	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.
Restaurants that do not permit persons under twenty-one years of age on a portion of their premises.	"Persons under twenty-one years of age not permitted in this area."	Conspicuous location at each entry to a restricted area.

The board will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

(2) **Signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy, must be posted as follows:**

Type of premises	Required location of sign
Premises that serve alcohol for on-premises consumption (does not apply to self-service "mini-bars" in hotel guest rooms).	Posted in plain view at the main entrance to the liquor licensed portion of the establishment, and in the women's public restrooms closest to the licensed area.
Airports, convention centers, sports facilities, and other licensed premises that have more than one authorized location for alcohol service and consumption.	Posted in a place that is clearly visible to the majority of patrons entering the liquor licensed portion of the premises.
Grocery store and beer/wine specialty shop licensees.	Posted at one or more of the following locations: <ul style="list-style-type: none"> <li>• at each permanent display area of shelving and at coolers displaying alcohol beverages; and/or</li> <li>• at the cash register(s) where alcohol is sold; and/or</li> <li>• at the main entrance to the licensed premises.</li> </ul>
Breweries and wineries.	Posted in plain view at: <ul style="list-style-type: none"> <li>• the main entrance to areas where alcohol is sold for off-premises consumption, and</li> <li>• at the main entrance to all tasting areas.</li> </ul>

(3) **The premises' master license with appropriate endorsements must be conspicuously posted on the premises.**

PERMANENT

(4) **Tobacco signage** provided by the board must be posted (as outlined in WAC 314-10-020 and WAC 314-10-030 as now or hereafter amended).

(5) **Firearms prohibited** signs provided by the board must be posted in each tavern and lounge (per RCW 9.41.300).

#### NEW SECTION

**WAC 314-11-065 What type of liquor is allowed on a licensed premises?** (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) under authority of a banquet permit (see chapter 314-18 WAC);

(b) restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and

(c) beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that all food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that the food products contain liquor.

(2) Licensees or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) per RCW 66.24.320 and 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises; and

(c) liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest.

#### NEW SECTION

**WAC 314-11-070 During what hours can I sell or serve liquor?** (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

(a) sell liquor,

(b) offer liquor for sale,

(c) deliver liquor,

(d) permit the removal of liquor from the premises, or

(e) allow liquor to be consumed on the premises.

(2) Persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

(3) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

#### NEW SECTION

**WAC 314-11-080 Can liquor be substituted?** Liquor licensees or employees may not:

(a) tamper, dilute, or fortify any bottle of spirituous liquor;

(b) sell or serve any spirituous liquor, beer, or wine other than ordered; or

(c) substitute a nonalcoholic beverage when an alcoholic beverage has been ordered (see WAC 314-11-035 regarding a licensee's responsibility to not serve liquor to an apparently intoxicated person).

#### NEW SECTION

**WAC 314-11-085 Do I have to sell liquor at a certain price?** (1) Retail liquor licensees must sell beer, wine, and spirits to customers at or above the licensee's acquisition cost.

(2) An exception to this requirement is that licensees may give a customer a drink free of charge under limited circumstances, such as a customer's birthday or to compensate for unsatisfactory products or services. Free liquor may not be used in advertising or as part of a promotion.

#### NEW SECTION

**WAC 314-11-090 Does the board have the right to inspect my premises?** Per RCW 66.28.090, the following must be available to inspection at all times by the board and any law enforcement officer:

(1) The licensed premises and any premises connected physically or otherwise to the licensed business;

(2) Records as outlined in WAC 314-11-095; and

(3) Liquor on the licensed premises for the purpose of analyzing samples (the licensee will be given a receipt for any product removed from the premises for this purpose).

#### NEW SECTION

**WAC 314-11-095 What records am I required to keep regarding my licensed premises?** Licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business.

(1) The following records must be available for inspection by an employee of the liquor control board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:

(a) purchase invoices and supporting documents, to include the items purchased, from whom the items were purchased, and the date of purchase;

(b) bank statements for any accounts relating to the licensed business;

(c) cancelled checks;

(d) accounting and tax records; and

(e) records of all financial transactions related to the licensed business.

(2) See the following rules for record keeping requirements specific to breweries and wineries: WAC 314-20-

015(2), WAC 314-20-050, WAC 314-24-100, and WAC 314-24-150 (as now or hereafter amended).

#### NEW SECTION

**WAC 314-11-100 Can the board or another government agency seize liquor?** Under the provisions of RCW 66.08.030 (2)(z), liquor enforcement officers and other peace officers are authorized to seize, confiscate, destroy or otherwise dispose of any liquor that is manufactured, sold, or offered for sale within the state in violation of the provisions of Title 66 RCW and/or Title 314 WAC.

#### NEW SECTION

**WAC 314-11-105 What can the board do with lawfully seized liquor?** (1) Per RCW 66.08.030 (2)(z) and chapter 66.32 RCW, the board may destroy lawfully seized liquor under the following conditions:

(a) The board must maintain a record of the type, brand, and amount of liquor seized for at least one year.

(b) The lawfully seized liquor may be destroyed only after:

(i) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-29 WAC as now or hereafter amended, in which the liquor to be destroyed has been the subject of, or evidence in, the administrative proceeding; or

(ii) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(iii) The liquor was seized pursuant to lawful arrest and liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(iv) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

(2) If the liquor lawfully seized is in its original, sealed container, the board may either:

(a) return the product to a state liquor store for discounted resale; or

(b) upon written request from a law enforcement agency, provide the liquor to the law enforcement agency for bona fide training.

#### NEW SECTION

**WAC 314-11-110 What can government agencies other than the board do with lawfully seized liquor?** Under the provisions of chapter 66.32 RCW, government agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquor as follows:

(1) The government agency may sell unopened, salable spirituous liquor, beer, and wine that was purchased from the board to the board under the following conditions:

(a) the government agency must provide the board with a listing of the liquor and make the liquor available for examination and review;

(b) the board will issue a purchase order for the liquor;

(c) when the government agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the licensee price listed in the official board price list then in effect, less a handling charge of 13.5 percent.

(d) When the government agency is a federal agency, or when the government agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed ninety percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty; and

(e) After receipt of the board purchase order, the government agency that is selling the liquor will invoice the board per the prices listed on the purchase order.

(2) The government agency may sell opened containers of lawfully seized liquor back to the spirits, beer, and wine restaurant licensee from whom seized, under the following conditions:

(a) the licensee is going out of business and the liquor will be used for the personal use of the licensee;

(b) the liquor must be sold at a negotiated price after the licensee pays the board an amount to be determined by the board in lieu of the spirit, beer, and wine restaurant discount and tax exemption in effect at that time. If the licensee does not purchase the opened bottles of liquor within the period of redemption, the liquor must be destroyed.

(3) The government agency may sell unopened beer and/or wine to the distributor selling the beer and/or wine at a negotiated price, per the procedures outlined in WAC 314-20-070 and WAC 314-24-210, as now or hereafter amended. Copies of the inventory and bill of sale must be furnished to the board.

(4) The government agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price under the following conditions:

(a) the product must meet the quality standards set forth by its manufacturer, and

(b) copies of the inventory and bill of sale must be furnished the board.

(5) The government agency may ship the liquor out of the state of Washington.

**WSR 01-06-015**

**PERMANENT RULES**

**LIQUOR CONTROL BOARD**

[Filed February 26, 2001, 4:17 p.m.]

Date of Adoption: January 30, 2001.

Purpose: 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. The purpose of chapter 314-13 WAC is to explain how retail licensees can purchase beer, wine, and/or spirits for resale to the public.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-24-170; and amending WAC 314-12-140.

Statutory Authority for Adoption: RCW 66.08.030, 66.08.010, 66.16.040.

Adopted under notice filed as WSR 00-23-110 on November 21, 2000.

Changes Other than Editing from Proposed to Adopted Version:

- Adds debit cards to the section of the rules that allows credit cards as a method of payment between a retailer and a distributor, under the conditions listed in the rule.
- Clarifies that retail licensees must sell liquor *at or above* their acquisition cost (the originally published language said "above acquisition cost").
- Change references of liquor vendors to "contract liquor stores."

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 7, Amended 1, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 1, 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 7, Amended 1, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

February 22, 2001

Eugene Prince

Chair

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 314-24-170            Cash sales

**AMENDATORY SECTION** (Amending WSR 98-18-097, filed 9/2/98)

**WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.** (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: Provided,

That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, distributor, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, distributor or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation.

~~((It shall be a violation of this section for:~~

~~(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.~~

~~(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.))~~

(4) Pursuant to RCW 66.28.010 a manufacturer, distributor, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, distributor or importer; Provided, however, manufacturers, distributors, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or distributor on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, distributors or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

PERMANENT

**Chapter 314-13**

**RETAIL LICENSEES PURCHASING BEER, WINE, AND SPIRITS**

(5) No manufacturer, distributor, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, distributor or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or distributor or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, distributor or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to non-licensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or distributor's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, distributor or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and distributors solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

NEW SECTION

**WAC 314-13-005 What is the purpose of chapter 314-13 WAC?** The purpose of chapter 314-13 WAC is to outline the procedures for retail licensees to purchase beer, wine, and/or spirituous liquor for re-sale.

NEW SECTION

**WAC 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?**

	Definition	Who licensees can purchase from
Beer	RCW 66.04.010 (2) RCW 66.04.010 (21)	<ul style="list-style-type: none"> <li>A licensed Washington distributor (including a licensed Washington brewery that distributes its own product)</li> <li>Washington State Liquor Control Board store or agency</li> </ul>
Wine	RCW 66.04.010(37)	<ul style="list-style-type: none"> <li>A licensed Washington distributor (including a licensed Washington winery that distributes its own product)</li> <li>Washington State Liquor Control Board state-run or contract liquor store</li> </ul>
Spirits	RCW 66.04.010(32)	A Washington State Liquor control board state-run or contract liquor store

NEW SECTION

**WAC 314-13-015 What method of payment can a retailer use to purchase beer or wine from a manufacturer or distributor?** Per RCW 66.28.010(1), a retail licensee must pay cash for beer and wine prior to or at the time of delivery by a distributor, brewery, or winery. The board will recognize the following forms of payment as cash payment for the purposes of this title, under the conditions outlined in this rule and in WAC 314-13-020.

(1) **Checks**, under the provisions of WAC 314-13-020.

(2) **Credit/debit cards**, under the following provisions:

(a) The credit or debit card transaction agreement must be voluntary on the part of both the retailer and the manufacturer, importer, or distributor, and there must be no discrimination for non-participation in credit or debit card transactions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective banking costs or other costs associated with the credit or debit card service.

(d) Both parties must maintain records of transactions and have the records readily available for board review.

PERMANENT

(e) The credit or debit card charge must be initiated by the manufacturer, importer, or distributor no later than the first business day following delivery.

(3) **Electronic funds transfer (EFT)**, under the following provisions:

(a) The EFT agreement must be voluntary on the part of both the retailer and the manufacturer, importer, or distributor, and there must be no discrimination for non-participation in EFT.

(b) Prior to any EFT transaction, the retail licensee must enter into a written agreement with the manufacturer, importer, or distributor specifying the terms and conditions for EFT as payment for alcohol or non-alcohol beverages.

(c) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(d) Both parties must bear their respective banking costs or other costs associated with EFT service.

(e) Both parties must maintain records of transactions and have the records readily available for board review.

(f) The electronic funds transfer must be initiated by the manufacturer, importer, or distributor no later than the first business day following delivery.

(4) **Prepaid accounts.** Both parties must keep accurate accounting records of prepaid accounts to ensure a cash deposit is not overextended, which is considered an extension of credit.

#### NEW SECTION

**WAC 314-13-020 What if a check, EFT transaction, or credit/debit card transaction is reported as having non-sufficient funds (NSF)?** Any transaction reported as having non-sufficient funds (NSF) will be considered an extension of credit, in violation of RCW 66.28.010(1). If a transaction is reported as NSF:

(1) The retailer must pay the full amount of the transaction to the manufacturer, importer, or distributor by 3 p.m. on the first business day following receipt of the NSF report.

(2) If the retailer does not make payment by this time, the manufacturer, importer, or distributor must report the NSF transaction to the their local board enforcement office by 5 p.m. the next business day following receipt of the NSF report.

(3) The local board enforcement office will contact the retailer, who will have until 3 p.m. the next business day to pay the NSF transaction. If the retailer does not pay the manufacturer, importer, or distributor by this time, the board will issue an administrative violation notice to the retailer.

(4) Until the NSF transaction is paid:

(a) the manufacturer, importer, or distributor who received the NSF transaction will not deliver any beer or wine to the retailer; and

(b) it is the responsibility of the retailer to not receive any beer or wine from any manufacturer, importer, or distributor.

#### NEW SECTION

**WAC 314-13-025 How do retail licensees purchase spirituous liquor at a discount from the board?** (1) In

order to acquire spirituous liquor for re-sale, the following licensees must purchase spirituous liquor from the board at a fifteen percent discount:

- (a) spirits, beer, and wine restaurants;
- (b) spirits, beer, and wine private clubs; and
- (c) sports/entertainment facilities.

(2) When purchasing spirituous liquor, the licensee must present the tear-off portion of the business' master license that shows its liquor endorsement.

(3) This discounted spirituous liquor may only be used for re-sale on the licensed premises (see WAC 314-70-010 for instructions on when a business discontinues).

(a) Possession of discounted liquor off of the licensed premises will be *prima facie* evidence of a violation of this rule, unless:

(i) the liquor is en route from the point of purchase to the licensed premises, or

(ii) the liquor is en route from the licensed premises of a beer and/or wine restaurant or a spirits, beer, and wine restaurant with a caterer's endorsement to an approved event being catered by the licensee.

(b) Any spirituous liquor on the licensed premises must be liquor purchased at a discount from the board, except:

(i) under the authority of a banquet permit, see chapter 314-18 WAC; or

(ii) liquor bottles if they are used as part of the decor, and any bottles containing liquor are locked in a display case and are not for sale.

#### NEW SECTION

**WAC 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board?**

(1) Per RCW 66.16.040, retailers must pay cash for spirituous liquor purchased from the board.

(2) For the purposes of this section, a check will be considered cash as long as the check is immediately made good when presented and is not used as a device for obtaining or extending credit. Therefore, state-run liquor stores will take certified checks from retailers for the purchase of spirituous liquor, and will take personal or company checks under the following conditions:

(a) Persons or entities that have held a liquor license for less than two years must supply the board a letter of credit from the bank in which the account is held.

(b) Persons or entities that have held a liquor license for two years or longer must either:

(i) apply and be approved for a check acceptance agreement with the board, on a form provided by the board; or

(ii) supply the board a letter of credit from the bank in which the account is held.

(3) Contract liquor stores may adopt the check acceptance policy outlined in this rule.

#### NEW SECTION

**WAC 314-13-040 Do retail licensees have to sell liquor at a certain price?** Retail liquor licensees must sell

beer, wine, and spirituous liquor at or above the licensee's acquisition cost.

**WSR 01-06-016**  
**PERMANENT RULES**  
**LIQUOR CONTROL BOARD**

[Filed February 26, 2001, 4:19 p.m.]

Date of Adoption: February 7, 2001.

Purpose: The Liquor Control Board is currently undergoing a review of all of its rule to make them clear and usable, per Governor Locke's Executive Order 97-02. Chapter 314-01 WAC is a proposed new chapter that would define terms that are used through the Liquor Control Board's WACs.

Statutory Authority for Adoption: RCW 66.08.030, 66.04.010.

Adopted under notice filed as WSR 00-23-111 on November 21, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 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 1, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 22, 2001

Eugene Prince

Chair

**Chapter 314-01 WAC**  
**Definitions**

NEW SECTION

**WAC 314-01-005 Definitions.** The following definitions apply to Title 314 WAC. Additional definitions are in RCW 66.04.010.

(1) "Licensed premises" or "premises" means all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. Specific alcohol consumption areas of a licensed premises shall be approved by the board.

(2) "Card of identification" means the forms of identification that are acceptable to verify a person's age per RCW 66.16.040.

(3) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(4) "Liquor enforcement officers" means any individual designated as a liquor enforcement officer by the board, and any peace officer as defined by RCW 9A.04.110(15) as it now exists or may later be amended.

(5) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

**WSR 01-06-024**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed February 27, 2001, 2:19 p.m.]

Date of Adoption: February 27, 2001.

Purpose: To correct outdated WAC numbers referred to in Title 208 WAC. No new rules are being proposed.

Citation of Existing Rules Affected by this Order: Amending Title 208 WAC.

Statutory Authority for Adoption: RCW 30.04.030 and 43.320.040.

Adopted under notice filed as WSR 01-03-107 on January 22, 2001.

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 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, 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.

February 27, 2001

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 00-17-140, filed 8/22/00, effective 9/22/00)

**WAC 208-586-135 Charges and fees effective June 25, 1999.** Effective June 25, 1999, the rate of charges and fees under chapter ((419-14 and 419-56)) 208-586 and 208-594 WAC shall be as follows:

(1) WAC ((419-14-030(1))) 208-586-030(1) - The fee shall be \$41.67 per hour.

(2) WAC ((419-14-030(2))) 208-586-030(2) - The fee shall be \$46.88 per hour.

(3) WAC ((419-14-030(3))) 208-586-030(3) - The fee shall be \$52.09 per hour.

(4) WAC ((419-14-040)) 208-586-040 - The asset charge shall be .031254 per thousand dollars of assets.



(5) WAC ~~((419-14-075))~~ 208-586-075 - The fee shall be \$2,500.00 for the first branch and \$500.00 for each additional branch.

(6) WAC ~~((419-14-080))~~ 208-586-080 - The fee shall be \$50.00 for the home office and each branch.

(7) WAC ~~((419-14-090))~~ 208-586-090 - The fee shall be \$62.50 per hour.

(8) WAC ~~((419-14-100))~~ 208-586-100 - The fee shall be \$52.09 per hour.

(9) WAC ~~((419-14-110))~~ 208-586-110 - The fee shall be \$52.09 per hour.

(10) WAC ~~((419-14-110))~~ 208-586-120 - The fee shall be \$5,000.00.

(11) WAC ~~((419-56-070))~~ 208-594-070 - The fee shall be \$1,000.00.

**AMENDATORY SECTION** (Amending WSR 00-17-140, filed 8/22/00, effective 9/22/00)

**WAC 208-586-140 Charges and fees effective July 1, 1999.** (1) Effective July 1, 1999, the rate of charges and fees under chapters ~~((419-14 and 419-56))~~ 208-586 and 208-594 WAC shall be as follows:

(a) WAC ~~((419-14-030(1)))~~ 208-586-030(1) - The fee shall be \$43.05 per hour.

(b) WAC ~~((419-14-030(2)))~~ 208-586-030(2) - The fee shall be \$48.43 per hour.

(c) WAC ~~((419-14-030(3)))~~ 208-586-030(3) - The fee shall be \$53.81 per hour.

(d) WAC ~~((419-14-040))~~ 208-586-040 - The asset charge shall be .0322916 per thousand dollars of assets.

(e) WAC ~~((419-14-075))~~ 208-586-075 - The fee shall be \$2,500.00 for the first branch and \$500.00 for each additional branch.

(f) WAC ~~((419-14-080))~~ 208-586-080 - The fee shall be \$50.00 for the home office and each branch.

(g) WAC ~~((419-14-090))~~ 208-586-090 - The fee shall be \$64.57 per hour.

(h) WAC ~~((419-14-100))~~ 208-586-100 - The fee shall be \$53.81 per hour.

(i) WAC ~~((419-14-110))~~ 208-586-110 - The fee shall be \$53.81 per hour.

(j) WAC ~~((419-14-110))~~ 208-586-120 - The fee shall be \$5,000.00.

(k) WAC ~~((419-56-070))~~ 208-594-070 - The fee shall be \$1,000.00.

(2) Thereafter, effective July 1, 2000, and again on July 1, 2001, the charges and fees set forth in subsection (1)(a), (b), (c), (d), (g), (h), and (i) of this section shall be increased by the fiscal growth factor as determined by the office of financial management pursuant to RCW 43.135.025.

(3) The director may suspend the collection of any or all of the charges and/or fees imposed under this section when he or she determines the banking examination fund established in RCW 43.320.110 exceeds the projected acceptable minimum fund balance level approved by the office of financial management and that such course of action would be fiscally prudent.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-556-080 Fees.** The cost of regulation of non-depository lenders licensed under Title 31 RCW, shall be borne by the licensees under the following schedule:

(1) Application fee. A fee of two thousand dollars must accompany an application for this license to cover the cost of investigation.

(2) Acquisition of control approval fee. A fee of two thousand dollars must accompany any request for acquisition of control of a licensee to cover the cost of investigation which will be conducted to the same degree as an initial application approval.

(3) Business combination fee. Other business combinations must be approved by the director. Costs of investigation will be borne by the licensee and will be based on actual staff costs of the division of banks, which are fifty dollars per hour per examiner assigned.

(4) Examination and supervision fees. Examination and supervision fees shall be billed based on rates charged commercial banks for examination costs and semiannual asset charges in chapter ~~((50-44))~~ 208-544 WAC.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-045 Schedule of fees for banks, trust companies, stock savings banks, mutual savings banks, and alien banks.** (1) The director shall collect the following fees:

(a) Hourly charges for services plus actual expenses for review of application and attendant investigation for:

(i) New bank or trust company;

(ii) Conversion to a state chartered institution;

(iii) Alien bank to establish and operate an office or bureau in the state;

(iv) Certificate conferring trust powers;

(v) Branch;

~~((vi))~~ ~~((A satellite facility or facilities which are to be used by its own customers or customers of another bank;~~

~~((vii))~~ ~~A network system of satellite facilities as defined in WAC 50-40-010(4) or modification of a previously approved network system made in accordance with WAC 50-40-060(1) or (2);~~

~~((viii))~~ Merger, consolidation, or reorganizational agreement;

~~((ix))~~ ~~((vii))~~ Relocation of main office or branch;

~~((x))~~ ~~((viii))~~ An out-of-state bank holding company acquisition and control of more than five percent of the shares of voting stock or substantially all of the assets of a bank, trust company, national banking association or bank holding company, the principal operations of which are conducted within this state;

~~((xi))~~ ~~((ix))~~ The purchase or sale of a branch;

~~((xii))~~ ~~((x))~~ Voluntary or involuntary liquidation of a bank or trust company pursuant to chapter 30.44 RCW or for acting as conservator of a bank or trust company pursuant to chapter 30.46 RCW;

~~((xiii))~~ (xi) Conversion from a mutual savings bank to a stock savings bank;

~~((xiv))~~ (xii) Notice of change of control.

(b) Hourly charges for opinions rendered regarding interpretations of statutes and rules.

(c) \$100.00 for issuing the following certificates:

(i) Branch certificate;

(ii) Increase or decrease of capital stock certificate;

(iii) Certificate of authority;

(iv) ~~((Satellite facility;~~

~~(v))~~ Certificate of good standing;

~~((vi))~~ (v) Other.

(d) \$100.00 for filing articles of incorporation, or amendments thereof, or other certificates required to be filed with the director.

(e) Fifty cents per page for furnishing copies of papers filed with the director.

(2) The hourly fee for services shall be \$90.00 per employee hour expended. The director may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in subsection (1)(a) and (b) of this section. In no event shall the lump sum payment required under this section exceed actual amounts derived in subsection (1)(a) and (b) of this section.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-110 Investment securities—Permissible investments.** A bank or trust company may purchase or hold obligations of a single obligor which are "investment securities," as defined below, and meet the following guidelines for proper "investment security" management. The term "investment security" shall mean a marketable obligation evidencing indebtedness of any person, copartnership, association, or corporation; of the government of the United States or any agency thereof; of any state, or political subdivision thereof; or of any publicly-owned entity that is an instrumentality of a state or municipal corporation in the form of bonds, notes, and/or debentures. They exclude investments which are predominately speculative but shall include:

(1) Type I securities which a bank may deal in, purchase, and sell for its own account without limitation. These securities include:

(a) Obligations of the United States;

(b) Obligations issued, insured, or guaranteed by a department or agency of the United States, including obligations of such departments or agencies representing an interest in a loan or pool of loans;

(c) General obligations of a state or political subdivision including but not limited to obligations of a county, city, town, municipal corporation, or any publicly-owned entity that is an instrumentality of a state or municipal corporation;

(d) Obligations of any state or political subdivision of a state if a state or political subdivision of a state having general powers of taxation has unconditionally promised to make sufficient funds available for full repayment of the obligation; and

(e) Revenue bonds issued by public improvement agencies.

(2) Type II securities which a bank may deal in, purchase and sell for its own account subject to a twenty percent of capital and surplus limitation and any limitation set forth in WAC 50-12-115 (2)(c). These include obligations issued by any state or political subdivision, or any agency of a state or political subdivision for housing, university or dormitory purposes. Such obligations include:

(a) Obligations issued by any state or a political subdivision for the purpose of financing the construction or improvement of facilities at or used by a university or a degree-granting college-level institution, or financing loans for studies at such institutions; and

(b) Obligations which finance the construction or improvement of facilities used by a hospital, provided that the hospital is a department or a division of a university, or otherwise provides a sufficient nexus with university purposes.

(3) Type III securities which a bank may purchase and sell for its own account with a twenty percent of capital and surplus limitation and any limitation set forth in WAC ~~((50-12-115 (2)(e)))~~ 208-512-115 (2)(c), but may not deal in. These include investment securities issued by corporations, provided that such securities have received in the most recent edition one of the four highest rating grades by Standard and Poor's, Moodys, or equivalent rating service. Unrated securities must be investment grade and be of equivalent quality to the four highest rating grades and where the investment characteristics are distinctly or predominately not speculative.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-115 Investment securities—Proper management.** (1) A bank may purchase a Type I security for its own account, provided it is permissible under the provisions of Title 30 RCW and this regulation, if through prudent banking judgment it determines there is adequate evidence that the obligor will be able to perform all necessary undertakings in connection with the security, including all debt service requirements.

(2)(a) A bank may purchase a Type II or III security for its own account when through prudent banking judgment (which may be based in part upon estimates which it believes to be reliable), it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the security, including all debt service requirements, and that the security is marketable so that it can be sold with relative promptness at a fair market value.

(b) A bank may, subject to the limitations set forth in (c) of this subsection, purchase a security of Type II or III for its own account although its judgment with respect to the obligor's ability to perform is based predominantly upon estimates it believes to be reliable. This subsection permits a bank to exercise a somewhat broader range of judgment with respect to a more restricted portion of its investment portfolio.

(c) If a bank holds at any time Type II or III securities which would not be eligible for purchase pursuant to (a) of this subsection in a total amount in excess of five percent of

the bank's capital and surplus, they are to be charged down to market value or a specific reserve is to be established within ninety days.

(3) Each bank shall maintain in its files credit information adequate to demonstrate that it has exercised prudence in making the determinations and carrying out the transactions involving underwriting, dealing in, and purchase and sale of investment securities. This information shall be retained:

(a) When securities are purchased for the bank's own portfolio, as long as the security remains in the portfolio;

(b) When securities are underwritten by the bank, for the maturity or the life of the security; and

(c) With regard to dealer activities, for periods set forth in the relevant rules of the municipal securities rule-making board.

(4) When a bank purchases an investment security convertible into stock or with stock purchase warrants attached, entries must be made by the bank at the time of purchase to write down the cost of such security to an amount which represents the investment value of the security considered independently of the conversion feature or attached stock purchase warrants. Purchase of securities convertible into stock at the option of the issuer is prohibited.

(5) When an investment security is purchased at a price exceeding par or face value, the bank shall:

(a) Charge off the entire premium at the time of purchase; or

(b) Provide for a program to amortize the premium paid or that portion of premium remaining after the write-down subject to subsection (2) of this section so that such premium or portion thereof shall be entirely extinguished at or before the maturity of the security.

(6) Each bank shall take measures to insure the cumulative investment holdings do not exceed the limitations for a specific investment set forth in Title 30 RCW.

(7) The board of directors, a committee thereof, or a duly appointed committee of senior level management shall review at least quarterly the bank's investment portfolio to insure compliance with the provisions contained in WAC ((~~50-12-110~~) 208-512-110 through ((~~50-12-116~~) 208-512-116).

(8) The restrictions and limitations set forth in this section do not apply to securities acquired through foreclosure on collateral, or acquired in good faith by way of compromise of a doubtful claim or to avoid a loss in connection with a debt previously contracted.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-116 Investment securities—Investment in investment companies.** A bank or trust company may invest in shares of an investment company provided that all of the following conditions are met:

(1) The investment company must be registered with Securities and Exchange Commission under the Investment Company Act of 1940 and the Securities Act of 1933 or be a privately offered fund sponsored by an affiliated commercial bank.

(2) The shareholder has a fair and equal proportionate undivided interest in the underlying assets of the investment company calculated pursuant to the Investment Company Act of 1940.

(3) When an investment company's assets consist solely of and are expressly limited to obligations that are eligible for unlimited investment (Type I) as described in WAC ((~~50-12-400~~) 208-512-100), there is no limit on the bank's investment. However, where the investment companies portfolio contains, or is permitted to contain, securities subject to the bank's investment or lending limitations, investment by the bank shall be subject to a twenty percent of capital and surplus limitation.

(4) The shareholders are protected against personal liability for acts or obligations of the investment company.

(5) The bank's investment policy, as formally approved by its board of directors, specifically provides for such investments; prior approval of the board of directors is obtained for initial investments in specific investment companies and recorded in the official board minutes; and procedures, standards, and controls for managing such investments are implemented prior to acquirement of these investments.

(6) If the investment company makes use of futures, forwards, options, repurchase agreements and securities lending arrangements, their use must be consistent with standards adopted for use of such instruments in the bank's portfolio.

(7) Regulatory reporting of holdings in investment companies is consistent with established standards for "marketable equity securities."

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-117 Investments in corporations.** Nothing in WAC 208-512-110, 208-512-115, or 208-512-116 shall limit the authority of a bank or trust company to invest in corporations or entities, with the prior authorization of the director, pursuant to RCW ((~~30.04.---~~) 30.04.127, (section 1, chapter 498, Laws of 1987).

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-240 General limitations.** The total loans and extensions of credit by a state bank or trust company to a person outstanding at one time and not fully secured by collateral in a manner defined in WAC ((~~50-12-250~~) 208-512-250) shall not exceed twenty percent of the capital and surplus of the bank or trust company.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-280 Loans to partnerships, joint ventures, and associations.** (1) Loans or extensions of credit to a partnership, joint venture, or association shall, for purposes of WAC ((~~50-12-210~~) 208-512-210 through ((~~50-12-300~~) 208-512-300), be considered loans or extensions of credit to each member of such partnership, joint venture, or association.

(2) Loans or extensions of credit to members of a partnership, joint venture, or association are considered loans or extensions of credit to the partnership, joint venture, or association if one or more of the tests presented in WAC ((50-12-260(1))) 208-512-260(1) is satisfied with respect to one or more of the members. However, loans to members of a partnership, joint venture or association will not be attributed to other members of the partnership, joint venture, or association unless one or more of the tests set forth in WAC ((50-12-260(1))) 208-512-260(1) is satisfied with respect to such other members. The tests set forth in WAC ((50-12-260(1))) 208-512-260(1) shall be deemed satisfied when loans or extensions of credit are made to members of a partnership, joint venture, or association for the purpose of purchasing an interest in such partnership, joint venture, or association.

(3) The rule set forth in subsection (1) of this section is not applicable to limited partners in limited partnerships or to members of joint ventures if such partners or members, by the terms of the partnership or membership agreement are not to be held liable for the debts or actions of the partnerships, joint venture, or association. However, the rules set forth in WAC ((50-12-260(1))) 280-512-260(1) are applicable to such partners or members.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-512-300 Transitional rules.** (1) Loans or extensions of credit which were in violation of RCW 30.04.111 prior to the relevant effective dates of WAC ((50-12-240)) 208-512-210 through this section will be considered to remain in violation of law until they are paid in full, regardless of whether the loans or extensions of credit conform to the rules established in WAC ((50-12-240)) 208-512-210 through this section. Renewals or extensions of such loans or extensions of credit will also be considered violations of law.

(2) A state bank which has outstanding loans or extensions of credit to a person in violation of RCW 30.04.111 as of the relevant effective dates of WAC ((50-12-240)) 208-512-210 through this section may make additional advances to such person after those dates if the additional advances are permitted under WAC ((50-12-240)) 208-512-210 through this section. The additional advances, however, may not be used directly or indirectly to repay any outstanding illegal loans or extensions of credit.

(3) Loans or extensions of credit which were in conformance with RCW 30.04.111 prior to the relevant effective dates of WAC ((50-12-240)) 208-512-210 through this section but are not in conformance with the rules established in WAC ((50-12-240)) 208-512-210 through this section will not be considered to be violations of law during the existing contract terms of such loans or extensions of credit. Renewals or extensions of such loans or extensions of credit which are not in conformance with WAC ((50-12-240)) 208-512-210 through this section may be made on or after the effective dates of WAC ((50-12-240)) 208-512-210 through this section, if the nonconformity is caused by the amendments to Title 30 RCW contained in ESSB 4917; however, all loans or extensions of credit made under such renewals or extensions

must conform with WAC ((50-12-240)) 208-512-210 through this section no later than April 1, 1988. Loans or extensions of credit which are not in conformance with WAC ((50-12-240)) 208-512-210 through this section for any other reason (i.e., a reduction in the bank's capital) must conform to this section upon renewal or extension.

(4) If a state bank, prior to the relevant effective dates of WAC ((50-12-240)) 208-512-210 through this section, entered into a legally binding commitment to advance funds on or after those dates, and such commitment was in conformance with RCW 30.04.111, advances under such commitment may be made notwithstanding the fact that such advances are not in conformance with WAC ((50-12-240)) 208-512-210 through this section. The bank must, however, demonstrate that the commitment represents a legal obligation to fund, either by a written agreement or through file documentation. Advances under renewals or extensions of such extension of the commitment is made on or after the relevant effective dates of WAC ((50-12-240)) 208-512-210 through this section.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-514-140 Construction.** Nothing contained in chapter ((50-14)) 208-514 WAC shall be construed to prohibit the de novo chartering of a stock savings bank not intended to be in holding company form.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-528-040 Fees.** The filing fee to accompany the notice of intention to organize a bank or trust company shall be that established by WAC ((50-12-040)) 208-512-045, as now or hereafter amended. If the application is withdrawn by applicants before a field investigation is undertaken a refund will be made based upon retention of that portion deemed adequate to cover processing and preliminary investigation costs. The retained portion shall be the greater of:

- (1) \$500.00, or
- (2) Estimated number of hours times the current hourly rate as established by WAC ((50-12-040)) 208-512-045 as devoted to processing and preliminary review and investigation.

**AMENDATORY SECTION** (Amending WSR 00-18-103, filed 9/6/00, effective 10/7/00)

**WAC 208-532-050 Fees.** (1) The fees to accompany the filing of an application and attendant investigation are prescribed in WAC ((50-12-040)) 208-512-045, as now or hereafter amended.

(2) Cost of examination. The examination fees charged to an alien bank for the examination of an office or bureau shall be the estimated actual cost of each examination calculated under the same terms and conditions as for state chartered banks and trust companies.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-544-025 Fees paid by interstate banks. (1) Semiannual asset charge.** The semiannual asset charge established in WAC ((~~50-44-020~~)) 208-544-020 shall be assessed against any state-chartered bank, as defined in 12 U.S.C. sec. 1813(a), that operates branches in Washington and any other state. The assets subject to assessment under WAC ((~~50-44-020(1)~~)) 208-544-020(1) shall be determined as follows: Divide the number of branches in Washington by the total number of branches in all states including Washington and multiply the result by the asset value reflected in the most recent report of condition.

(2) **Other fees.** All other fees that normally apply to Washington-chartered banks under WAC ((~~50-44-030 and 50-12-045~~)) 208-544-030 and 208-512-045 shall also be paid by banks chartered in other states.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-544-037 Charges and fees effective June 25, 1999.** Effective June 25, 1999, the rate of charges and fees under WAC ((~~50-12-045, 50-44-020 and 50-44-030~~)) 208-512-045, 208-544-020 and 208-544-030 shall be as follows:

(1) WAC ((~~50-12-045 (1)(c) and (d)~~)) 208-512-045 (1)(c) and (d) - The fee shall be \$100.00 for the issuance and filing of certificates.

(2) WAC ((~~50-12-045 (1)(e)~~)) 208-512-045 (1)(e) - The fee shall be 50 cents per page.

(3) WAC ((~~50-12-045(2)~~)) 208-512-045(2) - The fee shall be \$93.76 per employee hour expended.

(4) WAC ((~~50-44-020(1)~~)) 208-544-020(1) - The rates shall be the following:

If total assets are:		The assessment is:		
Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	500	0	.000014668	0
500	1,000	7,344	.000014064	500
1,000	10,000	14,366	.000013855	1,000
10,000	—	139,061	.000	10,000

(5) WAC ((~~50-44-020(2)~~)) 208-544-020(2) - The rate shall be .000036659.

(6) WAC ((~~50-44-030(1)~~)) 208-544-030(1) - The fee shall be \$67.71 per hour.

(7) WAC ((~~50-44-030(2)~~)) 208-544-030(2) - The fee shall be \$93.76 per hour.

**AMENDATORY SECTION** (Amending WSR 00-17-141, filed 8/22/00, effective 9/22/00)

**WAC 208-544-039 Charges and fees effective July 1, 1999.** (1) Effective July 1, 1999, the rate of charges and fees under WAC ((~~50-12-045, 50-44-020 and 50-44-030~~)) 208-512-045, 208-544-020 and 208-544-030 shall be as follows:

(a) WAC ((~~50-12-045 (1)(c) and (d)~~)) 208-512-045 (1)(c) and (d) - The fee shall be \$100.00 for the issuance and filing of certificates.

(b) WAC ((~~50-12-045 (1)(e)~~)) 208-512-045 (1)(e) - The fee shall be 50 cents per page.

(c) WAC ((~~50-12-045(2)~~)) 208-512-045(2) - The fee shall be \$96.87 per employee hour expended.

(d) WAC ((~~50-44-020(1)~~)) 208-544-020(1) - The rates shall be the following:

If total assets are:		The assessment is:		
Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	500	0	.0000151549	0
500	1,000	7,577	.0000145309	500
1,000	10,000	14,842	.0000143149	1,000
10,000	—	143,676	.000	10,000

(e) WAC ((~~50-44-020(2)~~)) 208-544-020(2) - The rate shall be .000037876.

(f) WAC ((~~50-44-030(1)~~)) 208-544-030(1) - The fee shall be \$69.95 per hour.

(g) WAC ((~~50-44-030(2)~~)) 208-544-030(2) - The fee shall be \$96.87 per hour.

(2) Thereafter, effective July 1, 2000, and again on July 1, 2001, the charges and fees set forth in subsection (1)(c), (d), (e), (f), and (g) of this section shall be increased by the fiscal growth factor as determined by the office of financial management pursuant to RCW 43.135.025.

(3) The director may suspend the collection of any or all of the charges and/or fees imposed under this section when he or she determines the banking examination fund established in RCW 43.320.110 exceeds the projected acceptable minimum fund balance level approved by the office of financial management and that such course of action would be fiscally prudent.

**WSR 01-06-028**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed March 2, 2001, 10:06 a.m.]

Date of Adoption: March 2, 2001.

Purpose: To repeal a rule that is now duplicative. The department established new chapter 388-543 WAC, Durable medical equipment (DME), under WSR 01-01-078 on December 13, 2000. All rules regarding DME are now codified in the new chapter, so existing rules must be repealed to avoid duplication and possible contradiction.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-100.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under preproposal statement of inquiry filed as WSR 01-02-050 on December 28, 2000.

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.

February 28, 2001

Bonita H. Jacques, Chief Office of Legal Affairs

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-86-100 Durable medical equipment, prosthetic devices, and disposable/nonreusable medical supplies.

**WSR 01-06-029  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)  
[Filed March 2, 2001, 10:07 a.m.]**

Date of Adoption: March 2, 2001.

Purpose: The department has consolidated and clarified rules regarding nonambulance transportation services in a new chapter. The proposed rules reflect long-standing department policy, are more readable, and comply with the Governor's Executive Order 97-02 on regulatory reform.

New Transportation service—Nonambulance transportation, WAC 388-546-5000, 388-546-5100, 388-546-5200, 388-546-5300, 388-546-5400, and 388-546-5500.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-86-085 and 388-87-035; WAC 388-86-100 had been proposed for amendment but was withdrawn on December 26, 2000.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.500.

Other Authority: RCW 74.04.050, 74.04.055, and 74.04.057.

Adopted under notice filed as WSR 00-17-096 on August 15, 2000.

Changes Other than Editing from Proposed to Adopted Version: Changes to the proposed rule text for chapter 388-546 WAC are detailed below.

WAC 388-546-5000 Nonemergency transportation program definitions.

"Local provider of type" means the medical provider ~~who is closest to the client's residence and within the client's local community~~ who fulfills the requirements of the medical appointment. The provider may vary by medical specialty, the provider's acceptance of MAA's clients, and whether managed care, primary care case management or third party participation is involved.

"Noncompliance" means a client: (1) Engages in violent, seriously disruptive, or illegal conduct; (2) poses a direct threat to the health and/or safety of self or others; or (3) fails to be present at the pick-up point of the trip.

"Return trip" means the return of the client to the client's home, or another authorized return point, from the location where a covered medical service has occurred.

"Trip" means transportation one-way from the pick-up point ~~by an authorized transportation provider~~ to the drop-off point ~~by an authorized transportation provider~~.

"Urgent care" means an unplanned appointment for a covered medical service with verification from an attending physician or facility that the client must be seen that day.

WAC 388-546-5100 Nonemergency transportation program scope of coverage.

(2) Licensed ambulance ~~companies~~ providers, who contract with MAA's transportation brokers, may be reimbursed for nonemergency transportation services under WAC 388-546-5200 as administrative services.

(4) Prior authorization by MAA is required for all out-of-state nonemergency ~~medical~~ transportation. Border areas...

(5) MAA requires all ~~medical~~ nonemergency transportation to and from eligible covered medical services to meet the following:

(a) ~~Be~~ The covered service must be medically necessary as defined in WAC 388-500-0005;

(b) ~~It must Be~~ the lowest-cost transportation available that is both appropriate and accessible to the client's medical ~~need~~ condition and personal capabilities; and

(c) Be limited to the local provider of type as follows:

(i) Clients ~~who are served~~ receiving services provided under MAA's fee-for-service program may be transported only to the local provider of type. MAA's transportation broker is responsible for considering and authorizing exceptions.

(ii) Clients ~~under enrolled in~~ enrolled in MAA's managed care (healthy options) program may be transported to a any provider ~~as determined necessary~~ supported by the client's managed care plan. Clients may be enrolled in a managed care plan but are obtaining a specific service not covered under the plan. The requirements in (5)(c)(i) apply to these fee-for-service services.

(6) MAA does not cover nonemergency transportation services if the covered medical services are within three-quarters of a mile walking distance from the client's residence. Exceptions to this rule may be granted by MAA's transportation broker based on the client's documented medical condition or personal capabilities, or based on safety or

PERMANENT

physical accessibility concerns, as described in WAC 388-546-5400(1).

(7) A client must use personal or informal transportation alternatives if they are available and appropriate to the client's needs.

(8) If a fixed-route public transportation service is available to the client within three-quarters of a mile walking distance, the broker may require the client to use the fixed-route public transportation system unless the need for more specialized transportation is present and documented. Examples of such a need are the client's use of a portable ventilator, a walker or a quad cane.

WAC 388-546-5200 Nonemergency transportation program broker and provider requirements.

(1) MAA requires that all nonambulance transportation providers serving MAA clients be under subcontracted with the department's primary contracted transportation brokers contractors. ~~In addition, MAA's transportation brokers may choose to subcontract with willing ambulance providers in order to provide for nonemergency trips in licensed ground ambulance vehicles as an administrative services, rather than as a medical service.~~ See WAC 388-546-5100(2).

(2) MAA requires all contracted and subcontracted transportation providers under this chapter to be licensed, equipped, and operated in accordance with applicable federal, state and local ~~statutes, regulations, and ordinances laws.~~

(3) MAA's contracted transportation brokers determine the level of transportation service needed by the client and the mode of transportation to be used for each authorized trip.

(4) MAA's contracted transportation brokers must comply with the terms specified in their contracts.

(5) MAA's transportation brokers may require up to forty-eight hours advance notice of a requested trip (see WAC 388-546-5300(2)) with the exception of hospital discharge requests or urgent care trips. MAA allows its transportation brokers...

(6) If MAA's transportation broker is not open for business and unavailable to give advance approval for a hospital discharge or urgent care request as described in subsection (5), the sub-contracted transportation provider must either:

(a) Provide the transportation...

(8) MAA, through its contracted transportation brokers, limits its payment does not pay for transportation according to under the following conditions:

(a) Clients are not eligible for transportation services when medical services are within reasonable walking distance (normally three-quarters of a mile actual travelling distance), taking into account the client's documented medical condition and personal capabilities (see WAC 388-546-5100(6));

(b) Clients must use personal or informal transportation alternatives if they are available and appropriate to the clients' needs (see WAC 388-546-5100(7));

(c) If a fixed-route public transportation service is available to the client within three-quarters of a mile walking distance, the broker may require the client to use the fixed route public transportation system unless a higher need is both present and documented (e.g., portable ventilator, use of a

walker or quad cane) under the terms of WAC 388-546-5100(8);

(d) MAA or MAA's contracted transportation broker may deny transportation services requested if the request is not necessary, suitable, or appropriate to the client's medical condition (see WAC 388-546-5100 (1) and (5)(a));

(e) The medical services requiring transportation must be services that are covered by the client's medical program (see WAC 388-545-5100(1)); ~~and or~~

(f) The transportation selected by the broker for the client must be the lowest cost available alternative that is both appropriate and accessible to the client's medical condition and personal capabilities, considering all cost factors (e.g., the impact on MAA of third party coverage, the costs of meals and lodging).

(9) The transportation broker mails a written notice of denial to each client who is denied coverage of transportation within three business days of the denial.

WAC 388-546-5300 Nonemergency transportation program client requirements.

(1) Clients must ~~cooperate~~ comply with MAA's contracted transportation brokers, the brokers' subcontracted transportation providers, and MAA's medical services providers. A client who ~~refuses to cooperate~~ does not comply may be suspended or terminated from access to non-emergency transportation services have limited in the transportation service mode options available to him/her. See the definition of noncompliance in this chapter. The broker mails the client a written notice of limited transportation service mode options within three business days of the broker's decision that transportation service mode options are limited.

(2) Clients must request, arrange and obtain authorization for ~~medical~~ transportation forty-eight hours in advance of a medical appointment. Exceptions to the forty-eight-hour advance arrangements are described in WAC 388-546-5200 (5) and (6).

(3) If MAA's contracted broker is not open for business at the time nonemergency transportation is needed, the client must follow the transportation broker's instructions to obtain ~~a medically necessary~~ transportation service.

(4) ~~Clients must use the closest available medical care~~ MAA will cover a client's transportation to medically necessary covered services with local providers of type that can meet the client's medical needs. Exceptions are Transportation services will be covered to non-local providers of type in the following circumstances:...

(6) If local medical services are not available to a client because of ~~the client's behavior or the client's lack of cooperation~~ noncompliance with MAA's transportation brokers, the brokers' subcontracted transportation providers, or MAA's medical services providers, MAA does not cover nonemergency transportation to out-of-area medical services for the client. MAA's contracted broker ~~notify a~~ mails a written notice to the client, in writing, if the broker determines within three business days of the broker's determination that the client's documented behavior noncompliance results in a denial of out-of-area transportation services.

WAC 388-546-5400 Nonemergency transportation program general reimbursement limitations.

(1) To be reimbursed, MAA requires that a trip be a minimum of three-quarters of a mile from pick-up point to drop off point (see WAC 388-546-5100(6)). MAA's transportation broker may grant exceptions to the minimum distance requirement for any of the following conditions:...

(2) MAA reimburses for return trips from eligible covered medical services if the return trips are directly related to the original trips. MAA, through its transportation broker, may deny...

(4) The MAA's transportation broker may authorize intermediate stops that are directly related to the original approved trip if the broker determines that the intermediate stop is likely to limit or eliminate the need for supplemental covered trips. MAA considers the following reasons to be related to the original trip:

(a) Transportation to and from an immediate subsequent medical referral; and or

(b) Transportation to a pharmacy...

(5) MAA may pay the costs of meals and lodging for clients who must be transported to out-of-area medical services. MAA's contracted transportation brokers make the determination...

(6) MAA may pay transportation costs, including meals and lodging, for authorized escorts. MAA's contracted transportation brokers make the determination...

WAC 388-546-5500 Modifications of privately owned vehicles.

(1) MAA may cover...

(a) The requested item is medically necessary for the client's transportation to medically necessary MAA covered services as defined under WAC 388-500-0005; and

(b) The client owns a vehicle...

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 6, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, 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 6, Amended 0, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

February 28, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

## NEW SECTION

**WAC 388-546-5000 Nonemergency transportation program definitions.** The following terms apply to WAC 388-546-5000, 388-546-5100, 388-546-5200, 388-546-5300, 388-546-5400, and 388-546-5500:

**"Broker"** means an organization or entity contracted with the department of social and health services (DSHS)/**medical assistance administration (MAA)** to arrange nonemergency transportation services for MAA's clients.

**"Drop-off point"** means the place authorized by the transportation broker for the client's trip to end.

**"Escort"** means a person authorized by the broker to be transported with a client to a medical service. An escort may be authorized depending on the client's age, mental state or capacity, safety requirements, mobility requirements, communication or translation requirements, or cultural issues.

**"Guardian"** means a person who is legally responsible for a client and who may be required to be present when a client is receiving medical services.

**"Local provider of type"** means the medical provider within the client's local community who fulfills the requirements of the medical appointment. The provider may vary by medical specialty, the provider's acceptance of MAA's clients, and whether managed care, primary care case management or third party participation is involved.

**"Noncompliance"** means a client:

(1) Engages in violent, seriously disruptive, or illegal conduct;

(2) Poses a direct threat to the health and/or safety of self or others; or

(3) Fails to be present at the pick-up point of the trip.

**"Pick-up point"** means the place authorized by MAA's transportation broker for the client's trip to begin.

**"Return trip"** means the return of the client to the client's home, or another authorized return point, from the location where a covered medical service has occurred.

**"Service mode"** means the method of transportation the transportation broker selects to use for an MAA client.

**"Stretcher trip"** means a transportation service that requires a client to be transported in a prone or supine position. This may be by stretcher, board or gurney (reclined and with feet elevated). Medical or safety requirements must be the basis for transporting a client in the prone or supine position.

**"Trip"** means transportation one-way from the **pick-up point** to the **drop-off point** by an authorized transportation provider.

**"Urgent care"** means an unplanned appointment for a covered medical service with verification from an attending physician or facility that the client must be seen that day.

## NEW SECTION

**WAC 388-546-5100 Nonemergency transportation program scope of coverage.** (1) MAA covers transportation that is necessary for its clients to receive **medically necessary MAA covered services**. See WAC 388-546-0100 through 388-546-1000 for Ambulance transportation that covers emergency ambulance transportation and limited non-emergency ground ambulance transportation as medical services.



(2) Licensed ambulance providers, who contract with MAA's transportation brokers, may be reimbursed for non-emergency transportation services under WAC 388-546-5200 as administrative services.

(3) MAA covers nonemergency transportation under WAC 388-546-5000 through 388-546-5500 as an administrative service as provided by the Code of Federal Regulations (42 CFR 431.53 and 42 CFR 440.170 (a)(2)). As a result, clients may not select the transportation provider(s) or the mode of transportation (**service mode**).

(4) Prior authorization by MAA is required for all out-of-state nonemergency transportation. Border areas as defined by WAC 388-501-0175 are considered in-state under this section and subsequent sections.

(5) MAA requires all nonemergency transportation to and from covered services to meet the following:

(a) The covered service must be medically necessary as defined in WAC 388-500-0005;

(b) It must be the lowest cost available service mode that is both appropriate and accessible to the client's medical condition and personal capabilities; and

(c) Be limited to the **local provider of type** as follows:

(i) Clients receiving services provided under MAA's fee-for-service program may be transported only to the local provider of type. MAA's transportation **broker** is responsible for considering and authorizing exceptions.

(ii) Clients enrolled in MAA's managed care (healthy options) program may be transported to any **provider** supported by the client's managed care plan. Clients may be enrolled in a managed care plan but are obtaining a specific service not covered under the plan. The requirements in subsection (5)(c)(i) apply to these fee-for-service services.

(6) MAA does not cover nonemergency transportation services if the covered medical services are within three-quarters of a mile walking distance from the client's residence. Exceptions to this rule may be granted by MAA's transportation broker based on the client's documented medical condition or personal capabilities, or based on safety or physical accessibility concerns, as described in WAC 388-546-5400(1).

(7) A client must use personal or informal transportation alternatives if they are available and appropriate to the client's needs.

(8) If a fixed-route public transportation service is available to the client within three-quarters of a mile walking distance, the broker may require the client to use the fixed-route public transportation system unless the need for more specialized transportation is present and documented. Examples of such a need are the client's use of a portable ventilator, a walker or a quad cane.

(9) MAA does not cover any nonemergency transportation service that is not addressed in WAC 388-546-1000 or in 388-546-5000 through 388-546-5500. See WAC 388-501-0160 for information about obtaining approval for noncovered transportation services, known as exception to rule (ETR).

(10) If a medical service is approved by ETR, both the broker and MAA must separately prior approve transportation to that service.

(11) MAA may exempt members of federally recognized Indian tribes from the brokered transportation program. Where MAA approves the request of a tribe or a tribal agency to administer or provide transportation services under WAC 388-546-5000 through 388-546-5400, tribal members obtain their transportation services as provided by the tribe or tribal agency.

(12) A client who is denied service under this chapter may request a fair hearing per chapter 388-02 WAC.

#### NEW SECTION

**WAC 388-546-5200 Nonemergency transportation program broker and provider requirements.** (1) MAA requires that all nonambulance transportation providers serving MAA clients be under subcontract with the department's contracted transportation broker. MAA's transportation brokers may subcontract with ambulance providers for non-emergency trips in licensed ground ambulance vehicles as administrative services. See WAC 388-546-5100(2).

(2) MAA requires all contracted and subcontracted transportation providers under this chapter to be licensed, equipped, and operated in accordance with applicable federal, state, and local laws.

(3) MAA's transportation brokers determine the level of transportation service needed by the client and the mode of transportation to be used for each authorized **trip**.

(4) MAA's transportation brokers must comply with the terms specified in their contracts.

(5) MAA's transportation brokers may require up to forty-eight hours advance notice of a requested trip (see WAC 388-546-5300(2)) with the exception of hospital requests or **urgent care** trips. MAA allows its transportation brokers to accommodate requests that provide less than forty-eight hours advance notice, within the limits of the resources available to a broker at the time of the request.

(6) If MAA's transportation broker is not open for business and unavailable to give advance approval for a hospital discharge or urgent care request as described in subsection (5), the sub-contracted transportation provider must either:

(a) Provide the transportation in accordance with the broker's instructions and request an after-the-fact authorization from the transportation broker within seventy-two hours of the transport; or

(b) Deny the transportation, if the requirements of this section cannot be met.

(7) If the sub-contracted transportation provider provides transportation as described in subsection (6), the broker may agree to grant retroactive authorization as provided in WAC 388-546-5300(3). Such retroactive authorization must be:

(a) Documented as to the reasons retroactive authorization is needed; and

(b) Agreed to by the broker within seventy-two hours after the transportation to a medical appointment.

(8) MAA, through its transportation brokers, does not pay for transportation under the following conditions:

(a) Clients are not eligible for transportation services when medical services are within reasonable walking distance (normally three-quarters of a mile actual traveling dis-

tance), taking into account the client's documented medical condition and personal capabilities (see WAC 388-546-5100(6));

(b) Clients must use personal or informal transportation alternatives if they are available and appropriate to the clients' needs (see WAC 388-546-5100(7));

(c) If a fixed-route public transportation service is available to the client within three-quarters of a mile walking distance, the broker may require the client to use the fixed route public transportation under the terms of WAC 388-546-5100(8);

(d) MAA or MAA's transportation broker may deny transportation services requested if the request is not necessary, suitable, or appropriate to the client's medical condition (see WAC 388-546-5100 (1) and (5)(a));

(e) The medical services requiring transportation must be services that are covered by the client's medical program (see WAC 488-546-5100(1)); or

(f) The transportation selected by the broker for the client must be the lowest cost available alternative that is both appropriate and accessible to the client's medical condition and personal capabilities.

(9) The transportation broker mails a written notice of denial to each client who is denied coverage of transportation within three business days of the denial.

#### NEW SECTION

**WAC 388-546-5300 Nonemergency transportation program client requirements.** (1) Clients must be compliant with MAA's transportation brokers, the brokers' subcontracted transportation providers, and MAA's medical services providers. A client who is in **noncompliance** may have limited transportation service mode options available. The broker mails the client a written notice of limited transportation service mode options within three business days of the broker's decision that transportation service mode options are limited.

(2) Clients must request, arrange and obtain authorization for transportation forty-eight hours in advance of a medical appointment. Exceptions to the forty-eight-hour advance arrangements are described in subsection (3) of this section and in WAC 388-546-5200 (5) and (6).

(3) If MAA's contracted broker is not open for business at the time nonemergency transportation is needed, the client must follow the transportation broker's instructions to obtain transportation service.

(4) MAA will cover a clients transportation to medically necessary covered services with local providers of type. Transportation services will be covered to nonlocal providers of type in the following circumstances:

(a) The client is enrolled in a healthy options managed health care plan and the client's primary care provider (PCP) or a PCP referred provider is not the closest available provider;

(b) The client's service is covered by a **third party** payer and the payer requires or refers the client to a specific provider;

(c) A charitable or other voluntary program (e.g., Shriners) is paying for the client's medical service;

(d) The medical service required by the client is not available within the local healthcare service area;

(e) The total cost to MAA is lower when the services are obtained outside of the local healthcare service area; or

(f) The out-of-area service is required to provide continuity of care for the client's ongoing care as:

(i) Documented by the client's primary care provider; and

(ii) Agreed to by MAA's contracted transportation broker.

(5) MAA may require transportation brokers to refer any of the exception categories listed in subsection (4) to MAA's medical director or the medical director's designee for review and/or prior authorization of the medical service.

(6) If local medical services are not available to a client because of **noncompliance** with MAA's transportation brokers, the brokers' subcontracted transportation providers, or MAA's medical services providers, MAA does not cover nonemergency transportation to out-of-area medical services for the client. MAA's contracted broker mails a written notice to the client within three business days of the broker's determination that the client's documented noncompliance results in a denial to out-of-area transportation services.

#### NEW SECTION

**WAC 388-546-5400 Nonemergency transportation program general reimbursement limitations.** (1) To be reimbursed, MAA requires that a trip be a minimum of three-quarters of a mile from pick-up point to drop off point (see WAC 388-546-5100(6)). MAA's transportation broker may grant exceptions to the minimum distance requirement for any of the following conditions:

(a) When there is medical justification for a shorter trip;

(b) When the trip involves an area that MAA's contracted broker considers to be unsafe for the client, other riders, or the driver; or

(c) When the trip involves an area that the broker determines is not physically accessible to the client.

(2) MAA reimburses for **return trips** from covered medical services if the return trips are directly related to the original trips. MAA, through its transportation broker, may deny coverage of a return trip if any delays in the return trip are for reasons not directly related to the original trip.

(3) MAA does not reimburse any costs related to intermediate stops that are not directly related to the original approved trip.

(4) MAA's transportation broker may authorize intermediate stops that are directly related to the original approved trip if the broker determines that the intermediate stop is likely to limit or eliminate the need for supplemental covered trips. MAA considers the following reasons to be related to the original trip:

(a) Transportation to and from an immediate subsequent medical referral; or

(b) Transportation to a pharmacy to obtain one or more prescriptions when the pharmacy is within a reasonable distance of the original medical appointment route.

(5) MAA may pay the costs of meals and lodging for clients who must be transported to out-of-area medical services. MAA's transportation brokers make the determination that meals and lodging are necessary based on client need and the reasonableness of costs (as measured against state per diem rates).

(6) MAA may pay transportation costs, including meals and lodging, for authorized **escorts**. MAA's transportation brokers make the determination that the costs of escorts are necessary based on client need and reasonableness of costs (as measured against state per diem rates).

(7) MAA does not provide escorts or pay the wages of escorts. MAA does not pay for the transportation of an escort when the client is not present unless the broker documents exceptional circumstances causing the broker to determine that the service is necessary to ensure that the client has access to medically necessary care.

(8) MAA may reimburse for the transportation of a **guardian** with or without the presence of the client if the broker documents its determination that such a service is necessary to ensure that the client has access to medically necessary care.

#### NEW SECTION

**WAC 388-546-5500 Modifications of privately owned vehicles.** (1) MAA may cover and reimburse the purchase of vehicle driving controls, a vehicle wheelchair lift conversion, or the purchase or repair of a vehicle wheelchair lift, when:

(a) The requested item is necessary for the client's transportation to medically necessary MAA-covered services; and

(b) The client owns a vehicle that MAA determines is suitable for modification; and

(c) Medical transportation provided under WAC 388-546-5000 through 388-546-5400 cannot meet the client's need for transportation to and from medically necessary covered services at a lower total cost to the department (including anticipated costs); and

(d) Prior approval from MAA is obtained.

(2) Any vehicle driving controls, vehicle wheelchair lift conversion or vehicle wheelchair lift purchased by MAA under this section becomes the property of the client on whose behalf the purchase is made. MAA assumes no continuing liability associated with the ownership or use of the device.

(3) MAA limits the purchase of vehicle driving control(s), vehicle wheelchair lift conversion or vehicle wheelchair lift to one purchase per client. If a device purchased under this section becomes inoperable due to wear or breakage and the cost of repair is more than the cost of replacement, MAA will consider an additional purchase under this section as long as the criteria in subsection (1) of this section are met.

(4) MAA must remain the payer of last resort under this section.

(5) MAA does not cover the purchase of any new or used vehicle under this section or under this chapter.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-86-085	Transportation (other than ambulance).
WAC 388-87-035	Payment—Transportation (other than ambulance).

#### **WSR 01-06-030**

#### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

[Filed March 2, 2001, 10:08 a.m.]

Date of Adoption: March 2, 2001.

Purpose: Effective March 1, 2001, the excess shelter deduction changes from \$300 to \$340 for new applications and recertifications for food assistance that occur on or after March 1, 2001. The USDA Food and Nutrition Service changed the standard because of a change in federal law. This change can not be applied to households with certification periods prior to March 1, 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0190.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 01-03-038 on January 9, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 28, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

PERMANENT

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0190** How does the department figure my shelter cost income deduction((s)) 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 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 as provided in WAC 388-450-0195)) To figure your shelter cost deduction for food assistance, the department first adds up what your assistance unit (AU) is responsible to pay each month for shelter. We do not count any overdue amounts, late fees, penalties, or any amounts you pay ahead of time as an allowable cost. Your allowable shelter costs include your:

- (a) Ongoing rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's insurance for the building only;
- (d) Utility allowance your AU is eligible for under WAC 388-450-0195;

(e) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(f) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for food assistance purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract from your AU's gross income all deductions your AU is eligible for under WAC 388-450-0185. The result is your AU's net income.

(3) Finally, we subtract from your AU's total shelter costs one-half of your net income. The result is your excess shelter cost income deduction. The deduction your AU will get is:

(a) Up to a maximum of three hundred dollars if no one in your AU is elderly or disabled and you were found eligible for benefits prior to March 1, 2001; or

(b) Up to a maximum of three hundred forty dollars if no one in your AU is elderly or disabled and you were found eligible for benefits or were recertified for benefits either on or after March 1, 2001; or

(c) The entire amount if someone in your AU is elderly or disabled, even if the amount exceeds three hundred forty dollars.

## WSR 01-06-031

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 2, 2001, 10:09 a.m., effective April 1, 2001]

Date of Adoption: March 2, 2001.

Purpose: Changes the date asylees become eligible for refugee cash assistance (RCA) from the month they enter the United States to the date they are granted asylum. This change reflects a reversal of policy by the United States Immigration and Naturalization Service (INS).

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 01-03-040 on January 9, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2001.

February 28, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-400-0030** How do I qualify for refugee cash assistance((—Summary of eligibility require-

~~ments-))~~ (1) To be eligible for refugee cash assistance (RCA), ~~((persons))~~ you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled ~~((them))~~ you; and

(b) Meet the:

(i) Immigration status requirements of WAC 388-466-0005;

(ii) Work and training requirements of WAC 388-466-0015;

(iii) Income and resource requirements under chapters 388-450 and 388-470 WAC with exceptions as provided under WAC 388-466-0010(~~;-and~~

~~(iv) Monthly reporting requirements of chapter 388-456 WAC)).~~

(2) ~~((Persons))~~ You are not eligible to receive RCA if ~~((they))~~ you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income;

(b) Have been denied TANF or have been terminated from TANF due to intentional noncompliance with TANF eligibility requirements; or

(c) Are a full-time ~~((students in institutions of higher education unless the educational activity is part of a department approved employability plan.~~

~~(3) Refugee families, including families with children who are United States citizens, will be treated as single assistance units according to chapter 388-408 WAC.~~

~~(4) Eligibility and benefit levels for RCA assistance units are determined using the TANF payment standards in WAC 388-478-0020.~~

~~(5) Persons eligible for RCA are eligible for additional requirements for emergent situations as provided in chapter 388-436 WAC.~~

~~(6) A person meeting the requirements of this section is eligible for refugee cash assistance only during the eight-month period beginning in the first month the person entered the United States))~~ student in an institution of higher education.

(3) If you are a refugee family and have children who are United States citizens, we treat you as a single assistance unit under chapter 388-408 WAC.

(4) We determine your eligibility and benefit level for RCA using the TANF payment standards under WAC 388-478-0020.

(5) If you are eligible for RCA and are pregnant or have a dependent child you may also be eligible for additional requirements for emergent needs under WAC 388-436-0002.

(6) If you meet the requirements of this section you are eligible for refugee cash assistance only during the eight-month period beginning:

(a) The date asylum is granted if you are an asylee; or

(b) The first month you entered the United States if you are not an asylee.

**WSR 01-06-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed March 2, 2001, 10:10 a.m.]

Date of Adoption: March 2, 2001.

Purpose: To repeal WAC 388-87-027 Services requiring prior approval, all the services requiring prior approval listed in this rule have been adopted into other rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 388-87-027.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Adopted under notice filed as WSR 00-17-081 on August 14, 2000.

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.

February 28, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-87-027 Services requiring prior approval.

**WSR 01-06-033**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed March 2, 2001, 10:11 a.m.]

Date of Adoption: March 2, 2001.

Purpose: WAC 388-517-0400 Medicare coinsurance payment—Extended care patient, to make the rule consistent with current federal and state policy, to meet the clear writing standards required by the Governor's Executive Order 97-02,

PERMANENT

and to move the rule out of chapter 388-86 WAC which is being phased out by MAA.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-87-060 Payment—Extended care patient—Coinsurance.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and 74.09.055.

Adopted under notice filed as WSR 00-17-095 and 01-02-073 on August 15, 2000 and December 29, 2000, respectively.

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 1, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

February 28, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

**NEW SECTION**

**WAC 388-517-0400 Medicare coinsurance payment—Extended care patient.** The department will pay for a long-term care client's Medicare coinsurance if the:

- (1) Client is eligible for extended care Medicare benefits;
- (2) Client is eligible for Medicaid, qualified Medicare beneficiary (QMB) program, or the special low-income Medicare beneficiary (SLMB) program; and
- (3) Medicare coinsurance costs less than the Medicaid nursing facility rate.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-87-060	Payment—Extended care patient—Coinsurance.
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**WSR 01-06-036  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-24—Filed March 5, 2001, 11:56 a.m., effective May 1, 2001]

Date of Adoption: February 10, 2001

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-290, 220-56-295 and 220-56-305; and amending WAC 220-56-115, 220-56-123, 220-56-126; 220-56-145, 220-56-175, 220-56-235, 220-56-240, 220-56-282, 220-56-285, 220-56-320, 220-56-325, 220-56-330, 220-56-350, 220-56-380, and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 00-22-103 on November 1, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-56-115, treble hook restriction dropped; vessel limit where saltwater license applies provided for.

WAC 220-56-145, possession limit language modified; single fresh limit aboard vessel restricted to Marine Areas 1-6.

WAC 220-56-150, proposal dropped.

WAC 220-56-175, CRC exception applies only in OR/WA boundary waters.

WAC 220-56-235, canary and yelloweye rockfish aggregate daily limit of 2.

WAC 220-56-282, post daily limit fishing restricted to OR/WA boundary waters; cleaning and portioning sturgeon allowed except if sturgeon eggs retained.

WAC 220-56-350, clam beaches adjusted.

WAC 220-56-380, oyster beaches adjusted.

WAC 232-12-077, proposal dropped.

WAC 232-12-619, proposal dropped.

WAC 232-28-619, Lewis River proposal dropped; Swift Reservoir closed area changed to selective gear with motors allowed; Yakima closed area 3/1 - 11/30 and whitefish fishery 12/1 through last day in February.

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 15, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2001.

February 20, 2001

Debbie Nelson

for Russ Cahill, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

**WAC 220-56-115 Angling—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one

PERMANENT

line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

**AMENDATORY SECTION** (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

**WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins.** During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use (~~baitfish~~) forage fish jigger gear.

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 220-56-126 Nonbuoyant lures and night closures—Saltwater.** It is unlawful to fish for or possess salmon taken for personal use from the following saltwater areas unless the hooks meet the requirements of this section.

(1) Nonbuoyant lure restriction: In the following waters during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time Period
Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island parallel to SW Spokane Street where it crosses Harbor Island	July 1 - November 30
Budd Inlet - waters south of a line true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128	July 16 - October 31
Westport Boat Basin	August 16 - January 31

(2) During the gear restricted periods provided for in this section it is unlawful to fish for food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(4) All hooks must be attached within 3 inches of the bait or lure.

(5) It is unlawful to use (~~baitfish~~) forage fish jigger gear.

**AMENDATORY SECTION** (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

**WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.** (1) Fish and shellfish may be cleaned and portioned in the field except sturgeon when sturgeon eggs are in possession. It is unlawful for a fisher to fail to retain proof of compliance with number, species, size, weight, sex, or wild or hatchery origin restrictions, if such restrictions apply, until the fisher is ashore and has finished fishing for the day. This subsection does not apply if the catch is in the process of being prepared for immediate consumption.

PERMANENT

(2) Notwithstanding the provisions of subsection (1) of this section, it is unlawful to possess Dolly Varden/bull trout ((or sturgeon)) in the field ((at any time)) in such condition that the species and total length cannot be determined.

~~((2) It is unlawful to possess gamefish, food fish, or shellfish in the field in such condition that the species, size, weight or sex cannot be determined if a species, size, weight or sex restriction applies to the species, and it is unlawful to possess salmon or steelhead in the field in such condition that the total length and presence or absence of all fins cannot be determined. This subsection does not apply if the fisher has stopped fishing for the day after the catch has been brought ashore, or if the catch is in the process of being prepared for immediate consumption.))~~

(3) In Marine Areas 1 through 6 it is unlawful for any person to possess more than one daily limit of fish or shellfish in fresh form while aboard a vessel.

AMENDATORY SECTION (Amending Order 00-80, filed 5/24/00, effective 6/24/00)

**WAC 220-56-175 Catch record cards.** It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, sturgeon, halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except that in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 00-139, filed 8/3/00, effective 9/3/00)

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

- (1) Coastal (Catch Record Card Areas 1 through 4):
  - (a) Lingcod - ((4)) 2 fish minimum length 24 inches.
  - (b) Rockfish - 10 fish of which no more than 2 may be an aggregate of canary rockfish and ~~((no more than 2 may be))~~ yelloweye rockfish.
  - (c) Surfperch (excluding shiner perch) - 15 fish.
  - (d) Wolfeel - 2 fish east of the Bonilla-Tatoosh line.
  - (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.
  - (f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	1 fish
<u>Rockfish May 1 through September 30 in Marine Area 5 west of Slip Point</u>	<u>3 fish of which no more than 1 may be other than black rockfish</u>

Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish

PERMANENT



Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

**WAC 220-56-240 Daily limits (~~sturgeon, smelt, herring~~) forage fish and other food fish not otherwise provided for.** It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) (~~Sturgeon:~~

~~(a) Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.~~

~~(b) 1 fish daily limit with the following size restrictions in all state waters:~~

~~(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and~~

~~(ii) Maximum size is 60 inches in length.~~

~~(c) The possession limit is two daily limits of fresh, frozen or processed sturgeon.~~

~~(d) There is an annual personal use limit of 10 sturgeon from April 1st through the following March 31st regardless of where the sturgeon were taken.~~

~~(2)) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.~~

~~((3)) (2) All other food fish not otherwise provided for in this chapter: No limit.~~

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-282 Sturgeon—(~~Lawful gear~~) Areas, seasons, limits and unlawful acts.** (~~It is unlawful to fish for sturgeon with other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.~~) (1) It is lawful to fish for sturgeon the entire year, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon 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; and

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of ten sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

PERMANENT

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

(11) It is unlawful to retain sturgeon taken from the following waters:

(a) Those waters of the Snake River and tributaries upstream from lower Granite Dam;

(b) Those waters of the Columbia River and tributaries upstream from Priest Rapids Dam; and

(c) Those waters of the Columbia River and tributaries between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period September 1 through December 31.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-285 Shad (~~and sturgeon~~)—Areas and seasons.** It is lawful the entire year to fish for or possess (~~sturgeon and~~) shad taken for personal use except (~~in the~~) following closed waters:

~~(1) Waters lying 400 feet downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.~~

~~(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.~~

~~(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1 1/4 mile downstream from the dam, are closed to the fishing for or possession of sturgeon, except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island thence to the Oregon angling boundary marker on Bradford Island (located approximately 850 feet downstream from the fish ladder entrance to the lowermost Bonneville Dam powerline crossing. Closed to angling 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).~~

~~(4)) Columbia River waters downstream from Bonneville Dam are closed to shad fishing April 1 through May 15.~~

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-320 Shellfish gear—Unlawful acts.** (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall

be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots:

(a) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, anti-freeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter. The minimum mesh size for crab pots is 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 per-

cent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-325 Shrimp—Areas and seasons.** (1) The following areas shall be defined as ~~((personal use))~~ shrimp fishing districts ~~((1 through 6))~~:

(a) Discovery Bay Shrimp District ((4)) - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

~~((b))~~ ~~((Shrimp District 2—All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;~~

~~((e))~~ Port Angeles Shrimp District ((3)) - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

~~((d))~~ (c) Sequim Bay Shrimp District ((4)) - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

~~((e))~~ (d) Hood Canal Shrimp District ((5)) - All waters of Hood Canal south of the Hood Canal Floating Bridge;

~~((f))~~ (e) Carr Inlet Shrimp District ((6)) - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(a) Discovery Bay Shrimp District ((4)) - First Saturday in June through September 5;

~~((b))~~ ~~((District 2—Second Saturday in April through October 15;~~

~~((e))~~ Port Angeles Shrimp District ((3)) - First Saturday in June through September 30;

~~((d))~~ ~~District 4—Closed to all shrimp fishing;~~

~~((e))~~ (c) Hood Canal Shrimp District ((5)) - 9:00 a.m. on the third Saturday in May ~~((until closed))~~ and open only on days set by emergency regulation;

~~((f))~~ ~~District 6—Closed to all shrimp fishing;~~

~~((g))~~ (d) All other areas - The ((second)) third Saturday in April through October 15 except:

(i) Closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(ii) Marine Areas 8-1, 8-2, 9 and 10 closed Monday through Wednesday of each week during the open period.

(3) During the general shrimp seasons, it is unlawful to retain spot shrimp ((seasons)) except as provided below:

(a) Discovery Bay Shrimp District ((4)) - First Saturday in June through third Saturday in August. Spot shrimp may be retained on Saturdays only.

(b) Port Angeles Shrimp District ((3)) - First Saturday in June through first Saturday in September. Spot shrimp may be retained on Saturdays and Sundays only.

(c) Marine Areas 8-1, 8-2, 9 and 10 - Third Saturday in April through June 30. Spot shrimp may be retained each day.

~~((d))~~ ~~All other ((open)) areas - Spot shrimp may be retained ((as part of the daily limit at all times)) each day the third Saturday in April through October 15.~~

**AMENDATORY SECTION** (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound ~~((waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15))~~ is year around.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) It is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) It is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

**AMENDATORY SECTION** (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ben Ure Spit: Open January 1 through May 31.

(b) Brown Point (DNR 57-B): Open January 1 through ~~((June 30))~~ July 31.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Open ~~((May 16))~~ June 1 through June ~~((15))~~ 30.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open ~~((March))~~ July 1 through ~~((May 31))~~ September 15 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

(j) Dungeness Spit - Open May 15 through September 30.

(k) Eagle Creek: Open January 1 through ~~((April 30))~~ May 31.

(l) Fort Flagler State Park: Open April 1 through June 30.

(m) Frye Cove - Open January 1 through May 31.

(n) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(o) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(p) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

(q) Hope Island State Park (South Puget Sound): ~~((Closed the entire year.))~~ Open April 1 through April 30.

(r) Illahee State Park: ~~((Open May 1 through May 31.))~~ Closed the entire year.

(s) Kayak Point County Park: ~~((Closed the entire year.))~~ Open May 1 through May 15 and August 1 through August 15, except mussels open the entire year.

(t) Kitsap Memorial State Park: Open June 1 through June ~~((15))~~ 30.

(u) Kopachuck State Park: ~~((May 1 through May 15.))~~ Closed the entire year.

(v) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(w) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(x) Mukilteo State Park - Closed the entire year.

(y) Mystery Bay State Park: Open October 1 through April 30.

(z) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(aa) North Sequim Bay State Park - Open May 16 through June 15.

(bb) Oak Bay County Park: Open ~~((June))~~ July 1 through July 15.

(cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open March 1 through September 30.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(dd) Penrose Point State Park: ~~((Closed the entire year.))~~ Open May 1 through May 15.

(ee) Picnic Point County Park: Closed the entire year.

(ff) Pillar Point County Park: Open November 1 through April 30.

(gg) Pitship Point: Closed the entire year.

(hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(ii) Point Whitney (excluding Point Whitney Lagoon): May ~~((16))~~ 1 through ~~((May 31))~~ June 30.

(jj) Point Whitney Lagoon: Open June 1 through June ~~((15))~~ 30.

(kk) Port Townsend Ship Canal: Open April 1 through ~~((June))~~ May 15.

(ll) Potlatch DNR tidelands: Open ~~((March))~~ April 1 through ~~((June 30))~~ July 15.

(mm) Potlatch East: Open ~~((March))~~ April 1 through ~~((June 30))~~ July 15.

(nn) Potlatch State Park: Open ~~((March))~~ April 1 through ~~((June 30))~~ July 15.

(oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(pp) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through September 30, daily from official sunrise to official sunset only.

(qq) Rendsland Creek: Open January 1 through April 30.

(rr) Saltwater State Park: Closed the entire year.

(ss) ~~((Samish Island Recreation Area - Open January 1 through June 15.))~~

~~((tt))~~ Scenic Beach State Park - Open April 16 through June 15.

~~((uu))~~ (tt) Seahurst County Park: Closed the entire year.

~~((vv))~~ (uu) Sequim Bay State Park - Open May 1 through June 30.

~~((ww))~~ (vv) Shine Tidelands: Open January 1 through ~~((April 30))~~ May 15.

~~((xx))~~ (ww) South Indian Island County Park: Open ~~((January))~~ May 1 through ~~((April 30))~~ August 31.

~~((yy))~~ (xx) Spencer Spit State Park: Open April 1 through July 31.

~~((zz))~~ (yy) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((aaa))~~ (zz) Triton Cove Oyster Farm: ~~((Open July 1 through August 15.))~~ Closed the entire year.

~~((bbb))~~ (aaa) Triton Cove State Park: Open April 1 through June 30.

~~((eee))~~ (bbb) Twanoh State Park: Closed the entire year.

~~((ddd))~~ (ccc) West Dewatto: DNR Beach 44A is open January 1 through ~~((March))~~ May 31.

~~((eee))~~ (ddd) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

~~((fff))~~ (eee) Wolfe Property State Park: Open January 1 through ~~((June))~~ May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

**AMENDATORY SECTION** (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open ~~((March))~~ July 1 through ~~((July 31))~~ September 15 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Eagle Creek: Open January 1 through ~~((May 31))~~ June 30.

(f) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(g) Illahee State Park: ~~((Open May 1 through May 31))~~ Closed the entire year.

(h) Kitsap Memorial State Park: Open June 1 through ~~((July 15))~~ August 31.

(i) Kopachuck State Park: Open May 1 through May 31.

(j) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(k) Mystery Bay: Open October 1 through April 30.

(l) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(m) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open March 1 through September 30.

(ii) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

~~((+))~~ (iii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(n) Penrose Point State Park: Open May 1 through June 30.

(o) Point Whitney (excluding Point Whitney Lagoon): Open April 1 through ~~((July 15))~~ August 31.

(p) Potlatch East: Open ~~((March))~~ April 1 through ~~((June 30))~~ July 15.

(q) Potlatch State Park: Open ~~((March))~~ April 1 through ~~((June 30))~~ July 15.

(r) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through September 30, daily from official sunrise to official sunset, only.

(s) Scenic Beach State Park: Open April 16 through July 15.

(t) South Indian Island County Park: Open May 1 through August 31.

(u) Triton Cove Oyster Farm: Open May 1 through ~~((August))~~ September 30.

~~((+))~~ (v) Triton Cove State Park: Open April 1 through June 30.

~~((+))~~ (w) West Dewatto: DNR Beach 44A is open January 1 through ~~((August 31))~~ September 30.

~~((+))~~ (x) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

~~((+))~~ (y) Wolfe Property State Park: Open January 1 through June 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-290	Sturgeon angling hours.
WAC 220-56-295	Sturgeon—Unlawful acts.
WAC 220-56-305	Sturgeon—Catch and release.

**AMENDATORY SECTION** (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

**WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.** (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Reservoir) (Pierce/Thurston counties): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

American River (Yakima County): Selective gear rules.

Ancient Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

**Badger Lake (Spokane County):** Last Saturday in April through September 30 season.

**Baker Lake (Whatcom County):** Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

**Baker River (Skagit County):** From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

**Ballinger Lake (Snohomish County):** Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

**Barnaby Slough (Skagit County):** Closed waters.

**Battle Ground Lake (Clark County):** Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

**Bay Lake (Pierce County):** Last Saturday in April through October 31 season.

**Bayley Lake (Stevens County):** Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

**Bear Creek (Yakima County),** tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

**Bear Lake (Spokane County):** Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

**Bear River (Pacific County):** June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only October 16 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild adult coho and wild adult chinook.

**Bearpaw Lake (Whatcom County):** Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

**Beaver Creek (tributary to Elochoman River) (Wahkiakum County):** Closed waters.

**Beaver Lake (Clallam County):** Selective gear rules except electric motors allowed. Trout: Daily limit one.

**Beaver Lake (Columbia County):** March 1 through October 31 season. Fishing from any floating device prohibited.

**Beaver Lake (King County):** Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

**Beda Lake (Grant County):** Selective gear rules. Trout: Daily limit one fish.

**Beehive (Lake) Reservoir (Chelan County):** Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

**Bennington Lake (Mill Creek Reservoir) (Walla Walla County):** Fishing from a floating device equipped with an internal combustion motor prohibited.

**Benson Lake (Mason County):** Last Saturday in April through October 31 season.

**Berry Creek (tributary to Nisqually River) (Lewis County):** Selective gear rules.

**Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Closed waters.

**Big Beaver Creek (Whatcom County):**

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

**Big Beef Creek (Kitsap County):** June 1 through October 31 season. Trout: Release all cutthroat trout.

**Big Four Lake (Columbia County):** March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

**Big Lake (Skagit County):** Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

**Big Meadow Lake (Pend Oreille County):** Last Saturday in April through October 31 season.

**Big River (Clallam County):** June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

**Big Twin Lake (Okanogan County):** Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

**Bird Creek (Klickitat County):** Trout: Daily limit five.

**Black Lake (Lower Wheeler Reservoir) (Chelan County):** Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

**Black Lake (Okanogan County):** Selective gear rules.

**Black Lake (Pacific County):** Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Non-buoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley ((Pond)) Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single hook. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.



Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):  
From mouth to Calispell Lake: Year around season.  
From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon ((~~Creek~~) River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. (~~Wild steelhead may be retained December 1 through January 31.~~) Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. (~~Wild steelhead may be retained December 1 through January 31.~~) Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release chum.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only October 1 through November 30. Daily limit 2 salmon. Release wild coho.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Orielle County): Last Saturday in April through October 31 season. Release Kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required September 1 through November 15 upstream from mouth to Porter Bridge and October 16 through November 15 from the Porter Bridge to the high bridge. Trout: Minimum length fourteen inches. Salmon: Open only May 1 through July 31 from mouth to high bridge, September 1 through November 15 from mouth to Porter Bridge, and October 16 through November 15 from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September 1 through November

15 the daily limit may contain no more than one wild adult coho and one adult chinook.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two 15 inches minimum except May 15 through September 30 east of Fields Point daily limit 5, minimum length 8 inches no more than 2 over 15 inches in length. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Landlocked salmon rules apply, except minimum length 15 inches. Burbot: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon January 1 through September 30 and no more than 4 fish may be adult salmon Octo-

ber 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective gear rules.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park (~~Lagoon~~) Family Fishing Pond (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through September 30 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho, and chinook less than 24 inches in length and coho salmon less than 16 inches in length. October 1 through March 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Closed waters: September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only August 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 release chinook within waters east of a line from the northern tip of Bachelor Island to the lighthouse at Warrior Rock to Sand Island to a navigation marker 1/2 mile off the northwest tip of Sand Island and then to marker No. 77 on the Washington shore.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to ~~((four hundred feet below the fishway entrance))~~ the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. Drano Lake: August 1 through December 31: Nonbuoyant lure restriction. September 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only August 1 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam.

Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho except wild coho may be retained in the daily limit from The Dalles Dam to McNary Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May 15 through July 31 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon: Daily limit 2 fish.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release wild coho.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except November 1 through December 31 release adult salmon. Release wild coho.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. ~~((Salmon: Open only September 16 through December 31 from Priest Rapids Dam to Rocky Reach Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.))~~

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches. Salmon: Landlocked salmon rules apply.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through

October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open only August 1 through April 30 mouth to Barrier Dam. Daily limit 6 fish of which no more than 2 may be adult salmon, except May 1 through May 31 daily limit one fish and October 1 through December 31 daily limit may contain 4 adult salmon. Release chum and wild coho August 1 through April 30. Release chinook August 1 through December 31.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Salmon: Open year around from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon, except up to 4 adults may be retained October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches. Salmon: Open only year around from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

~~((Dempsey Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.))~~

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All game fish: Release all fish except trout greater than twenty inches in length. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Desire Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): All species: Release all fish. From Dewatto-Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dollar Lake (Grant County): March 1 through July 31 season.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season

except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 2 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): (~~June 1 through last day in February season.~~) Trout: Minimum length fourteen inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elbow Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required September 1 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one wild adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: (~~daily limit five,~~) Minimum length ((~~twelve~~) fourteen inches(~~, no more than two over twenty inches~~)). Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through December 31 the daily limit may contain 4 adult salmon. Release chum and wild coho. October 1 through December 31 release chinook upstream of Foster Road Bridge.

Eloika Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

PERMANENT

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Finnel Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Flowing Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.



Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year around season. Selective gear rules September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and steelhead with a missing adipose fin and a healed scar at the fin site.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and

December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cut-throat.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season except closed from the Hatchery Road Bridge to posted sign at hatchery outlet. Trout: Additional December 15 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than hatchery steelhead.

Green Lake and Green Lake, Lower (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue Bridge to South 277th Street Bridge in Auburn: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through the last day in February. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through last day in February. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet above to 400 feet below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant

lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Trout: Minimum length twenty inches. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. August 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

"H" Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hallin Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR oxbow campground boat launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR oxbow campground boat launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only June 1 through November 30 mouth to Morgan's Crossing Boat Launch and June 1 through August 31 from boat launch to South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon except release adult salmon June 1 through August 31 upstream from DNR Oxbow campground boat launch and September 1 through October 15 from Oxbow boat launch to Morgan's Crossing boat launch.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season.

PERMANENT

December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpils River (Grays Harbor County), from mouth to forks: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1

through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook and wild adult coho.

Humtulpils River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpils Guard Station and Gridale: Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches.

Humtulpils River, West Fork (Grays Harbor County): Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Island Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Island Lake (Pacific County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kahlotus Lake (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except

during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Kapowsin Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: June 1 through January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Salmon: Open only June 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. Daily limit 6 fish of which no more than 2 may be adult salmon, except June 1 through July 31 release adult salmon. Release wild coho. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: No more than 2 trout 20 inches in length or greater may be retained.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Leland Lake (Jefferson County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year around. Daily limit of 6 fish of which no more than 2 may be adult salmon,

except October 1 through December 31 the daily limit may contain up to four adult salmon. August 1 through April 30 release chum and wild coho. August 1 through January 31 release chinook.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year around season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through October 15 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 from Johnson Creek to Colvin Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year around. Daily limit of 6 fish of which no more than 2 may be adult salmon, except May 1 through July 31 daily limit one salmon and October 1 through December 31 the daily limit may contain up to four adult salmon. August 1 through April 30 release chum and wild coho. August 1 through January 31 release chinook.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. August 1 through September 30 and January 1 through 31 release chinook.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.

Mouth to top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish except hatchery steelhead.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Upstream from bridge at Friderger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge (including waters of Chain Lake).

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon

National Fish Hatchery north boundary. Trout: Daily limit five.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30. Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mason Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Salmon: Landlocked salmon rules apply.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south

bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek: Additional season: December 1 through March 31. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): Closed waters.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

~~((Mima Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.))~~

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.



Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Nahwatzel Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery.

Mainstem: Single point barbless hooks required July 1 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only July 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish. Additional November 1 through last day in February season.

North Fork: Selective gear rules. All species: Release all fish.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through January 31, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road July 1 through January 31, and on South Nemah upstream to confluence with Middle Nemah July 1 through January 31. Selective gear rules on Middle Nemah above DNR Bridge and on South Nemah above confluence with Middle Nemah. Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only July 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end

Lower Nemah Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Single point barbless hooks required October 16 through November 15. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through November 15 from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Newman Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only October 16 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 16 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. October 1 through December 31 in mainstem from the bus barn to the conflu-

ence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook on the North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 2 salmon, except release chinook.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only October 16 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerrick): Closed waters.

Offut Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks, non-buoyant lure restriction and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only October 16 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild chinook.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Burbot: Set line gear allowed.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Peabody Creek (Clallam County): (~~Last Saturday in April through October 31 season.~~) Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year around season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. (~~Wild steelhead may be retained December 1 through January 31 upstream to the Soldier's Home Bridge.~~) Salmon: Open only August 1 through December 15 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rogers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rogers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rogers Street to the Highway 101 Bridge. Daily limit 2 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length

fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length. Salmon: Landlocked salmon rules apply.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Roses Lake (Chelan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Saint Clair Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 16 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while

those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Nonbuoyant lure restriction and night closure September 1 through November 30. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required September 1 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except that the daily limit may contain no more than one adult chinook and October 1 through November 15 the daily limit may contain no more than one wild adult coho. November 16 through January 31 release wild adult coho.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Scooteney Reservoir (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Seki River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30 upstream from

Gilligan Creek. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31 from pipeline crossing to mouth of Cascade River. Daily limit 2 chum salmon.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain not more than 1 adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks required October 16 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure November 1 through last day in February. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. Nonbuoyant lure restriction and night closure March 1 through April 30. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.



From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks nonbuoyant lure restriction and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only October 16 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fish-

ing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through ~~(October)~~ August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only September 30 through October 15 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spencer Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no more than one over twenty inches in length. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply.

From Monroe Street Dam upstream to Upriver Dam: Year around season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches. Salmon: Landlocked salmon rules apply.

Sportsman's Lake (San Juan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds: Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: An additional ten kokanee may be retained above the five fish daily limit.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure. Selective gear rules June 1 through November 30. Trout: June 1 through November 30 release all fish except hatchery steelhead. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon. Minimum size 14 inches.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year around season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release

all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tahuya River (Mason County): All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tee Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish, except October 1 through December 31 the daily limit may contain up to 4 adult salmon. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokol Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear

rules. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. Trout: Minimum length ten inches.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 31 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through November 30 the daily limit may contain up to 4 adult salmon. Release chum and chinook. Release wild coho downstream of the forks.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

Tradition Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters. All tributaries.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish. From lower bridge on the Old Belfair Highway upstream: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): ~~((Last Saturday in April through October 31 season.))~~ Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

~~((Waddell Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.))~~

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Game fish: Closed September 2 through October 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

**Walla Walla River (Walla Walla County):**

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

**Walupt Lake (Lewis County):** Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

**Wannacut Lake (Okanogan County):** Last Saturday in April through October 31 season.

**Wapato Lake (Chelan County):** Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

**Wapato Lake (Pierce County):** Juveniles only.

**Ward Lake (Ferry County):** Last Saturday in April through October 31 season.

**Ward Lake (Thurston County):** Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

**Warden Lake and Warden Lake, South (Grant County):** Last Saturday in April through September 30 season.

**Washburn Island Pond (Okanogan County):** April 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

**Washburn Lake (Okanogan County):** Last Saturday in April through October 31 season. Trout: Daily limit two.

**Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):** Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

**Washington, Lake, Ship Canal (King County)** (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

**Washougal River (Clark County):**

From mouth to bridge at Salmon Falls: June 1 through July 31 and October 15 through March 15 seasons. Nonbuoyant lure restriction and night closure October 15 through October 31. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open only October 15 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, chinook and wild coho.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except hatchery steelhead.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

**Washougal River, West (North) Fork (Clark/Skamania counties):**

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

**Watson Lake (Columbia County):** March 1 through October 31 season. Fishing from any floating device prohibited.

**Waughop Lake (Pierce County):** Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

**Wenas Lake (Yakima County):** Trout: Daily limit five, of which not more than two may be brown trout.

**Wenatchee Lake (Chelan County):** Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit five. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

**Wenatchee River (Chelan County):**

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. All other areas and times: Closed waters. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

**West Twin River (Clallam County):** June 1 through last day in February season. Trout: Minimum length fourteen inches.

**Whatcom Creek (Whatcom County):**

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

**White (Stuck) River (Pierce County):**

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

**White Salmon River (Klickitat/Skamania counties):**

From mouth to powerhouse: Year around season. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches. Salmon: Open only November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. November 16 through December 31 release chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Whitman Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required July 1 through January 31. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only July 1 through January 31 from mouth to Highway 6 Bridge and October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: Additional November 1 through last day of February season. Selective gear rules.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure; mouth to Burlington Northern Railroad Bridge August 1 through October 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: Closed waters.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wynoochee River (Grays Harbor County): Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through

January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 15 the daily limit may contain no more than 1 wild adult coho and 1 adult chinook, and November 16 through January 31, the daily limit may contain not more than one adult chinook and release wild adult coho.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted.

From mouth to ~~(four)~~ thirty-five hundred feet below Roza Dam: Year around season. Closed waters: March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Terminal gear restricted to bait and one single point barbless hook. Release all fish except whitefish.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Trout: Selective gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.



**WSR 01-06-041**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed March 5, 2001, 4:26 p.m.]

Date of Adoption: March 5, 2001.

Purpose: Chapter 388-39A WAC, Child welfare services—Complaint resolution, the purpose of this chapter is to:

- Explain the process CA uses in resolving complaints and grievances of clients, foster parents, and other affected individuals.
- Describe complainants' rights.
- Identify responsibilities of constituent relations staff in resolving complaints and providing information.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-74-010 and 388-74-030.

Statutory Authority for Adoption: RCW 74.13.045.

Adopted under notice filed as WSR 00-17-186 on August 23, 2000.

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 8, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 0, 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 8, Amended 0, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

March 5, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

**Chapter 388-39A WAC**

**CHILD WELFARE SERVICES—COMPLAINT RESOLUTION**

**NEW SECTION**

**WAC 388-39A-010 What definitions apply to the department's child welfare services complaint resolution process? "Children's administration"** (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

**"Complaints office"** or **"constituent relations"** means the office within the children's administration responsible for handling complaints regarding child welfare services.

**"Division of children and family services"** (DCFS) means the division within the children's administration responsible for administering child welfare services programs.

**"Division of licensed resources"** (DLR) means the division within the children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

**NEW SECTION**

**WAC 388-39A-030 How does the children's administration resolve complaints?** Constituent relations staff assist clients, foster parents, and other affected individuals in resolving complaints and grievances regarding children's administration (CA) policies and procedures, or the application of a policy or procedure related to CA programs. Under RCW 74.13.045, constituent relations staff may inquire into, determine fact, and facilitate the resolution of disputes and complaints.

**NEW SECTION**

**WAC 388-39A-035 What is the process for resolving complaints?** (1) After making a reasonable effort to resolve a complaint with a social worker or licensor, a client, foster parent, or community member may contact the CA constituent relations office to request assistance.

(2) Constituent relations staff will assist the complainant in reviewing the complaint with the assigned social worker or licensor to arrive at a resolution.

(3) If the complaint cannot be resolved with the social worker or licensor, constituent relations staff will assist the complainant in reviewing it with the supervisor of the social worker or licensor for resolution.

(4) If the complaint cannot be resolved with the supervisor, constituent relations staff will assist the complainant in reviewing the complaint with the supervisor's area manager or regional manager for resolution.

(5) If the complaint cannot be resolved with the area manager or regional manager, constituent relations staff will assist the complainant in reviewing it with the area manager's regional administrator or the regional manager's office chief.

(6) If CA constituent relations staff determines at any time during the complaint resolution process that the administration's actions were consistent with agency policy and procedures based on complete and correct information regarding the complainant's situation, the constituent relations staff will terminate the resolution process and will close the complaint.

**NEW SECTION**

**WAC 388-39A-040 What happens if the complaint is not resolved at the regional level?** (1) When constituent relations staff and local CA staff have made a reasonable

attempt to resolve the complaint, the regional administrator, the office chief, or the constituent relations supervisor may convene a panel to review the complaint and make recommendations to the CA assistant secretary for resolution.

(2) The regional administrator or office chief and the constituent relations supervisor will determine the membership of the panel.

(3) The panel must consist of the following members:

(a) The regional administrator's or office chief's designee who must not be from the administrative unit where the complaint originated;

(b) A constituent relations staff person;

(c) A person who is not a CA employee; and

(d) If the complainant is a foster parent, a foster parent who is not involved in the complaint.

(4) The panel may examine the complaint, the complainant's file, and any additional relevant information, including information from the complainant, CA staff, or others.

(5) The panel must submit written findings and recommendations to the CA assistant secretary who will issue a final, written decision.

#### NEW SECTION

**WAC 388-39A-045 Does the complaint resolution process apply to all complaints?** (1) The complaint resolution process does not apply to complaints for which the complainant has the right to seek resolution through judicial review or an adjudicative proceeding under Title 13, 26, or 74 RCW.

(2) The process also does not apply to contract rate setting, contested rate payments, exceptional cost rates, disputes or decisions regarding written personal service contracts, or financial agreements.

#### NEW SECTION

**WAC 388-39A-050 Is the complaint resolution process the only way to resolve a complaint?** Participation in the complaint resolution process does not affect the right of any person to seek other remedies.

#### NEW SECTION

**WAC 388-39A-055 What rights do complainants have under the complaint resolution process?** (1) Under RCW 74.13.045, the complaint resolution process does not create substantive or procedural rights for any person.

(2) Participation in the complaint resolution process does not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review.

#### NEW SECTION

**WAC 388-39A-060 Do constituent relations staff only handle complaints?** In addition to complaint resolution, CA constituent relations staff also provide information about children's administration programs, policies, and procedures and information about other complaint resolution

resources, including the office of the family and children's ombudsman.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-74-010	Child welfare services complaint resolution definitions.
WAC 388-74-030	Complaint procedure.

#### **WSR 01-06-042**

#### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed March 5, 2001, 4:26 p.m.]

Date of Adoption: March 5, 2001.

Purpose: WAC 388-474-0001 General information—Supplemental security income, is amended to allow the repeal of SSI-related grandfathered recipient rules in WAC 388-512-1215, 388-512-1220, 388-512-1225, 388-512-1230, 388-512-1235, 388-512-1240, 388-512-1245, 388-512-1250, 388-512-1255, 388-512-1260, 388-512-1265, and 388-512-1275. (Note: WAC 388-512-1210 is being retained, though it was originally proposed for repeal.)

Citation of Existing Rules Affected by this Order: Repealing WAC 388-512-1215, 388-512-1220, 388-512-1225, 388-512-1230, 388-512-1240, 388-512-1245, 388-512-1250, 388-512-1255, 388-512-1260, 388-512-1265, 388-512-1275 and 388-512-1235; and amending WAC 388-474-0001.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and 74.09.055.

Adopted under notice filed as WSR 00-17-084 on August 14, 2000.

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 12.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 12.

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 12.

Effective Date of Rule: Thirty-one days after filing.  
 March 5, 2001  
 Bonita H. Jacques, Chief  
 Office of Legal Affairs

WAC 388-512-1265

Nonexempt resources.

WAC 388-512-1275

Continuing certification.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-474-0001 General information—Supplemental Security Income.** (1) Persons with limited income and resources who are aged, blind, or disabled may qualify for federal cash benefits under the Supplemental Security Income program (SSI) administered by the Social Security Administration (SSA) under Title XVI of the Social Security Act.

(2) The SSI program replaced state programs for aged, blind and disabled persons beginning in January(;) 1974. Persons who received state assistance in December(;) 1973, as aged, blind or disabled or were needed in the home to care for an eligible person, automatically became eligible for SSI in January(;) 1974. The blind or disabled grandfathered clients must continue to meet the definition of blind or disabled that was in effect under the state plan in December 1973. These definitions can be found in the SSA program operations manual system (POMS). A person designated in January 1974 as essential to the care of a grandfathered SSI client will continue to be included in the SSI payment as long as the essential person continuously resides with the SSI client.

(3) The spouse of an SSI recipient who does not qualify for SSI in their own right may be included in the state supplement payment but is not considered an SSI recipient for purposes of medical assistance eligibility.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-512-1215 General eligibility.
- WAC 388-512-1220 Eligibility—Blindness.
- WAC 388-512-1225 Permanently and totally disabled.
- WAC 388-512-1230 Refusal to accept medical treatment.
- WAC 388-512-1235 Review for disability or blindness.
- WAC 388-512-1240 Computation of available income.
- WAC 388-512-1245 Monthly maintenance standard—Own home.
- WAC 388-512-1250 Monthly maintenance standard—Person in institution.
- WAC 388-512-1255 Available income and nonexempt resources.
- WAC 388-512-1260 Exempt resources.

**WSR 01-06-043**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed March 5, 2001, 4:26 p.m., effective May 1, 2001]

Date of Adoption: March 5, 2001.

Purpose: The client eligibility rule on trusts has been rewritten to make it clearer and easier to understand. It is being relocated in new chapter 388-561 WAC, that includes new rules about annuities and life estates and how they affect a client's eligibility for medical assistance.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-505-0595.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and 74.09.500.

Adopted under notice filed as WSR 00-17-126 on August 18, 2000.

Changes Other than Editing from Proposed to Adopted Version: **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 01-07 issue of the Register.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, 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 4, Amended 0, Repealed 1.

Effective Date of Rule: May 1, 2001.

March 5, 2001

Bonita H. Jacques, Chief  
 Office of Legal Affairs

**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 01-07 issue of the Register.

PERMANENT

**WSR 01-06-044**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed March 5, 2001, 4:27 p.m.]

to obtain assistance in two or more states.

Date of Adoption: March 5, 2001.  
 Purpose: Repealing WAC 388-46-010, 388-46-100, 388-46-110, and 388-46-120. These rules are repealed because they are duplicative of WAC 388-446-005, 388-446-0010, 388-446-0020, 388-446-0015, and 388-446-0001.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-46-010, 388-46-100, 388-46-110, and 388-46-120.

Statutory Authority for Adoption: RCW 74.04.510 and 74.04.057.

Other Authority: RCW 74.04.050.

Adopted under notice filed as WSR 00-17-045 on August 7, 2000.

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 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 4.

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 4.

Effective Date of Rule: Thirty-one days after filing.

Bonita H. Jacques, Manager  
 Rules and Policies Assistance Unit

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- |                |   |
|----------------|---|
| WAC 388-46-010 | Fraud—Criminal prosecution.   |
| WAC 388-46-100 | Fraud—Federal food coupons and commodities.   |
| WAC 388-46-110 | Disqualification period for recipients convicted of unlawfully obtaining assistance.  |
| WAC 388-46-120 | Disqualification period for temporary assistance to needy families (TANF) applicants or recipients convicted of misrepresenting residence |

**WSR 01-06-051**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-31—Filed March 6, 2001, 4:25 p.m.]

Date of Adoption: February 10, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-210.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-02-063 on December 29, 2000.

Changes Other than Editing from Proposed to Adopted Version: Subsection (3), permits limited to "permanent" disability.

Subsection (3)(a), change "disabled fisher" to "fisher with a disability"; change "disability permit" to "special use permit."

Subsection (3)(b), amend to read: The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.

Subsection (3)(c), change "disability permit" to "special use permit."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

March 6, 2000 [2001]

Debbie Nelson

for Russ Cahill, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-210 Fly fishing**(~~(—Food fish)~~). (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

PERMANENT

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

(c) Monofilament leader greater than fifteen feet in length or with a breaking strength of more than 12 pounds.

(d) Hooks that exceed 1/2 inch when measured from point to shank.

(e) A lure other than a fly with a barbless single hook.

(f) Bait.

(g) Weight attached to the leader or line.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

(3) Notwithstanding the provisions of this section, persons who have a permanent disability that significantly limits the use of one or both upper extremities may use spinning gear in fly fishing only waters as provided for in this section.

(a) A fisher with a disability must apply for a fly fishing special use permit by presenting a letter from a physician stating that the fisher's disability is permanent and that, because of the inability to use one or both upper extremities, the fisher is physically incapable of using conventional fly fishing gear.

(b) The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.

(c) It is lawful for persons in possession of a fly fishing special use permit to use the following gear:

(i) Fishers may use spin casting gear with a casting bubble.

(ii) Monofilament line is permitted with no limit on the breaking strength of the line, but the leader beyond the bubble may not exceed fifteen feet in length or have a breaking strength greater than 12 pounds.

(iii) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in this section apply to both conventional fly fishing and spin-bubble fly fishing.



**WSR 01-06-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 01-25—Filed February 22, 2001, 4:47 p.m., effective February 26, 2001, 12 noon]

Effective Date of Rule: February 26, 2001, 12 noon.  
 February 22, 2001  
 J. P. Koenings  
 Director  
 by Larry Peck

Date of Adoption: February 22, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Q; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. The mainstem Columbia River season is consistent with the principles of the management agreement (draft) that is currently being completed by the states, the four Columbia River treaty tribes, and the federal government. Impacts to ESA-listed stocks in these fisheries through February "will not make any irreversible or irretrievable commitment of resources that would foreclose the formulation or implementation of any reasonable and prudent alternative which would not violate subsection 7 (a)(2)" (Darm letter to Stan Speaks, January 16, 2001). The National Marine Fisheries Service estimates that the seasons are consistent with the draft management agreement and will issue a biological opinion in March 2001. This rule is consistent with actions of the Columbia River Compact hearings of January 25, 2001, and February 20, 2001, and conforms Washington and Oregon state rules. 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.

**NEW SECTION**

**WAC 220-33-01000R Columbia River gillnet seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Mainstem Columbia River

Area: SMCRA 1A, 1B, 1C, and those water of 1D upstream to Kelley Point at the mouth of the Willamette River.

Dates: Noon February 26, 2001 to 6 PM February 27, 2001  
 Noon March 1, 2001 to 6 PM March 2, 2001

Gear: 8 inch minimum mesh and 9 3/4 inch maximum mesh restriction.

Allowable Sale: Salmon and sturgeon.

Sanctuaries: Grays River, Gnat Creek, Elokomina-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

b) Blind Slough only

Gear: 8-inch minimum mesh

Dates:

7 PM February 26 to 7 AM February 27, 2001  
 7 PM March 5 to 7 AM March 6, 2001

Blind Slough only

Gear: 8-inch maximum mesh

Dates:

7 PM April 2 to 7 AM April 3, 2001  
 7 PM April 9 to 7 AM April 10, 2001

- c) Blind Slough and Knappa Slough  
 Gear: 8-inch maximum mesh  
 Dates:  
 7 PM April 16 to 7 AM April 17, 2001  
 7 PM April 23 to 7 AM April 24, 2001  
 7 PM April 30 to 7 AM May 1, 2001  
 7 PM May 2 to 7 AM May 3, 2001  
 7 PM May 7 to 7 AM May 8, 2001  
 7 PM May 9 to 7 AM May 10, 2001  
 7 PM May 14 to 7 AM May 15, 2001  
 7 PM May 16 to 7 AM May 17, 2001  
 7 PM May 21 to 7 AM May 22, 2001  
 7 PM May 23 to 7 AM May 24, 2001  
 7 PM May 28 to 7 AM May 29, 2001  
 7 PM May 30 to 7 AM May 31, 2001  
 7 PM June 4 to 7 AM June 5, 2001  
 7 PM June 6 to 7 AM June 7, 2001  
 7 PM June 11 to 7 AM June 12, 2001  
 7 PM June 13 to 7 AM June 14, 2001

Gear: Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the north-westerly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

- a) Tongue Point only:  
 Gear: 8-inch minimum mesh  
 Dates:  
 7 PM February 20 to 7 AM February 21, 2001  
 7 PM February 27 to 7 AM February 28, 2001  
 7 PM March 6 to 7 AM March 7, 2001
- b) Tongue Point and South Channel  
 Gear: 8-inch maximum mesh  
 Dates:  
 7 PM April 17 to 5 AM April 18, 2001  
 7 PM April 24 to 5 AM April 25, 2001  
 7 PM May 1 to 5 AM May 2, 2001  
 7 PM May 3 to 5 AM May 4, 2001  
 7 PM May 8 to 5 AM May 9, 2001  
 7 PM May 10 to 5 AM May 11, 2001

- 7 PM May 15 to 5 AM May 16, 2001
- 7 PM May 17 to 5 AM May 18, 2001
- 7 PM May 22 to 5 AM May 23, 2001
- 7 PM May 24 to 5 AM May 25, 2001
- 7 PM May 29 to 5 AM May 30, 2001
- 7 PM May 31 to 5 AM June 1, 2001
- 7 PM June 5 to 5 AM June 6, 2001
- 7 PM June 7 to 5 AM June 8, 2001
- 7 PM June 12 to 5 AM June 13, 2001

Gear: Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

Reviser's note: The spelling 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.

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 12 noon February 26, 2001:

WAC 220-33-01000Q Columbia River gillnet seasons below Bonneville. (01-21)

**WSR 01-06-005  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-26—Filed February 22, 2001, 4:50 p.m., effective February 24, 2001, 12:01 a.m.]

Date of Adoption: February 22, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-27000H and 220-56-27000I; and amending WAC 220-56-270.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Commercial test fishing with small mesh gillnet on the lower Columbia River has indicated this year's smelt return may be one of the strongest in years. The fishery on the Cowlitz River is designed to limit impact

EMERGENCY



on broodstock while providing important stock status and biological information. 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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 24, 2001, 12:01 a.m.

February 22, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 220-56-27000I Smelt—Area and seasons.** Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240 and WAC 220-56-275, effective 12:01 a.m. February 24, 2001 through March 31, 2001, the Washington Columbia River and tributaries are closed to fishing for smelt except under the following provisions:

(1) Columbia River - Those waters of the Columbia river from the Buoy 10 line upstream to 600 feet below the fish ladder at the new Bonneville Dam powerhouse are open seven days a week, 24 hours a day.

(2) Cowlitz River - Open 6:00 a.m. to 10:00 p.m. Saturdays only. Immediately through March 31, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 24, 2001:

WAC 220-56-27000H Smelt—Areas and seasons. (00-259)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2001:

WAC 220-56-27000I Smelt—Areas and seasons.

**WSR 01-06-007**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 01-20—Filed February 23, 2001, 12:13 p.m., effective March 1, 2001, 12:01 a.m.]

Date of Adoption: February 22, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The number of wild winter steelhead expected to return to the Humptulips River during the 2000-2001 season is below the number of fish needed to spawn. 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: March 1, 2001, 12:01 a.m.

February 22, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 232-28-61900S Exceptions to statewide rules—Humptulips River.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 1, 2001, through March 31, 2001 those waters of the Humptulips River and West Fork of the Humptulips River are closed to fishing.

EMERGENCY

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2001:

WAC 232-28-61900S Exceptions to statewide rules—Humptulips River.

**WSR 01-06-025  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)  
(Division of Assistance Programs)**

[Filed February 27, 2001, 4:03 p.m., effective March 1, 2001]

Date of Adoption: February 27, 2001.

Purpose: Create new WAC 388-454-0006 The department makes background checks on adults who are acting *in loco parentis* without court-ordered custody.

Statutory Authority for Adoption: RCW 74.04.050, 74.12.290.

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: DSHS has a responsibility to ensure the safety of the children it serves. Effective March 1, 2001, children who live with an adult who is acting *in loco parentis* (as a parent) will be eligible for TANF benefits. Since the child has no blood relationship to the adult and the adult does not have court-ordered custody, DSHS must take additional steps to ensure that children are not put at risk when they live with an unrelated adult.

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 1, Amended 0, Repealed 0.

Effective Date of Rule: March 1, 2001.

February 27, 2001  
Bonita H. Jacques, Chief  
Office of Legal Affairs

**NEW SECTION**

**WAC 388-454-0006 The department makes background checks on adults who are acting *in loco parentis* without court-ordered custody.** (1) If you ask for TANF or SFA benefits for an unrelated child living with you and you do not have a court order that gives you custody, the department will check your background.

(2) The child cannot receive benefits while they live with you if you do not meet the requirements for an in-home/relative child care provider under chapter 388-290 WAC.

**WSR 01-06-035  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-27—Filed March 5, 2001, 11:50 a.m.]

Date of Adoption: February 26, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000H and 220-56-38000Z; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to adjust seasons to accommodate changes in resource abundance and state/tribal allocations. 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 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 26, 2001  
J. P. Koenings  
Director

EMERGENCY

**NEW SECTION**

**WAC 220-56-35000I Clams other than razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands during the closed periods herein, and lawful to harvest only during the open periods specified herein:

- (1) Dosewallips State Park - **Closed** until further notice.
- (2) Hope Island State Park - **Open** April 1 through April 30.
- (3) Potlatch DNR - **Closed** through March 31.
- (4) Potlatch East - **Closed** through March 31.
- (5) Potlatch State Park - **Closed** through March 31.
- (6) South Indian Island County Park - **Closed** until further notice.
- (6) West Dewatto - **Open** through April 30.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 220-56-38000A Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands except as provided below:

- (1) Dosewallips State Park - **Closed** until further notice.
- (2) Oakland Bay Recreational Tidelands (Oakland Bay North and West) - **Open** March 1 until further notice.
- (3) Potlatch East - **Closed** through March 31.
- (4) Potlatch State Park - **Closed** through March 31.
- (5) South Indian Island County Park - **Closed** until further notice.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-35000H Clams other than razor clams—Areas and seasons. (00-269)
- WAC 220-56-38000Z Oysters—Areas and seasons. (00-269)

**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.

Purpose: WAC 388-865-504 Exception to rule—Long-term certification, to allow community facilities to be certified on an exception basis to provide care to patients subject to ninety-and/or one hundred eighty-day inpatient involuntary commitment orders.

Statutory Authority for Adoption: RCW 71.05.560.

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 earthquake on February 28, 2001, caused significant damage to buildings at Western State Hospital (WSH), specifically North Hall, resulting in decreased bed capacity at WSH until construction of the new Center for Forensic Services is complete. This rule will allow community facilities to be certified to care for patients subject to a ninety- or one hundred eighty-day involuntary commitment order. Community facilities are currently only certified to care for patients on 72 hour detentions or 14 day involuntary commitment orders. Allowing patients to receive care in the community will ease census pressure at WSH that has resulted from the earthquake damage and is in the best interests of the patients.

The immediate adoption of this rule is necessary for the preservation of the public health, safety, and general welfare because of the earthquake damage to WSH and the need for other facilities to serve patients normally served at WSH. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest in that it would delay relief from overcrowding caused by the earthquake damage to WSH wards and could result in persons needing inpatient care potentially being denied admission.

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: Immediately.

March 5, 2001

Bonita H. Jacques, Chief  
Office of Legal Affairs

**WSR 01-06-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed March 5, 2001, 4:25 p.m.]

Date of Adoption: March 5, 2001.

EMERGENCY

NEW SECTION

**WAC 388-865-0504 Exception to rule—Long-term certification.** (1) At the discretion of the mental health division, a facility may be granted an exception to WAC 388-861-261(1) in order to allow the facility to be certified to provide treatment to adults on ninety-or one hundred eighty-day inpatient involuntary commitment orders.

(2) The exception certification may be requested by the facility, the director of the mental health division or his designee, or the RSN for the facility's geographic area.

(3) The facility receiving the exception certification for ninety- or one hundred eighty-day patients must meet all requirements found in chapter 388-861 WAC for the evaluation and treatment facility short-term inpatient component.

(4) The exception certification must be signed by the director of the mental health division. The exception certification may impose additional requirements, such as types of patients allowed and not allowed at the facility, reporting requirements, requirements that the facility immediately report suspected or alleged incidents of abuse, or any other requirements that the director of the mental health division determines are necessary for the best interests of patients.

(5) The mental health division may make unannounced site visits at any time to verify that the terms of the exception certification are being met. Failure to comply with any term of the exception certification may result in corrective action or, if the mental health division determines that the violation places patients in immediate jeopardy, immediate revocation of the certification.

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding the decision to grant or not to grant exception certification.

**WSR 01-06-050  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 01-29—Filed March 6, 2001, 4:20 p.m.]

Date of Adoption: March 5, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-27000I and 220-56-27000J; and amending WAC 220-56-270.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Commercial test fishing with small mesh gillnet type gear on the lower Columbia River and tributary dipnet fisheries indicates this year's smelt return may be one of the strongest in years. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 5, 2001

Sara G. LaBorde

for Jeff P. Koenings

Director

NEW SECTION

**WAC 220-56-27000J Smelt—Area and seasons.** Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240 and WAC 220-56-275, effective immediately the Washington Columbia River and tributaries are closed to fishing for smelt except under the following provisions:

(1) Columbia River - Those waters of the Columbia river from the Buoy 10 line upstream to 600 feet below the fish ladder at the new Bonneville Dam powerhouse are open seven days a week, 24 hours a day. Immediately through March 31, 2001.

(2) Columbia River tributaries downstream of Bonneville Dam - Open 6:00 a.m. to 10:00 p.m. Saturdays, Sundays and Wednesdays only. Immediately through March 31, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-27000I Smelt—Areas and seasons. (01-26)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2001:

WAC 220-56-27000J Smelt—Areas and seasons.

EMERGENCY

**WSR 01-06-001**

**NOTICE OF PUBLIC MEETINGS  
SHORELINE COMMUNITY COLLEGE**

[Memorandum—February 20, 2001]

**Special Meeting of the Board of Trustees**

In accordance with provisions of the Open Public Meetings Act, RCW 42.30.080 Special meetings, the Shoreline Community College board of trustees will hold a special meeting on Friday, February 23, 2001, beginning at 8:30 a.m. in the Building 1000 Board Room. All members of the governing body and eight local newspapers of general circulation have been notified, including the written agenda for the special meeting.

Please contact (206) 546-4552 if you require further information.

**WSR 01-06-003**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY**

(Library Commission)

[Memorandum—February 22, 2001]

This is to inform you of the change made in the notice to you dated January 26, 2001. The meeting time and location have changed.

The March 20, 2001, meeting is now scheduled for 10 a.m. and will be held in General Administration's 1058 Building on Capitol Way.

If there are any questions, please call 753-2914.

**WSR 01-06-006**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed February 23, 2001, 9:50 a.m.]

**CANCELLATION OF INTERPRETIVE STATEMENT**

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following audit directive effective February 15, 2001.

**AD 8192.1 Corporations owned by Indians  
Upper Skagit Indian, Sauk-Suiattle and  
Jamestown Klallam Indian Tribes**

This document explains that sales to a business incorporated under the Washington Business Corporation Act are subject to the retail sales tax, even if all of the shareholders are Indians. This document also notes that the Upper Skagit, Sauk-Suiattle, and Jamestown Klallam Indian Tribes are recognized Indian tribes, even though not listed in WAC 458-20-192 as it existed in 1990.

This document is incorrect and out-of-date. The Department of Revenue now considers sales to Indian-owned businesses incorporated under the Washington Business Corpora-

tion Act to be exempt of retail sales tax if the property is delivered on the reservation and the business is comprised solely of Indians. WAC 458-20-192 was revised effective January 1, 2001, and no longer lists the federally recognized Indian tribes in Washington. The rule now explains that up-to-date lists of federally recognized Indian tribes can be obtained from the Governor's Office of Indian Affairs or the Internet.

Questions regarding the repeal of these directives may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt  
Policy Counsel

**WSR 01-06-008**

**NOTICE OF PUBLIC MEETINGS  
FOREST PRACTICES BOARD**

[Memorandum—February 26, 2001]

**Notice of 2001 Regular and Special Meetings**

Per WAC 222-08-040, the Forest Practices Board will hold regular meetings on:

February 14, 2001 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia
August 8, 2001 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia
November 14, 2001 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia

Notice of alternate locations and times will be published in the register.

Dates, locations and times of any special meetings held by the board will also be published in the register. A special meeting has been scheduled for:

January 18, 2001 9 a.m. - 5 p.m.	St. Martins Sawyer Hall 510 Desmond Drive S.E. Lacey
March 6, 2001 9 a.m. - 5 p.m.	Ramada Inn/Governor House 621 South Capitol Way Olympia
May 17, 2001 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia

Notice is also provided by mailing meeting agendas to all individuals and groups on the board's mail list. Contact the assistant to the board about being added to this list.

For more information, check the board's website at [www.wa.gov/dnr](http://www.wa.gov/dnr) or contact the Forest Practices Board Assis-

MISC.

tant at DNR, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1789, e-mail forest.practicesboard@wadnr.gov.

**WSR 01-06-012**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Memorandum—February 26, 2001]

Eastern Washington University  
**BOARD OF TRUSTEES**  
March 1, 2001  
5:30 - 7:00 p.m.  
Pence Union Building, Room 204-206  
Cheney, Washington 99004

**ANNOUNCEMENT**  
**of**  
**Special Meeting**

The board of trustees will participate in a special dinner meeting of the EWU Foundation Board on Thursday, March 1, 2001, at 5:30 p.m. in PUB 204-206 on the Cheney Campus. The purpose of the meeting is to present plans and activities of the foundation in support of the university during fiscal year 2002. Members of the board of trustees will have the opportunity to offer their views and suggestions.

**WSR 01-06-013**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Memorandum—February 26, 2001]

**EASTERN WASHINGTON UNIVERSITY**  
**BOARD OF TRUSTEES**  
**March 2, 2001—10:00 a.m.**  
**Pence Union Building, Room 263-7**  
**Cheney Campus**

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

**WSR 01-06-026**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Memorandum—February 22, 2001]

**CHANGE OF LOCATION FOR JULY 20, 2001**  
**BOARD OF REGENTS MEETING**

At the direction of the president of the board of regents, the location of the following meeting has been changed:

The July 20, 2001, meeting of the board of regents will be in the HUB, Room 200 ABC, UW main campus in Seattle at 1:00 p.m.; it is currently scheduled to be held in the Walker-Ames Room, Kane Hall.

If you have any questions about board of regents meetings, please contact the board of regents' office at (206) 543-1633.

**WSR 01-06-038**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE**  
**INTERAGENCY COMMITTEE**  
**(Salmon Recovery Funding Board)**

[Memorandum—February 27, 2001]

The Salmon Recovery Funding Board meeting scheduled for March 1, 2001, has been cancelled.

**WSR 01-06-039**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**

[Memorandum—March 1, 2001]

**EDMONDS COMMUNITY COLLEGE**  
**BOARD OF TRUSTEES**  
**NOTICE OF SPECIAL MEETINGS**  
**TO MEDIA/OTHER**

- March 4-6, 2001\* Trustees Association of Community and Technical Colleges (TACTC) Winter Conference, West Coast Hotel, 2300 Evergreen Park Drive S.W., Olympia, WA.  
*Purpose: To address annual business and legislative issues.*
- March 5, 2001\* Legislative Dinner, Anthony's Homeport Restaurant, 760 Columbia Street North, Olympia, WA, 6:30 - 9:00 p.m.  
*Purpose: Annual dinner with legislators to address educational issues.*
- March 8, 2001\* Echelbarger/Sherman Award Ceremony, EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 3:00 - 4:30 p.m.  
*Purpose: Award ceremony honoring EdCC staff members.*
- March 22, 2001\* All-Washington Academic Team Ceremony, Capitol Rotunda, Olympia, Washington, 12:00 noon.  
*Purpose: Ceremony honoring EdCC students.*
- March 26, 2001\* Senate Confirmation Hearing, Cherberg Building, Senate Hearing Room 3, Olympia, Washington, 9:45 - 11:00 a.m.  
*Purpose: Confirmation hearing for two EdCC trustees' gubernatorial appointments.*
- March 27, 2001\* Edmonds Community College Board of Trustees Study Session, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 1:00 - 3:30 p.m.  
*Purpose: Study session on economic development.*

MISC.

March 27, 2001      Edmonds Community College Board of Trustees  
Special Board Meeting, EdCC, Snohomish Hall,  
Room 304A, 20226 68th Avenue West, Lynnwood,  
WA, 4:00 p.m.  
*Purpose: To address routine college business  
issues.*

\*This meeting is being scheduled as a special meeting,  
which is a study session where no action will be taken.

**WSR 01-06-047**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—March 6, 2001]

The regularly scheduled meeting of the board of trustees  
of Bellingham Technical College will be held on Thursday,  
March 15, 2001, 9-11 a.m., in the College Services Building  
Board Room on the Bellingham Technical College campus.  
Call 738-3105 ext. 334 for information.

MISC.





**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- 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.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3- 20-100	NEW-P	01-05-034	16-202-2010	NEW-P	01-06-053	51- 11-0101	AMD	01-03-010
4- 25-626	AMD	01-03-012	16-202-2011	NEW-P	01-06-053	51- 11-0201	AMD	01-03-010
4- 25-631	PREP	01-06-002	16-202-2012	NEW-P	01-06-053	51- 11-0502	AMD	01-03-010
4- 25-730	AMD	01-03-011	16-202-2013	NEW-P	01-06-053	51- 11-0503	AMD	01-03-010
16-143-005	NEW	01-03-049	16-202-2014	NEW-P	01-06-053	51- 11-0504	AMD	01-03-010
16-202-1000	REP-P	01-06-052	16-202-2015	NEW-P	01-06-053	51- 11-0505	AMD	01-03-010
16-202-1001	NEW-P	01-06-052	16-202-2016	NEW-P	01-06-053	51- 11-0530	AMD	01-03-010
16-202-1002	NEW-P	01-06-052	16-202-2017	NEW-P	01-06-053	51- 11-0601	AMD	01-03-010
16-202-1003	NEW-P	01-06-052	16-202-2018	NEW-P	01-06-053	51- 11-0604	AMD	01-03-010
16-202-1004	NEW-P	01-06-052	16-202-2019	NEW-P	01-06-053	51- 11-0605	AMD	01-03-010
16-202-1006	NEW-P	01-06-052	16-202-2020	NEW-P	01-06-053	51- 11-0625	AMD	01-03-010
16-202-1007	NEW-P	01-06-052	16-202-2021	NEW-P	01-06-053	51- 11-0626	AMD	01-03-010
16-202-1008	NEW-P	01-06-052	16-228-1155	NEW-W	01-02-080	51- 11-0627	AMD	01-03-010
16-202-1009	NEW-P	01-06-052	16-228-2000	PREP	01-06-021	51- 11-0628	AMD	01-03-010
16-202-1010	NEW-P	01-06-052	16-228-2020	PREP	01-06-021	51- 11-0630	AMD	01-03-010
16-202-1011	NEW-P	01-06-052	16-228-2030	PREP	01-06-021	51- 11-0701	AMD	01-03-010
16-202-1012	NEW-P	01-06-052	16-228-2040	PREP	01-06-021	51- 11-1001	AMD	01-03-010
16-202-1013	NEW-P	01-06-052	16-238-010	NEW-E	01-05-003	51- 11-1002	AMD	01-03-010
16-202-1014	NEW-P	01-06-052	16-238-020	NEW-E	01-05-003	51- 11-1003	AMD	01-03-010
16-202-1015	NEW-P	01-06-052	16-238-030	NEW-E	01-05-003	51- 11-1004	AMD	01-03-010
16-202-1016	NEW-P	01-06-052	16-238-060	NEW-E	01-05-003	51- 11-1005	AMD	01-03-010
16-202-1017	NEW-P	01-06-052	16-238-070	NEW-E	01-05-003	51- 11-1006	AMD	01-03-010
16-202-1018	NEW-P	01-06-052	16-238-080	NEW-E	01-05-003	51- 11-1007	AMD	01-03-010
16-202-1019	NEW-P	01-06-052	16-238-082	NEW-E	01-05-003	51- 11-1008	AMD	01-03-010
16-202-1020	NEW-P	01-06-052	16-238-090	NEW-E	01-05-003	51- 11-1009	AMD	01-03-010
16-202-1021	NEW-P	01-06-052	16-238-100	NEW-E	01-05-003	51- 11-1132	AMD	01-03-010
16-202-1022	NEW-P	01-06-052	16-238-110	NEW-E	01-05-003	51- 11-1201	REP	01-03-010
16-202-1023	NEW-P	01-06-052	16-321	PREP	01-06-019	51- 11-1210	REP	01-03-010
16-202-1024	NEW-P	01-06-052	16-328	PREP	01-03-140	51- 11-1312	AMD	01-03-010
16-202-1025	NEW-P	01-06-052	16-333	PREP	01-03-139	51- 11-1313	AMD	01-03-010
16-202-2000	REP-P	01-06-053	16-401	PREP	01-02-101	51- 11-1322	AMD	01-03-010
16-202-2001	NEW-P	01-06-053	16-403	PREP	01-03-133	51- 11-1323	AMD	01-03-010
16-202-2002	NEW-P	01-06-053	16-403	PREP	01-04-093	51- 11-1331	AMD	01-03-010
16-202-2003	NEW-P	01-06-053	16-470	PREP	01-02-100	51- 11-1334	AMD	01-03-010
16-202-2004	NEW-P	01-06-053	16-516-100	NEW-P	01-04-088	51- 11-1410	AMD	01-03-010
16-202-2005	NEW-P	01-06-053	16-516-170	NEW-P	01-04-088	51- 11-1411	AMD	01-03-010
16-202-2006	NEW-P	01-06-053	16-550-040	AMD	01-05-047	51- 11-1412	AMD	01-03-010
16-202-2007	NEW-P	01-06-053	16-555-020	AMD-P	01-05-132	51- 11-1414	AMD	01-03-010
16-202-2008	NEW-P	01-06-053	16-557-020	AMD-P	01-02-094	51- 11-1415	AMD	01-03-010
16-202-2009	NEW-P	01-06-053	16-602	PREP	01-04-008	51- 11-1416	NEW	01-03-010

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 11-1423	AMD	01-03-010	51- 42-1101	AMD-W	01-05-030	51- 46-0502	REP-W	01-05-029
51- 11-1433	AMD	01-03-010	51- 42-1103	AMD	01-02-098	51- 46-0505	REP-W	01-05-029
51- 11-1435	AMD	01-03-010	51- 42-1105	AMD	01-02-098	51- 46-0507	REP-W	01-05-029
51- 11-1438	AMD	01-03-010	51- 42-1109	NEW	01-02-098	51- 46-0509	REP-W	01-05-029
51- 11-1439	NEW	01-03-010	51- 42-1110	NEW	01-02-098	51- 46-0512	REP-W	01-05-029
51- 11-1443	NEW	01-03-010	51- 42-1111	NEW	01-02-098	51- 46-0513	REP-W	01-05-029
51- 11-1454	AMD	01-03-010	51- 42-1112	NEW	01-02-098	51- 46-0514	REP-W	01-05-029
51- 11-1512	AMD	01-03-010	51- 42-1113	NEW	01-02-098	51- 46-0515	REP-W	01-05-029
51- 11-1513	AMD	01-03-010	51- 42-1114	NEW	01-02-098	51- 46-0516	REP-W	01-05-029
51- 11-1521	AMD	01-03-010	51- 42-1115	NEW	01-02-098	51- 46-0517	REP-W	01-05-029
51- 11-1530	AMD	01-03-010	51- 42-1116	NEW	01-02-098	51- 46-0518	REP-W	01-05-029
51- 11-1531	AMD	01-03-010	51- 42-1117	NEW	01-02-098	51- 46-0519	REP-W	01-05-029
51- 11-1532	AMD	01-03-010	51- 42-1118	NEW	01-02-098	51- 46-0520	REP-W	01-05-029
51- 11-1701	REP	01-03-010	51- 42-1119	NEW	01-02-098	51- 46-0521	REP-W	01-05-029
51- 11-2000	REP	01-03-010	51- 42-1120	NEW	01-02-098	51- 46-0522	REP-W	01-05-029
51- 11-2001	REP	01-03-010	51- 42-1121	NEW	01-02-098	51- 46-0523	REP-W	01-05-029
51- 11-2002	REP	01-03-010	51- 42-1122	NEW	01-02-098	51- 46-0524	REP-W	01-05-029
51- 11-2003	REP	01-03-010	51- 42-1123	NEW	01-02-098	51- 46-0525	REP-W	01-05-029
51- 11-2004	REP	01-03-010	51- 42-1124	NEW	01-02-098	51- 46-0600	REP-W	01-05-029
51- 11-2005	REP	01-03-010	51- 42-1126	NEW	01-02-098	51- 46-0603	AMD	01-02-097
51- 11-2007	REP	01-03-010	51- 42-1301	NEW	01-02-098	51- 46-0604	REP-W	01-05-029
51- 11-2008	REP	01-03-010	51- 44-0103	AMD	01-02-096	51- 46-0608	REP-W	01-05-029
51- 11-2009	REP	01-03-010	51- 44-0105	NEW	01-02-096	51- 46-0609	REP-W	01-05-029
51- 11-99902	AMD	01-03-010	51- 44-0200	AMD	01-02-096	51- 46-0610	REP-W	01-05-029
51- 11-99903	AMD	01-03-010	51- 44-1007	AMD	01-02-096	51- 46-0700	REP-W	01-05-029
51- 11-99904	AMD	01-03-010	51- 44-1102	NEW	01-02-096	51- 46-0701	REP-W	01-05-029
51- 13-101	AMD	01-02-099	51- 44-1109	AMD	01-02-096	51- 46-0704	REP-W	01-05-029
51- 13-301	AMD	01-02-099	51- 44-2500	AMD	01-02-096	51- 46-0710	REP-W	01-05-029
51- 13-302	AMD	01-02-099	51- 44-5200	AMD	01-02-096	51- 46-0713	REP-W	01-05-029
51- 13-303	AMD	01-02-099	51- 44-6100	AMD-W	01-05-031	51- 46-0793	REP-W	01-05-029
51- 13-304	AMD	01-02-099	51- 44-6300	AMD-W	01-05-031	51- 46-0800	REP-W	01-05-029
51- 13-503	AMD	01-02-099	51- 44-7900	AMD	01-02-096	51- 46-0810	REP-W	01-05-029
51- 40-0200	AMD	01-02-095	51- 44-8000	AMD-W	01-05-031	51- 46-0814	REP-W	01-05-029
51- 40-0310	AMD	01-02-095	51- 44-8102	NEW-S	01-05-031	51- 46-0815	REP-W	01-05-029
51- 40-0313	AMD	01-02-095	51- 45-10100	NEW-W	01-05-031	51- 46-0900	REP-W	01-05-029
51- 40-0403	AMD-W	01-05-028	51- 46-001	REP-W	01-05-029	51- 46-0903	REP-W	01-05-029
51- 40-0804	AMD-W	01-05-028	51- 46-002	REP-W	01-05-029	51- 46-1000	REP-W	01-05-029
51- 40-0902	AMD	01-02-095	51- 46-003	REP-W	01-05-029	51- 46-1003	REP-W	01-05-029
51- 40-1003	AMD	01-02-095	51- 46-007	REP-W	01-05-029	51- 46-1012	REP-W	01-05-029
51- 40-1004	AMD	01-02-095	51- 46-008	REP-W	01-05-029	51- 46-1012	REP-W	01-05-029
51- 40-1103	AMD-W	01-05-028	51- 46-0100	REP-W	01-05-029	51- 46-1300	REP-W	01-05-029
51- 40-1104	AMD	01-02-095	51- 46-0101	REP-W	01-05-029	51- 46-1301	REP-W	01-05-029
51- 40-1105	AMD	01-02-095	51- 46-0102	REP-W	01-05-029	51- 46-1302	REP-W	01-05-029
51- 40-1106	AMD	01-02-095	51- 46-0103	REP-W	01-05-029	51- 46-1303	REP-W	01-05-029
51- 40-1202	NEW	01-02-095	51- 46-0200	AMD	01-02-097	51- 46-1304	REP-W	01-05-029
51- 40-1203	AMD	01-02-095	51- 46-0205	REP-W	01-05-029	51- 46-1305	REP-W	01-05-029
51- 40-1505	NEW-W	01-05-028	51- 46-0205	REP-W	01-05-029	51- 46-1400	REP-W	01-05-029
51- 40-1600	NEW-W	01-05-028	51- 46-0215	REP-W	01-05-029	51- 46-1401	REP-W	01-05-029
51- 40-1616	AMD-W	01-05-028	51- 46-0218	REP-W	01-05-029	51- 46-1491	REP-W	01-05-029
51- 40-1700	NEW-W	01-05-028	51- 46-0300	REP-W	01-05-029	51- 46-97120	REP-W	01-05-029
51- 40-1800	NEW-W	01-05-028	51- 46-0301	REP-W	01-05-029	51- 46-97121	REP-W	01-05-029
51- 40-1900	NEW-W	01-05-028	51- 46-0310	REP-W	01-05-029	51- 46-97122	REP-W	01-05-029
51- 40-2000	NEW-W	01-05-028	51- 46-0311	REP-W	01-05-029	51- 46-97123	REP-W	01-05-029
51- 40-2100	NEW-W	01-05-028	51- 46-0313	REP-W	01-05-029	51- 46-97124	REP-W	01-05-029
51- 40-2106	NEW-W	01-05-028	51- 46-0314	REP-W	01-05-029	51- 46-97125	REP-W	01-05-029
51- 40-2200	NEW-W	01-05-028	51- 46-0316	REP-W	01-05-029	51- 46-97126	REP-W	01-05-029
51- 40-2300	NEW-W	01-05-028	51- 46-0392	REP-W	01-05-029	51- 46-97127	REP-W	01-05-029
51- 40-2900	AMD	01-02-095	51- 46-0400	REP-W	01-05-029	51- 46-97127	REP-W	01-05-029
51- 40-2929	AMD-W	01-05-028	51- 46-0402	REP-W	01-05-029	51- 46-97128	REP-W	01-05-029
51- 40-3102	AMD	01-02-095	51- 46-0412	REP-W	01-05-029	51- 46-97129	REP-W	01-05-029
51- 40-31200	AMD	01-02-095	51- 46-0413	REP-W	01-05-029	51- 47-001	REP-W	01-05-029
51- 42-0405	NEW	01-02-098	51- 46-0500	REP-W	01-05-029	51- 47-002	REP-W	01-05-029
			51- 46-0501	REP-W	01-05-029	51- 47-003	REP-W	01-05-029
						51- 47-007	REP-W	01-05-029

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 47-008	REP-W	01-05-029	132W-108-290	REP-P	01-04-004	136-130-060	AMD	01-05-009
51- 56-001	NEW-W	01-05-029	132W-108-300	REP-P	01-04-004	136-130-070	AMD	01-05-009
51- 56-002	NEW-W	01-05-029	132W-108-310	REP-P	01-04-004	136-161-020	AMD	01-05-009
51- 56-003	NEW-W	01-05-029	132W-108-320	REP-P	01-04-004	136-161-030	AMD	01-05-009
51- 56-007	NEW-W	01-05-029	132W-108-330	REP-P	01-04-004	136-161-040	AMD	01-05-009
51- 56-008	NEW-W	01-05-029	132W-108-340	REP-P	01-04-004	136-161-050	AMD	01-05-009
51- 56-0100	NEW-W	01-05-029	132W-108-350	REP-P	01-04-004	136-161-070	AMD	01-05-009
51- 56-0200	NEW-W	01-05-029	132W-108-360	REP-P	01-04-004	136-163-050	AMD	01-05-009
51- 56-0300	NEW-W	01-05-029	132W-108-400	REP-P	01-04-004	136-167-040	AMD-P	01-06-017
51- 56-0400	NEW-W	01-05-029	132W-108-410	REP-P	01-04-004	136-170-030	AMD	01-05-008
51- 56-0500	NEW-W	01-05-029	132W-108-420	REP-P	01-04-004	136-210-030	AMD	01-05-009
51- 56-0600	NEW-W	01-05-029	132W-108-430	REP-P	01-04-004	136-210-040	AMD	01-05-009
51- 56-0700	NEW-W	01-05-029	132W-108-440	REP-P	01-04-004	136-210-050	AMD	01-05-009
51- 56-0800	NEW-W	01-05-029	132W-108-450	REP-P	01-04-004	137- 04-010	AMD	01-03-079
51- 56-0900	NEW-W	01-05-029	132W-108-460	REP-P	01-04-004	137- 04-020	AMD	01-03-079
51- 56-1300	NEW-W	01-05-029	132W-108-470	REP-P	01-04-004	137- 52-010	AMD	01-04-001
51- 56-1400	NEW-W	01-05-029	132W-108-480	REP-P	01-04-004	137-104-010	NEW	01-04-044
51- 56-1500	NEW-W	01-05-029	132W-112	PREP	01-03-103	137-104-020	NEW	01-04-044
51- 56-201300	NEW-W	01-05-029	132W-115	PREP	01-03-103	137-104-030	NEW	01-04-044
51- 57-001	NEW-W	01-05-029	132W-116	PREP	01-03-103	137-104-040	NEW	01-04-044
51- 57-002	NEW-W	01-05-029	132W-116-010	REP-P	01-04-004	137-104-050	NEW	01-04-044
51- 57-003	NEW-W	01-05-029	132W-116-020	REP-P	01-04-004	137-104-060	NEW	01-04-044
51- 57-007	NEW-W	01-05-029	132W-116-040	REP-P	01-04-004	137-104-070	NEW	01-04-044
51- 57-008	NEW-W	01-05-029	132W-116-050	REP-P	01-04-004	137-104-080	NEW	01-04-044
51- 57-790000	NEW-W	01-05-029	132W-116-065	REP-P	01-04-004	173- 09-010	REP	01-05-035
51- 57-895000	NEW-W	01-05-029	132W-120-010	REP-P	01-04-004	173- 09-020	REP	01-05-035
132A-120-011	AMD-P	01-03-116	132W-120-030	REP-P	01-04-004	173- 09-030	REP	01-05-035
132A-120-021	AMD-P	01-03-116	132W-120-040	REP-P	01-04-004	173- 09-040	REP	01-05-035
132K-122-020	PREP	01-03-125	132W-120-050	REP-P	01-04-004	173-321-010	AMD	01-05-024
132K-122-100	PREP	01-03-126	132W-120-060	REP-P	01-04-004	173-321-020	AMD	01-05-024
132W-104	PREP	01-03-103	132W-120-070	REP-P	01-04-004	173-321-040	AMD	01-05-024
132W-104-010	REP-P	01-04-004	132W-120-100	REP-P	01-04-004	173-321-050	AMD	01-05-024
132W-104-020	REP-P	01-04-004	132W-120-130	REP-P	01-04-004	173-321-060	AMD	01-05-024
132W-104-030	REP-P	01-04-004	132W-120-300	REP-P	01-04-004	173-321-070	AMD	01-05-024
132W-104-040	REP-P	01-04-004	132W-120-310	REP-P	01-04-004	173-321-080	AMD	01-05-024
132W-104-050	REP-P	01-04-004	132W-120-320	REP-P	01-04-004	173-322	AMD	01-05-024
132W-104-060	REP-P	01-04-004	132W-120-330	REP-P	01-04-004	173-322-020	AMD	01-05-024
132W-104-070	REP-P	01-04-004	132W-120-400	REP-P	01-04-004	173-322-030	AMD	01-05-024
132W-104-080	REP-P	01-04-004	132W-129	PREP	01-06-011	173-322-040	AMD	01-05-024
132W-104-090	REP-P	01-04-004	132W-130	PREP	01-06-010	173-322-050	AMD	01-05-024
132W-104-100	REP-P	01-04-004	132W-134	PREP	01-06-010	173-322-060	AMD	01-05-024
132W-104-110	REP-P	01-04-004	132W-135-010	REP-P	01-04-004	173-322-070	AMD	01-05-024
132W-104-111	REP-P	01-04-004	132W-140	PREP	01-06-010	173-322-090	AMD	01-05-024
132W-104-120	REP-P	01-04-004	132W-140	PREP	01-06-011	173-322-100	AMD	01-05-024
132W-104-130	REP-P	01-04-004	132W-149	PREP	01-06-011	173-322-110	AMD	01-05-024
132W-108	PREP	01-03-103	132W-164	PREP	01-06-011	173-322-120	AMD	01-05-024
132W-108-001	REP-P	01-04-004	132W-168	PREP	01-06-010	173-340-100	AMD	01-05-024
132W-108-005	REP-P	01-04-004	132W-276	PREP	01-03-103	173-340-120	AMD	01-05-024
132W-108-010	REP-P	01-04-004	132W-276-001	REP-P	01-04-004	173-340-130	AMD	01-05-024
132W-108-080	REP-P	01-04-004	132W-276-005	REP-P	01-04-004	173-340-140	AMD	01-05-024
132W-108-090	REP-P	01-04-004	132W-276-010	REP-P	01-04-004	173-340-200	AMD	01-05-024
132W-108-100	REP-P	01-04-004	132W-276-060	REP-P	01-04-004	173-340-210	AMD	01-05-024
132W-108-110	REP-P	01-04-004	132W-276-070	REP-P	01-04-004	173-340-300	AMD	01-05-024
132W-108-120	REP-P	01-04-004	132W-276-080	REP-P	01-04-004	173-340-310	AMD	01-05-024
132W-108-130	REP-P	01-04-004	132W-276-090	REP-P	01-04-004	173-340-320	AMD	01-05-024
132W-108-140	REP-P	01-04-004	132W-276-100	REP-P	01-04-004	173-340-330	AMD	01-05-024
132W-108-230	REP-P	01-04-004	132W-276-110	REP-P	01-04-004	173-340-340	AMD	01-05-024
132W-108-240	REP-P	01-04-004	132W-300	PREP	01-06-056	173-340-350	AMD	01-05-024
132W-108-250	REP-P	01-04-004	132W-325	PREP	01-03-103	173-340-355	NEW	01-05-024
132W-108-260	REP-P	01-04-004	136-130-030	AMD	01-05-009	173-340-357	NEW	01-05-024
132W-108-270	REP-P	01-04-004	136-130-040	AMD-P	01-06-017	173-340-360	AMD	01-05-024
132W-108-280	REP-P	01-04-004	136-130-050	AMD	01-05-009	173-340-370	NEW	01-05-024

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-340-380	NEW	01-05-024	173-400-131	AMD-P	01-04-072	183- 04-050	NEW-P	01-04-033
173-340-390	NEW	01-05-024	173-400-136	AMD-P	01-04-072	183- 04-060	NEW-P	01-04-033
173-340-400	AMD	01-05-024	173-400-141	AMD-P	01-04-072	183- 04-070	NEW-P	01-04-033
173-340-410	AMD	01-05-024	173-400-151	AMD-P	01-04-072	183- 04-080	NEW-P	01-04-033
173-340-420	AMD	01-05-024	173-400-171	AMD-P	01-04-072	183- 04-090	NEW-P	01-04-033
173-340-430	AMD	01-05-024	173-401-300	AMD-P	01-04-072	183- 04-100	NEW-P	01-04-033
173-340-440	AMD	01-05-024	173-401-615	AMD-P	01-04-072	183- 04-110	NEW-P	01-04-033
173-340-450	AMD	01-05-024	180- 27-070	AMD-P	01-05-089	183- 06-010	NEW-P	01-04-033
173-340-510	AMD	01-05-024	180- 33-023	AMD-P	01-05-088	183- 06-020	NEW-P	01-04-033
173-340-515	NEW	01-05-024	180- 33-042	PREP	01-05-130	183- 06-030	NEW-P	01-04-033
173-340-520	AMD	01-05-024	180- 51-060	PREP	01-05-124	192- 16-011	REP-E	01-05-071
173-340-530	AMD	01-05-024	180- 51-061	PREP	01-05-125	192- 16-011	REP-P	01-05-118
173-340-545	NEW	01-05-024	180- 51-063	PREP	01-05-092	192- 16-017	REP-E	01-05-071
173-340-550	AMD	01-05-024	180- 51-075	AMD-W	01-04-025	192- 16-017	REP-P	01-05-118
173-340-600	AMD	01-05-024	180- 52	PREP	01-05-123	192- 16-021	REP-P	01-05-117
173-340-610	AMD	01-05-024	180- 52-041	PREP	01-05-122	192- 16-061	REP	01-03-009
173-340-700	AMD	01-05-024	180- 57-005	AMD-W	01-04-024	192- 16-070	REP-P	01-04-082
173-340-702	AMD	01-05-024	180- 57-010	REP-W	01-04-024	192-150-050	NEW-E	01-05-071
173-340-703	NEW	01-05-024	180- 57-020	AMD-W	01-04-024	192-150-050	NEW-P	01-05-118
173-340-704	AMD	01-05-024	180- 57-030	REP-W	01-04-024	192-150-060	NEW-P	01-05-117
173-340-705	AMD	01-05-024	180- 57-040	REP-W	01-04-024	192-150-065	NEW-E	01-05-071
173-340-706	AMD	01-05-024	180- 57-050	AMD-W	01-04-024	192-150-065	NEW-P	01-05-118
173-340-708	AMD	01-05-024	180- 57-055	AMD-W	01-04-024	192-150-085	NEW-E	01-05-071
173-340-709	NEW	01-05-024	180- 57-070	AMD-P	01-05-090	192-150-085	NEW-P	01-05-118
173-340-710	AMD	01-05-024	180- 57-080	REP-W	01-04-024	192-150-100	NEW-P	01-04-082
173-340-720	AMD	01-05-024	180- 78A-015	REP	01-04-021	192-170-050	NEW-P	01-05-117
173-340-730	AMD	01-05-024	180- 78A-209	AMD	01-03-151	192-180-012	NEW-P	01-05-117
173-340-740	AMD	01-05-024	180- 78A-264	AMD	01-03-153	192-270-005	NEW-E	01-05-071
173-340-745	AMD	01-05-024	180- 78A-535	AMD-P	01-04-019	192-270-005	NEW-P	01-05-118
173-340-747	NEW	01-05-024	180- 78A-545	REP	01-04-021	192-270-010	NEW-E	01-05-071
173-340-7490	NEW	01-05-024	180- 78A-550	REP	01-04-021	192-270-010	NEW-P	01-05-118
173-340-7491	NEW	01-05-024	180- 78A-555	REP	01-04-021	192-270-015	NEW-E	01-05-071
173-340-7492	NEW	01-05-024	180- 78A-560	REP	01-04-021	192-270-015	NEW-P	01-05-118
173-340-7493	NEW	01-05-024	180- 78A-565	REP	01-04-021	192-270-020	NEW-E	01-05-071
173-340-7494	NEW	01-05-024	180- 79A	PREP	01-04-018	192-270-020	NEW-P	01-05-118
173-340-750	AMD	01-05-024	180- 79A-030	AMD	01-03-153	192-270-025	NEW-E	01-05-071
173-340-760	AMD	01-05-024	180- 79A-124	AMD	01-03-153	192-270-025	NEW-P	01-05-118
173-340-800	AMD	01-05-024	180- 79A-130	AMD-P	01-05-093	192-270-030	NEW-E	01-05-071
173-340-810	AMD	01-05-024	180- 79A-145	AMD-P	01-04-019	192-270-030	NEW-P	01-05-118
173-340-820	AMD	01-05-024	180- 79A-155	AMD-P	01-04-022	192-270-035	NEW-E	01-05-071
173-340-830	AMD	01-05-024	180- 79A-206	AMD	01-03-153	192-270-035	NEW-P	01-05-118
173-340-840	AMD	01-05-024	180- 79A-211	AMD	01-03-152	192-270-040	NEW-E	01-05-071
173-340-850	AMD	01-05-024	180- 79A-250	AMD-P	01-04-019	192-270-040	NEW-P	01-05-118
173-340-900	NEW	01-05-024	180- 79A-257	PREP	01-05-126	192-270-045	NEW-E	01-05-071
173-400-030	AMD-P	01-04-072	180- 79A-265	PREP	01-05-147	192-270-045	NEW-P	01-05-118
173-400-035	NEW-P	01-04-072	180- 82-130	AMD-P	01-05-091	192-270-050	NEW-E	01-05-071
173-400-040	AMD-P	01-04-072	180- 82-135	NEW	01-04-020	192-270-050	NEW-P	01-05-118
173-400-050	AMD-P	01-04-072	180- 82-202	PREP	01-05-127	192-270-055	NEW-E	01-05-071
173-400-060	AMD-P	01-04-072	180- 82-204	PREP	01-05-128	192-270-055	NEW-P	01-05-118
173-400-070	AMD-P	01-04-072	180- 82-210	PREP	01-05-129	192-270-060	NEW-E	01-05-071
173-400-075	AMD-P	01-04-072	180- 85-075	AMD-P	01-04-019	192-270-060	NEW-P	01-05-118
173-400-100	AMD-P	01-04-072	182- 20-001	AMD	01-04-080	192-270-065	NEW-E	01-05-071
173-400-102	AMD-P	01-04-072	182- 20-010	AMD	01-04-080	192-270-065	NEW-P	01-05-118
173-400-105	AMD-P	01-04-072	182- 20-100	AMD	01-04-080	192-270-070	NEW-E	01-05-071
173-400-110	AMD-P	01-04-072	182- 20-160	AMD	01-04-080	192-270-070	NEW-P	01-05-118
173-400-112	AMD-P	01-04-072	182- 20-200	AMD	01-04-080	192-320-075	NEW-P	01-05-117
173-400-113	AMD-P	01-04-072	182- 20-400	AMD	01-04-080	196- 12-030	AMD-P	01-04-094
173-400-114	AMD-P	01-04-072	182- 25-010	AMD-P	01-05-107	196- 12-035	NEW-P	01-04-094
173-400-115	AMD-P	01-04-072	183- 04-010	NEW-P	01-04-033	196- 23-070	NEW-P	01-04-050
173-400-116	AMD-P	01-04-072	183- 04-020	NEW-P	01-04-033	196- 33-100	NEW-P	01-05-033
173-400-117	NEW-P	01-04-072	183- 04-030	NEW-P	01-04-033	196- 33-200	NEW-P	01-05-033
173-400-118	NEW-P	01-04-072	183- 04-040	NEW-P	01-04-033	196- 33-300	NEW-P	01-05-033

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196-33-400	NEW-P	01-05-033	210-03-040	NEW-P	01-06-060	220-56-27000I	NEW-E	01-06-005
196-33-500	NEW-P	01-05-033	210-03-050	NEW-P	01-06-060	220-56-27000I	REP-E	01-06-005
204-38-030	AMD-P	01-05-097	210-03-060	NEW-P	01-06-060	220-56-27000I	REP-E	01-06-050
204-38-040	AMD-P	01-05-097	210-03-070	NEW-P	01-06-060	220-56-27000J	NEW-E	01-06-050
204-38-050	AMD-P	01-05-097	210-03-080	NEW-P	01-06-060	220-56-27000J	REP-E	01-06-050
204-96-010	AMD-E	01-03-078	220-16-260	AMD	01-03-016	220-56-282	AMD	01-06-036
204-96-010	AMD	01-05-098	220-16-270	AMD	01-03-016	220-56-285	AMD	01-06-036
208-460-010	NEW-P	01-05-072	220-20-016	AMD-P	01-02-085	220-56-290	REP	01-06-036
208-460-020	NEW-P	01-05-072	220-32-05100	NEW-E	01-04-042	220-56-295	REP	01-06-036
208-460-030	NEW-P	01-05-072	220-32-05100	REP-E	01-04-042	220-56-305	REP	01-06-036
208-460-040	NEW-P	01-05-072	220-33-01000Q	NEW-E	01-05-069	220-56-320	AMD	01-06-036
208-460-050	NEW-P	01-05-072	220-33-01000Q	REP-E	01-05-069	220-56-325	AMD	01-06-036
208-460-060	NEW-P	01-05-072	220-33-01000Q	REP-E	01-06-004	220-56-330	AMD	01-06-036
208-460-070	NEW-P	01-05-072	220-33-01000R	NEW-E	01-06-004	220-56-350	AMD	01-06-036
208-460-080	NEW-P	01-05-072	220-33-040	AMD-W	01-03-015	220-56-35000H	REP-E	01-06-035
208-460-090	NEW-P	01-05-072	220-33-060	AMD-S	01-02-082	220-56-35000I	NEW-E	01-06-035
208-460-100	NEW-P	01-05-072	220-44-020	AMD-S	01-02-082	220-56-36000G	NEW-E	01-04-046
208-460-110	NEW-P	01-05-072	220-44-05000C	NEW-E	01-03-088	220-56-36000G	REP-E	01-04-046
208-460-120	NEW-P	01-05-072	220-47-301	AMD-P	01-02-085	220-56-380	AMD	01-06-036
208-460-130	NEW-P	01-05-072	220-48-015	AMD-P	01-05-070	220-56-38000A	NEW-E	01-06-035
208-460-140	NEW-P	01-05-072	220-52-04000V	NEW-E	01-04-009	220-56-38000A	REP-E	01-06-035
208-460-150	NEW-P	01-05-072	220-52-04000	NEW-E	01-04-030	220-69-240	AMD-P	01-02-085
208-460-160	NEW-P	01-05-072	220-52-04000	REP-E	01-04-030	220-69-240	AMD-P	01-02-086
208-460-170	NEW-P	01-05-072	220-52-04000	REP-E	01-04-076	220-88C-010	NEW-S	01-02-082
208-512	PREP-W	01-03-106	220-52-04000X	NEW-E	01-04-076	220-88C-020	NEW-S	01-02-082
208-512-045	AMD-P	01-03-107	220-52-04000X	REP-E	01-05-044	220-88C-030	NEW-S	01-02-082
208-512-045	AMD	01-06-024	220-52-04000Y	NEW-E	01-05-044	220-88C-040	NEW-S	01-02-082
208-512-110	AMD-P	01-03-107	220-52-04000Y	REP-E	01-05-044	220-88C-050	NEW-S	01-02-082
208-512-110	AMD	01-06-024	220-52-04600I	REP-E	01-04-030	220-95-013	AMD-P	01-05-120
208-512-115	AMD-P	01-03-107	220-52-04600K	NEW-E	01-04-030	220-95-018	AMD-P	01-05-120
208-512-115	AMD	01-06-024	220-52-04600K	REP-E	01-04-076	220-95-022	AMD-P	01-05-120
208-512-116	AMD-P	01-03-107	220-52-04600	NEW-E	01-04-076	220-95-027	AMD-P	01-05-120
208-512-116	AMD	01-06-024	220-52-04600	REP-E	01-05-044	220-95-032	AMD-P	01-05-120
208-512-117	AMD-P	01-03-107	220-52-04600N	NEW-E	01-05-044	220-95-034	NEW-P	01-05-120
208-512-117	AMD	01-06-024	220-52-051	AMD	01-03-016	230-02-138	REP-XR	01-05-119
208-512-240	AMD-P	01-03-107	220-52-071	AMD-P	01-02-086	230-02-362	REP	01-05-020
208-512-240	AMD	01-06-024	220-52-073	AMD-P	01-02-086	230-02-364	REP	01-05-020
208-512-280	AMD-P	01-03-107	220-52-07300B	REP-E	01-03-014	230-02-366	REP	01-05-020
208-512-280	AMD	01-06-024	220-52-07300C	NEW-E	01-03-014	230-02-530	REP	01-05-020
208-512-300	AMD-P	01-03-107	220-52-07300C	REP-E	01-03-043	230-02-535	REP	01-05-020
208-512-300	AMD	01-06-024	220-52-07300D	NEW-E	01-03-043	230-02-540	REP	01-05-020
208-514-140	AMD-P	01-03-107	220-52-07300D	REP-E	01-03-062	230-04-140	AMD	01-05-021
208-514-140	AMD	01-06-024	220-52-07300E	NEW-E	01-03-062	230-04-142	AMD	01-05-021
208-528-040	AMD-P	01-03-107	220-52-07300E	REP-E	01-03-093	230-04-202	AMD	01-05-019
208-528-040	AMD	01-06-024	220-52-07300F	NEW-E	01-03-093	230-04-203	AMD	01-05-019
208-532-050	AMD-P	01-03-107	220-52-07300F	REP-E	01-04-010	230-04-204	AMD	01-05-019
208-532-050	AMD	01-06-024	220-52-07300G	NEW-E	01-04-010	230-04-260	AMD	01-05-020
208-544-025	AMD-P	01-03-107	220-52-07300G	REP-E	01-04-049	230-20-058	REP	01-05-020
208-544-025	AMD	01-06-024	220-52-07300H	NEW-E	01-04-049	230-20-059	AMD	01-05-020
208-544-037	AMD-P	01-03-107	220-52-07300H	REP-E	01-05-011	230-20-060	REP	01-05-020
208-544-037	AMD	01-06-024	220-52-07300I	NEW-E	01-05-011	230-20-062	REP	01-05-020
208-544-039	AMD-P	01-03-107	220-55-115	AMD-P	01-05-112	230-30-033	NEW	01-05-018
208-544-039	AMD	01-06-024	220-56-115	AMD	01-06-036	230-30-034	NEW	01-05-018
208-556-080	AMD-P	01-03-107	220-56-123	AMD	01-06-036	230-30-052	AMD	01-05-020
208-556-080	AMD	01-06-024	220-56-126	AMD	01-06-036	230-50-010	AMD	01-05-020
208-586-135	AMD-P	01-03-107	220-56-145	AMD	01-06-036	232-12-001	AMD-P	01-05-135
208-586-135	AMD	01-06-024	220-56-175	AMD	01-06-036	232-12-004	AMD-P	01-05-144
208-586-140	AMD-P	01-03-107	220-56-210	AMD	01-06-051	232-12-007	AMD-P	01-05-144
208-586-140	AMD	01-06-024	220-56-235	AMD	01-06-036	232-12-027	AMD-P	01-05-144
210-03-010	NEW-P	01-06-060	220-56-240	AMD	01-06-036	232-12-068	AMD-P	01-05-138
210-03-020	NEW-P	01-06-060	220-56-24000E	NEW-E	01-03-044	232-12-071	AMD-P	01-05-135
210-03-030	NEW-P	01-06-060	220-56-27000H	REP-E	01-06-005	232-12-131	REP-P	01-05-146

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-12-141	AMD-P	01-05-135	246-221-030	AMD-P	01-02-087	246-939-005	NEW-P	01-06-054
232-12-142	NEW-P	01-05-111	246-221-030	AMD	01-05-110	246-939-020	NEW-P	01-06-054
232-12-271	AMD-P	01-05-144	246-221-055	AMD-P	01-02-087	246-939-040	NEW-P	01-06-054
232-28-02203	AMD	01-04-037	246-221-055	AMD	01-05-110	250-44-100	AMD-P	01-06-065
232-28-02203	AMD-P	01-05-136	246-221-090	AMD-P	01-02-087	250-44-110	AMD-P	01-06-065
232-28-02204	AMD	01-04-037	246-221-090	AMD	01-05-110	250-44-120	AMD-P	01-06-065
232-28-02205	AMD-P	01-05-136	246-221-100	AMD-P	01-02-087	262-01-110	PREP	01-03-144
232-28-02206	AMD	01-04-037	246-221-100	AMD	01-05-110	262-01-120	PREP	01-03-144
232-28-02220	AMD-P	01-05-143	246-221-110	AMD-P	01-02-087	262-01-130	PREP	01-03-144
232-28-02240	AMD-P	01-05-143	246-221-110	AMD	01-05-110	263-12-050	AMD-P	01-06-058
232-28-248	AMD-P	01-05-142	246-221-113	AMD-P	01-02-087	263-12-059	NEW-P	01-06-059
232-28-258	REP-P	01-05-140	246-221-113	AMD	01-05-110	284-04-120	NEW	01-03-034
232-28-260	AMD	01-04-037	246-221-117	AMD-P	01-02-087	284-04-200	NEW	01-03-034
232-28-260	REP-P	01-05-140	246-221-117	AMD	01-05-110	284-04-205	NEW	01-03-034
232-28-271	AMD	01-04-037	246-221-230	AMD-P	01-02-087	284-04-210	NEW	01-03-034
232-28-272	AMD-P	01-05-134	246-221-230	AMD	01-05-110	284-04-215	NEW	01-03-034
232-28-273	AMD-P	01-05-137	246-221-250	AMD-P	01-02-087	284-04-220	NEW	01-03-034
232-28-274	REP-W	01-03-077	246-221-250	AMD	01-05-110	284-04-225	NEW	01-03-034
232-28-274	REP-P	01-05-146	246-221-285	AMD-P	01-02-087	284-04-300	NEW	01-03-034
232-28-275	AMD	01-04-037	246-221-285	AMD	01-05-110	284-04-305	NEW	01-03-034
232-28-276	AMD-P	01-05-141	246-244-070	AMD-P	01-02-087	284-04-310	NEW	01-03-034
232-28-277	AMD	01-04-037	246-244-070	AMD	01-05-110	284-04-400	NEW	01-03-034
232-28-278	AMD-P	01-05-139	246-282-001	AMD	01-04-054	284-04-405	NEW	01-03-034
232-28-279	AMD-P	01-05-145	246-282-005	AMD	01-04-054	284-04-410	NEW	01-03-034
232-28-280	REP-P	01-05-146	246-282-010	AMD	01-04-054	284-04-500	NEW	01-03-034
232-28-281	REP-P	01-05-146	246-282-012	NEW	01-04-054	284-04-505	NEW	01-03-034
232-28-290	NEW-P	01-05-140	246-282-014	NEW	01-04-054	284-04-510	NEW	01-03-034
232-28-291	NEW-P	01-05-140	246-282-016	NEW	01-04-054	284-04-515	NEW	01-03-034
232-28-292	NEW-P	01-05-140	246-282-020	AMD	01-04-054	284-04-520	NEW	01-03-034
232-28-293	NEW-P	01-05-140	246-282-030	REP	01-04-054	284-04-525	NEW	01-03-034
232-28-299	NEW-P	01-05-134	246-282-032	NEW	01-04-054	284-04-600	NEW	01-03-034
232-28-42400C	NEW-E	01-03-013	246-282-034	NEW	01-04-054	284-04-605	NEW	01-03-034
232-28-42400C	REP-E	01-03-013	246-282-036	NEW	01-04-054	284-04-610	NEW	01-03-034
232-28-515	AMD-P	01-05-135	246-282-040	REP	01-04-054	284-04-615	NEW	01-03-034
232-28-619	AMD	01-06-036	246-282-042	NEW	01-04-054	284-04-620	NEW	01-03-034
232-28-61900N	NEW-E	01-03-061	246-282-050	AMD	01-04-054	284-04-900	NEW	01-03-034
232-28-61900N	REP-E	01-03-061	246-282-060	AMD	01-04-054	284-43-130	AMD	01-03-032
232-28-61900N	REP-E	01-05-043	246-282-070	AMD	01-04-054	284-43-130	AMD	01-03-033
232-28-61900P	NEW-E	01-04-011	246-282-080	AMD	01-04-054	284-43-200	AMD	01-03-033
232-28-61900P	REP-E	01-04-011	246-282-082	NEW	01-04-054	284-43-251	NEW	01-03-033
232-28-61900Q	NEW-E	01-05-010	246-282-090	REP	01-04-054	284-43-410	NEW	01-03-033
232-28-61900Q	REP-E	01-05-010	246-282-092	NEW	01-04-054	284-43-610	REP	01-03-033
232-28-61900R	NEW-E	01-05-080	246-282-100	AMD	01-04-054	284-43-615	NEW	01-03-033
232-28-61900R	REP-E	01-05-080	246-282-102	NEW	01-04-054	284-43-620	AMD	01-03-033
232-28-61900S	NEW-E	01-06-007	246-282-104	NEW	01-04-054	284-43-630	NEW	01-03-033
232-28-61900S	REP-E	01-06-007	246-282-110	AMD	01-04-054	284-43-815	NEW	01-03-032
246-102-001	NEW	01-04-086	246-282-120	AMD	01-04-054	284-43-820	NEW	01-03-033
246-102-010	NEW	01-04-086	246-282-130	AMD	01-04-054	284-43-821	NEW	01-03-035
246-102-020	NEW	01-04-086	246-282-990	AMD	01-04-054	284-43-823	NEW	01-03-035
246-102-030	NEW	01-04-086	246-430-001	REP	01-04-086	284-43-824	NEW	01-03-035
246-102-040	NEW	01-04-086	246-430-010	REP	01-04-086	284-43-824	AMD-E	01-04-087
246-102-050	NEW	01-04-086	246-430-020	REP	01-04-086	284-43-899	NEW	01-03-033
246-102-060	NEW	01-04-086	246-430-030	REP	01-04-086	286-06	PREP	01-02-090
246-102-070	NEW	01-04-086	246-430-040	REP	01-04-086	286-13-040	PREP	01-02-090
246-220-010	AMD-P	01-02-087	246-430-050	REP	01-04-086	296-17	PREP	01-03-157
246-220-010	AMD	01-05-110	246-430-060	REP	01-04-086	296-20	PREP	01-02-091
246-221-005	AMD-P	01-02-087	246-843-072	REP	01-03-114	296-20-135	AMD-P	01-05-113
246-221-005	AMD	01-05-110	246-843-074	REP	01-03-114	296-23	PREP	01-02-091
246-221-010	AMD-P	01-02-087	246-869-220	AMD	01-04-055	296-23-220	AMD-P	01-05-113
246-221-010	AMD	01-05-110	246-887-100	AMD	01-03-108	296-23-230	AMD-P	01-05-113
246-221-015	AMD-P	01-02-087	246-907	PREP	01-05-109	296-30-130	PREP	01-03-156
246-221-015	AMD	01-05-110	246-919-475	NEW	01-03-115	296-32-240	AMD-E	01-04-090

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-32-240	AMD-P	01-04-091	308-57-135	REP-P	01-05-106	308-96A-177	NEW-P	01-04-017
296-45-52530	AMD-E	01-04-090	308-57-140	AMD-P	01-05-106	308-96A-202	AMD-P	01-05-106
296-45-52530	AMD-P	01-04-091	308-57-210	A/R-P	01-05-106	308-96A-203	AMD-P	01-05-106
296-46A	PREP	01-05-116	308-57-230	AMD-P	01-05-106	308-96A-295	AMD-P	01-04-062
296-62	PREP	01-04-089	308-57-240	AMD-P	01-05-106	308-96A-400	AMD-P	01-05-106
296-96	PREP	01-05-116	308-57-500	REP-P	01-05-106	308-96A-410	REP-P	01-05-106
296-104	PREP	01-05-131	308-63-010	AMD	01-03-141	308-96A-550	AMD-P	01-04-017
296-131	PREP	01-05-114	308-63-040	AMD	01-03-141	308-96A-560	AMD-P	01-04-017
296-150C	PREP	01-03-070	308-63-070	AMD	01-03-141	308-97-230	AMD-P	01-05-106
296-150C	PREP	01-05-116	308-63-100	AMD	01-03-141	308-100-140	AMD-P	01-04-075
296-150F	PREP	01-03-070	308-78-010	AMD-P	01-03-083	314-01-005	NEW	01-06-016
296-150F	PREP	01-05-116	308-78-020	AMD-P	01-03-083	314-04-005	REP	01-03-086
296-150M	PREP	01-03-070	308-78-030	AMD-P	01-03-083	314-04-006	REP	01-03-086
296-150M	PREP	01-05-116	308-78-035	NEW-P	01-03-083	314-04-007	REP	01-03-086
296-150P	PREP	01-03-070	308-78-040	AMD-P	01-03-083	314-08-001	REP-S	01-06-062
296-150P	PREP	01-05-116	308-78-045	AMD-P	01-03-083	314-08-010	REP-S	01-06-062
296-150R	PREP	01-03-070	308-78-046	NEW-P	01-03-083	314-08-020	REP-S	01-06-062
296-150R	PREP	01-05-116	308-78-060	REP-P	01-03-083	314-08-030	REP-S	01-06-062
296-150T	PREP	01-03-070	308-78-070	AMD-P	01-03-083	314-08-040	REP-S	01-06-062
296-150V	PREP	01-03-070	308-78-075	NEW-P	01-03-083	314-08-050	REP-S	01-06-062
296-150V	PREP	01-05-116	308-78-080	AMD-P	01-03-083	314-08-070	REP-S	01-06-062
296-155-200	PREP	01-05-115	308-78-090	AMD-P	01-03-083	314-08-080	REP-S	01-06-062
296-155-205	AMD	01-04-015	308-93	PREP	01-05-076	314-08-090	REP-S	01-06-062
296-155-305	AMD	01-04-015	308-93-010	AMD	01-03-128	314-08-100	REP-S	01-06-062
296-155-605	PREP	01-05-115	308-93-030	AMD	01-03-128	314-08-110	REP-S	01-06-062
296-155-615	PREP	01-05-115	308-93-050	AMD	01-03-128	314-08-120	REP-S	01-06-062
296-155-625	AMD	01-04-015	308-93-055	AMD	01-03-128	314-08-130	REP-S	01-06-062
296-155-655	PREP	01-05-115	308-93-056	AMD	01-03-128	314-08-140	REP-S	01-06-062
296-200A	PREP	01-05-116	308-93-060	AMD-P	01-03-017	314-08-150	REP-S	01-06-062
296-400A	PREP	01-05-116	308-93-069	AMD-P	01-03-017	314-08-160	REP-S	01-06-062
296-401B	PREP	01-05-116	308-93-070	AMD-P	01-03-017	314-08-170	REP-S	01-06-062
308-08-085	AMD	01-03-129	308-93-071	AMD-P	01-03-017	314-08-180	REP-S	01-06-062
308-13-150	AMD	01-04-002	308-93-073	REP-P	01-03-017	314-08-190	REP-S	01-06-062
308-29-010	AMD-P	01-03-130	308-93-078	AMD-P	01-03-017	314-08-200	REP-S	01-06-062
308-29-020	AMD-P	01-03-130	308-93-079	AMD	01-03-128	314-08-210	REP-S	01-06-062
308-29-025	NEW-P	01-03-130	308-93-090	AMD	01-03-128	314-08-220	REP-S	01-06-062
308-29-030	AMD-P	01-03-130	308-93-145	PREP	01-05-076	314-08-230	REP-S	01-06-062
308-29-045	AMD-P	01-03-130	308-93-160	AMD	01-03-128	314-08-240	REP-S	01-06-062
308-29-050	AMD-P	01-03-130	308-93-285	AMD-P	01-03-017	314-08-250	REP-S	01-06-062
308-29-060	AMD-P	01-03-130	308-93-350	AMD-P	01-03-017	314-08-260	REP-S	01-06-062
308-29-070	AMD-P	01-03-130	308-93-360	AMD-P	01-03-017	314-08-270	REP-S	01-06-062
308-29-080	AMD-P	01-03-130	308-93-390	AMD-P	01-03-072	314-08-280	REP-S	01-06-062
308-29-090	NEW-P	01-03-130	308-93-640	AMD-P	01-03-017	314-08-290	REP-S	01-06-062
308-29-100	NEW-P	01-03-130	308-94-030	AMD-P	01-06-049	314-08-300	REP-S	01-06-062
308-29-110	NEW-P	01-03-130	308-94-050	AMD-P	01-06-049	314-08-310	REP-S	01-06-062
308-29-120	NEW-P	01-03-130	308-94-080	AMD-P	01-06-049	314-08-320	REP-S	01-06-062
308-32-100	REP	01-03-065	308-94-100	AMD-P	01-06-049	314-08-330	REP-S	01-06-062
308-32-110	REP	01-03-065	308-94-105	NEW-P	01-06-049	314-08-340	REP-S	01-06-062
308-32-120	REP	01-03-065	308-96A-065	AMD-P	01-04-017	314-08-350	REP-S	01-06-062
308-56A-021	AMD-P	01-03-072	308-96A-066	REP-P	01-04-017	314-08-360	REP-S	01-06-062
308-56A-065	AMD-P	01-03-072	308-96A-067	REP-P	01-04-017	314-08-370	REP-S	01-06-062
308-56A-310	AMD-P	01-03-072	308-96A-068	REP-P	01-04-017	314-08-380	REP-S	01-06-062
308-56A-335	AMD	01-03-002	308-96A-070	AMD-P	01-04-017	314-08-390	REP-S	01-06-062
308-56A-355	REP	01-03-002	308-96A-071	AMD-P	01-04-017	314-08-400	REP-S	01-06-062
308-56A-505	AMD-P	01-06-018	308-96A-072	AMD-P	01-04-017	314-08-410	REP-S	01-06-062
308-57-005	AMD-P	01-05-106	308-96A-073	AMD-P	01-04-017	314-08-415	REP-S	01-06-062
308-57-010	AMD-P	01-05-106	308-96A-074	AMD-P	01-04-017	314-08-420	REP-S	01-06-062
308-57-020	AMD-P	01-05-106	308-96A-099	AMD-P	01-05-106	314-08-430	REP-S	01-06-062
308-57-030	AMD-P	01-05-106	308-96A-135	REP-P	01-05-106	314-08-440	REP-S	01-06-062
308-57-110	AMD-P	01-05-106	308-96A-145	AMD-P	01-05-106	314-08-450	REP-S	01-06-062
308-57-120	REP-P	01-05-106	308-96A-175	AMD-P	01-04-017	314-08-460	REP-S	01-06-062
308-57-130	REP-P	01-05-106	308-96A-176	AMD-P	01-04-017	314-08-470	REP-S	01-06-062

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314- 08-480	REP-S	01-06-062	314- 14-130	REP	01-03-085	314- 70-020	REP	01-06-014
314- 08-490	REP-S	01-06-062	314- 14-140	REP	01-03-085	314- 70-040	REP	01-06-014
314- 08-500	REP-S	01-06-062	314- 14-150	REP	01-03-085	314- 70-050	REP	01-06-014
314- 08-510	REP-S	01-06-062	314- 14-160	REP	01-03-085	315- 06-040	PREP	01-04-040
314- 08-520	REP-S	01-06-062	314- 14-165	REP	01-03-085	317- 21-010	REP	01-05-036
314- 08-530	REP-S	01-06-062	314- 14-170	REP	01-03-085	317- 21-020	REP	01-05-036
314- 08-540	REP-S	01-06-062	314- 16-020	AMD	01-06-014	317- 21-030	REP	01-05-036
314- 08-550	REP-S	01-06-062	314- 16-025	REP	01-06-014	317- 21-040	REP	01-05-036
314- 08-560	REP-S	01-06-062	314- 16-030	REP	01-06-014	317- 21-050	REP	01-05-036
314- 08-570	REP-S	01-06-062	314- 16-040	AMD	01-06-014	317- 21-060	REP	01-05-036
314- 08-580	REP-S	01-06-062	314- 16-050	REP	01-06-014	317- 21-070	REP	01-05-036
314- 08-590	REP-S	01-06-062	314- 16-060	REP	01-06-014	317- 21-100	REP	01-05-036
314- 09-005	NEW	01-03-087	314- 16-070	REP	01-06-014	317- 21-110	REP	01-05-036
314- 09-010	NEW	01-03-087	314- 16-075	REP	01-06-014	317- 21-120	REP	01-05-036
314- 09-015	NEW	01-03-087	314- 16-090	REP	01-06-014	317- 21-140	REP	01-05-036
314- 10-020	REP	01-06-014	314- 16-120	REP	01-06-014	317- 21-140	REP	01-05-036
314- 11-005	NEW	01-06-014	314- 16-122	REP	01-06-014	317- 21-300	REP	01-05-036
314- 11-015	NEW	01-06-014	314- 16-125	REP	01-06-014	317- 21-305	REP	01-05-036
314- 11-020	NEW	01-06-014	314- 16-145	REP	01-06-014	317- 21-310	REP	01-05-036
314- 11-025	NEW	01-06-014	314- 16-160	AMD	01-06-014	317- 21-315	REP	01-05-036
314- 11-030	NEW	01-06-014	314- 17-005	NEW	01-03-085	317- 21-320	REP	01-05-036
314- 11-035	NEW	01-06-014	314- 17-010	NEW	01-03-085	317- 21-325	REP	01-05-036
314- 11-040	NEW	01-06-014	314- 17-015	NEW	01-03-085	317- 21-330	REP	01-05-036
314- 11-045	NEW	01-06-014	314- 17-020	NEW	01-03-085	317- 21-335	REP	01-05-036
314- 11-050	NEW	01-06-014	314- 17-025	NEW	01-03-085	317- 21-340	REP	01-05-036
314- 11-055	NEW	01-06-014	314- 17-030	NEW	01-03-085	317- 21-345	REP	01-05-036
314- 11-060	NEW	01-06-014	314- 17-035	NEW	01-03-085	317- 21-400	REP	01-05-036
314- 11-065	NEW	01-06-014	314- 17-040	NEW	01-03-085	317- 21-410	REP	01-05-036
314- 11-070	NEW	01-06-014	314- 17-045	NEW	01-03-085	317- 21-500	REP	01-05-036
314- 11-080	NEW	01-06-014	314- 17-050	NEW	01-03-085	317- 21-510	REP	01-05-036
314- 11-085	NEW	01-06-014	314- 17-055	NEW	01-03-085	317- 21-520	REP	01-05-036
314- 11-090	NEW	01-06-014	314- 17-060	NEW	01-03-085	317- 21-530	REP	01-05-036
314- 11-095	NEW	01-06-014	314- 17-065	NEW	01-03-085	317- 21-550	REP	01-05-036
314- 11-100	NEW	01-06-014	314- 17-070	NEW	01-03-085	317- 21-560	REP	01-05-036
314- 11-105	NEW	01-06-014	314- 17-075	NEW	01-03-085	317- 21-900	REP	01-05-036
314- 11-110	NEW	01-06-014	314- 17-080	NEW	01-03-085	317- 21-910	REP	01-05-036
314- 12-020	AMD	01-03-087	314- 17-085	NEW	01-03-085	332- 10-020	AMD-P	01-04-061
314- 12-115	REP	01-06-014	314- 17-090	NEW	01-03-085	332- 10-040	AMD-P	01-04-061
314- 12-120	REP	01-06-014	314- 17-095	NEW	01-03-085	356- 06-045	AMD-C	01-02-088
314- 12-125	REP	01-06-014	314- 17-100	NEW	01-03-085	356- 10-040	AMD-C	01-02-089
314- 12-130	REP	01-06-014	314- 17-105	NEW	01-03-085	356- 14-067	AMD-C	01-02-089
314- 12-140	AMD	01-06-015	314- 17-110	NEW	01-03-085	356- 14-075	AMD-C	01-02-089
314- 12-195	REP	01-06-014	314- 17-115	NEW	01-03-085	356- 14-085	AMD-C	01-02-089
314- 13-005	NEW	01-06-015	314- 24-170	REP	01-06-015	356- 14-110	AMD-C	01-02-089
314- 13-010	NEW	01-06-015	314- 29-005	NEW	01-03-086	356- 14-120	AMD-C	01-02-089
314- 13-015	NEW	01-06-015	314- 29-010	NEW	01-03-086	356- 15-125	AMD-E	01-04-051
314- 13-020	NEW	01-06-015	314- 42-010	PREP	01-06-061	356- 15-125	AMD-P	01-04-079
314- 13-025	NEW	01-06-015	314- 42-020	NEW-S	01-06-062	356- 15-140	AMD-C	01-02-089
314- 13-030	NEW	01-06-015	314- 42-025	NEW-S	01-06-062	356- 18-140	AMD-C	01-02-089
314- 13-040	NEW	01-06-015	314- 42-030	NEW-S	01-06-062	356- 18-220	AMD-C	01-02-089
314- 14-010	REP	01-03-085	314- 42-040	NEW-S	01-06-062	356- 30-320	AMD-C	01-02-088
314- 14-020	REP	01-03-085	314- 42-045	NEW-S	01-06-062	356- 30-331	AMD-C	01-02-088
314- 14-030	REP	01-03-085	314- 42-050	NEW-S	01-06-062	356- 49-040	AMD-C	01-02-089
314- 14-040	REP	01-03-085	314- 42-060	NEW-S	01-06-062	356- 56-210	AMD	01-03-003
314- 14-050	REP	01-03-085	314- 42-065	NEW-S	01-06-062	356- 56-220	AMD	01-03-003
314- 14-060	REP	01-03-085	314- 42-070	NEW-S	01-06-062	365-195-900	AMD-P	01-03-166
314- 14-070	REP	01-03-085	314- 42-075	NEW-S	01-06-062	365-197-010	NEW-P	01-03-165
314- 14-080	REP	01-03-085	314- 42-080	NEW-S	01-06-062	365-197-020	NEW-P	01-03-165
314- 14-090	REP	01-03-085	314- 42-085	NEW-S	01-06-062	365-197-030	NEW-P	01-03-165
314- 14-100	REP	01-03-085	314- 42-090	NEW-S	01-06-062	365-197-040	NEW-P	01-03-165
314- 14-110	REP	01-03-085	314- 42-100	NEW-S	01-06-062	365-197-050	NEW-P	01-03-165
314- 14-120	REP	01-03-085	314- 42-105	NEW-S	01-06-062	365-197-060	NEW-P	01-03-165
						365-197-070	NEW-P	01-03-165

TABLE





Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-14A-4302	NEW	01-03-089	388-31-035	REP-P	01-04-070	388-400-0005	AMD	01-03-121
388-14A-4303	NEW	01-03-089	388-39A-010	NEW	01-06-041	388-400-0015	REP	01-03-121
388-14A-4304	NEW	01-03-089	388-39A-030	NEW	01-06-041	388-400-0020	REP-P	01-03-120
388-14A-4500	NEW	01-03-089	388-39A-035	NEW	01-06-041	388-400-0030	AMD-P	01-03-040
388-14A-4505	NEW	01-03-089	388-39A-040	NEW	01-06-041	388-400-0030	AMD-E	01-03-041
388-14A-4510	NEW	01-03-089	388-39A-045	NEW	01-06-041	388-400-0030	AMD	01-06-031
388-14A-4515	NEW	01-03-089	388-39A-050	NEW	01-06-041	388-404-0005	AMD	01-03-121
388-14A-4520	NEW	01-03-089	388-39A-055	NEW	01-06-041	388-406	PREP	01-06-027
388-14A-4525	NEW	01-03-089	388-39A-060	NEW	01-06-041	388-408-0005	AMD	01-03-121
388-14A-4530	NEW	01-03-089	388-46-010	REP	01-06-044	388-408-0010	AMD	01-03-121
388-14A-4600	NEW	01-03-089	388-46-100	REP	01-06-044	388-408-0015	AMD	01-03-121
388-14A-4605	NEW	01-03-089	388-46-110	REP	01-06-044	388-408-0020	AMD	01-03-121
388-14A-4610	NEW	01-03-089	388-46-120	REP	01-06-044	388-408-0025	AMD	01-03-121
388-14A-4615	NEW	01-03-089	388-71-0605	AMD-P	01-03-155	388-408-0030	AMD	01-03-121
388-14A-4620	NEW	01-03-089	388-71-0613	NEW-P	01-03-155	388-414	PREP	01-06-027
388-14A-5000	NEW	01-03-089	388-74-010	REP	01-06-041	388-414-0001	AMD-P	01-04-074
388-14A-5001	NEW	01-03-089	388-74-030	REP	01-06-041	388-416	PREP	01-06-027
388-14A-5002	NEW	01-03-089	388-86-071	REP	01-05-040	388-418	PREP	01-06-027
388-14A-5003	NEW	01-03-089	388-86-085	REP	01-06-029	388-432-0005	NEW	01-03-066
388-14A-5004	NEW	01-03-089	388-86-086	REP	01-03-084	388-434	PREP	01-06-027
388-14A-5005	NEW	01-03-089	388-86-100	REP-W	01-03-001	388-438-0110	AMD	01-05-041
388-14A-5006	NEW	01-03-089	388-86-100	REP	01-06-028	388-444-0075	AMD	01-05-006
388-14A-5007	NEW	01-03-089	388-87-027	REP	01-06-032	388-448	PREP	01-04-069
388-14A-5008	NEW	01-03-089	388-87-035	REP	01-06-029	388-450	PREP	01-06-027
388-14A-5050	NEW	01-03-089	388-87-036	REP	01-03-084	388-450-0190	AMD-P	01-03-038
388-14A-5100	NEW	01-03-089	388-87-060	REP	01-06-033	388-450-0190	AMD-E	01-03-039
388-14A-5200	NEW	01-03-089	388-96-010	AMD-P	01-06-057	388-450-0190	AMD	01-06-030
388-14A-5300	NEW	01-03-089	388-96-218	AMD-P	01-06-057	388-452	PREP	01-06-027
388-14A-5400	NEW	01-03-089	388-96-310	AMD-P	01-06-057	388-454-0005	AMD	01-03-121
388-14A-5500	NEW	01-03-089	388-96-369	AMD-P	01-06-057	388-454-0006	NEW-E	01-06-025
388-14A-5505	NEW	01-03-089	388-96-384	AMD-P	01-06-057	388-454-0010	AMD	01-03-121
388-14A-5510	NEW	01-03-089	388-96-559	AMD-P	01-06-057	388-470	PREP	01-06-027
388-14A-5515	NEW	01-03-089	388-96-708	AMD-P	01-06-057	388-472-0005	PREP	01-03-119
388-14A-5520	NEW	01-03-089	388-96-709	AMD-P	01-06-057	388-474-0001	AMD	01-06-042
388-14A-5525	NEW	01-03-089	388-96-710	AMD-P	01-06-057	388-478-0055	AMD-P	01-04-068
388-14A-5530	NEW	01-03-089	388-96-713	AMD-P	01-06-057	388-478-0056	REP-P	01-04-068
388-14A-5535	NEW	01-03-089	388-96-714	AMD-P	01-06-057	388-484-0005	AMD	01-04-016
388-14A-5540	NEW	01-03-089	388-96-723	AMD-P	01-06-057	388-484-0010	NEW	01-04-016
388-14A-6000	NEW	01-03-089	388-96-732	NEW-P	01-06-057	388-488	PREP	01-03-024
388-14A-6100	NEW	01-03-089	388-96-740	AMD-P	01-06-057	388-490	PREP	01-06-027
388-14A-6200	NEW	01-03-089	388-96-776	AMD-P	01-06-057	388-502-0160	AMD	01-05-100
388-14A-6300	NEW	01-03-089	388-96-777	AMD-P	01-06-057	388-505-0595	REP	01-06-043
388-14A-6400	NEW	01-03-089	388-96-780	AMD-P	01-06-057	388-512-1210	REP-W	01-06-046
388-14A-6405	NEW	01-03-089	388-96-802	NEW-P	01-06-057	388-512-1215	REP	01-06-042
388-14A-6410	NEW	01-03-089	388-96-803	NEW-P	01-06-057	388-512-1220	REP	01-06-042
388-14A-6415	NEW	01-03-089	388-96-901	AMD-P	01-06-057	388-512-1225	REP	01-06-042
388-14A-6500	NEW	01-03-089	388-222-001	REP	01-03-066	388-512-1230	REP	01-06-042
388-14A-7100	NEW	01-03-089	388-222-010	REP	01-03-066	388-512-1235	REP	01-06-042
388-14A-7200	NEW	01-03-089	388-222-020	REP	01-03-066	388-512-1240	REP	01-06-042
388-14A-8100	NEW	01-03-089	388-273-0010	NEW-P	01-04-070	388-512-1245	REP	01-06-042
388-14A-8105	NEW	01-03-089	388-273-0020	NEW-P	01-04-070	388-512-1250	REP	01-06-042
388-14A-8110	NEW	01-03-089	388-273-0025	NEW-P	01-04-070	388-512-1255	REP	01-06-042
388-14A-8120	NEW	01-03-089	388-273-0030	NEW-P	01-04-070	388-512-1260	REP	01-06-042
388-14A-8200	NEW	01-03-089	388-273-0035	NEW-P	01-04-070	388-512-1265	REP	01-06-042
388-14A-8300	NEW	01-03-089	388-310-0900	AMD-P	01-03-060	388-512-1275	REP	01-06-042
388-14A-8400	NEW	01-03-089	388-310-0900	AMD-E	01-03-132	388-517-0400	NEW	01-06-033
388-14A-8500	NEW	01-03-089	388-310-1000	AMD-P	01-03-060	388-535-1230	AMD-P	01-03-154
388-31-010	REP-P	01-04-070	388-310-1000	AMD-E	01-03-132	388-543-1150	PREP	01-05-027
388-31-015	REP-P	01-04-070	388-310-1050	AMD-P	01-03-060	388-543-2800	PREP	01-05-027
388-31-020	REP-P	01-04-070	388-310-1050	AMD-E	01-03-132	388-546-0001	NEW	01-03-084
388-31-025	REP-P	01-04-070	388-310-1300	AMD-E	01-05-007	388-546-0100	NEW	01-03-084
388-31-030	REP-P	01-04-070	388-310-2000	NEW	01-03-042	388-546-0150	NEW	01-03-084

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-546-0200	NEW	01-03-084	415-108-467	AMD-P	01-05-077	468-300-010	AMD-P	01-04-078
388-546-0250	NEW	01-03-084	415-110-467	AMD-P	01-05-077	468-300-020	AMD-P	01-04-078
388-546-0300	NEW	01-03-084	415-112	PREP	01-05-075	468-300-040	AMD-P	01-04-078
388-546-0400	NEW	01-03-084	415-210	PREP	01-05-075	468-300-220	AMD-P	01-04-078
388-546-0450	NEW	01-03-084	415-610	PREP	01-04-028	478-136-030	AMD-P	01-06-009
388-546-0500	NEW	01-03-084	415-620	PREP	01-04-028	478-355-010	AMD-P	01-03-122
388-546-0600	NEW	01-03-084	415-630	PREP	01-04-028	478-355-030	AMD-P	01-03-122
388-546-0700	NEW	01-03-084	415-630-030	PREP	01-04-028	478-355-040	AMD-P	01-03-122
388-546-0800	NEW	01-03-084	415-630-030	AMD-E	01-04-029	480-62-010	REP	01-04-026
388-546-1000	NEW	01-03-084	415-640	PREP	01-04-028	480-62-020	REP	01-04-026
388-546-5000	NEW	01-06-029	415-650	PREP	01-04-028	480-62-030	REP	01-04-026
388-546-5100	NEW	01-06-029	415-660	PREP	01-04-028	480-62-040	REP	01-04-026
388-546-5200	NEW	01-06-029	415-670	PREP	01-04-028	480-62-050	REP	01-04-026
388-546-5300	NEW	01-06-029	415-680	PREP	01-04-028	480-62-060	REP	01-04-026
388-546-5400	NEW	01-06-029	415-690	PREP	01-04-028	480-62-070	REP	01-04-026
388-546-5500	NEW	01-06-029	415-695	PREP	01-04-028	480-62-080	REP	01-04-026
388-551	PREP	01-03-095	417-01-105	AMD-E	01-05-101	480-62-085	REP	01-04-026
388-551	PREP	01-03-096	417-01-105	PREP	01-05-102	480-62-090	REP	01-04-026
388-551-3000	NEW	01-05-040	417-01-110	PREP	01-05-102	480-62-100	REP	01-04-026
388-561-0001	NEW	01-06-043	417-01-110	PREP	01-05-102	480-62-100	REP	01-04-026
388-561-0100	NEW	01-06-043	417-01-115	PREP	01-05-102	480-62-120	REP	01-04-026
388-561-0100	NEW	01-06-043	417-01-125	AMD-E	01-05-101	480-62-125	NEW	01-04-026
388-561-0200	NEW	01-06-043	417-01-125	PREP	01-05-102	480-62-130	NEW	01-04-026
388-561-0300	NEW	01-06-043	417-01-127	NEW-E	01-05-101	480-62-135	NEW	01-04-026
388-825-020	PREP	01-03-059	417-01-130	PREP	01-05-102	480-62-140	NEW	01-04-026
388-825-205	PREP	01-03-059	417-01-135	PREP	01-05-102	480-62-145	NEW	01-04-026
388-865-0504	NEW-E	01-06-040	417-01-150	AMD-E	01-05-101	480-62-150	NEW	01-04-026
390-16-011	PREP	01-03-164	417-01-150	PREP	01-05-102	480-62-155	NEW	01-04-026
390-16-012	PREP	01-03-163	417-01-155	PREP	01-05-102	480-62-160	NEW	01-04-026
390-16-105	PREP	01-03-161	417-06	PREP	01-05-102	480-62-165	NEW	01-04-026
390-16-111	PREP	01-03-159	420-04-010	NEW	01-04-052	480-62-170	NEW	01-04-026
390-16-150	PREP	01-03-162	420-04-015	NEW	01-04-052	480-62-170	NEW	01-04-026
390-16-309	PREP	01-03-081	420-04-020	NEW	01-04-052	480-62-200	NEW	01-04-026
390-16-311	PREP	01-03-082	420-04-030	NEW	01-04-052	480-62-205	NEW	01-04-026
390-24-200	PREP	01-03-160	420-04-040	NEW	01-04-052	480-62-210	NEW	01-04-026
391-25	PREP	01-04-073	420-04-050	NEW	01-04-052	480-62-215	NEW	01-04-026
391-35	PREP	01-04-073	420-04-060	NEW	01-04-052	480-62-220	NEW	01-04-026
392-122-322	PREP	01-03-099	420-04-070	NEW	01-04-052	480-62-225	NEW	01-04-026
392-122-900	PREP	01-03-099	420-04-080	NEW	01-04-052	480-62-230	NEW	01-04-026
392-125-080	AMD-E	01-03-098	420-04-080	NEW	01-04-052	480-62-235	NEW	01-04-026
392-125-080	AMD-P	01-06-063	420-04-085	NEW	01-04-052	480-62-240	NEW	01-04-026
392-136-020	AMD-P	01-06-064	420-04-100	NEW	01-04-052	480-62-245	NEW	01-04-026
392-140-600	AMD	01-04-023	420-12-010	NEW	01-04-052	480-62-250	NEW	01-04-026
392-140-605	AMD	01-04-023	420-12-020	NEW	01-04-052	480-62-300	NEW	01-04-026
392-140-609	AMD	01-04-023	420-12-030	NEW	01-04-052	480-62-305	NEW	01-04-026
392-140-613	AMD	01-04-023	420-12-040	NEW	01-04-052	480-62-310	NEW	01-04-026
392-140-616	AMD	01-04-023	420-12-050	NEW	01-04-052	480-62-315	NEW	01-04-026
392-140-625	AMD	01-04-023	420-12-060	NEW	01-04-052	480-62-320	NEW	01-04-026
392-140-626	AMD	01-04-023	420-12-070	NEW	01-04-052	480-62-325	NEW	01-04-026
392-140-660	AMD	01-04-023	420-12-075	NEW	01-04-052	480-62-999	NEW	01-04-026
392-140-675	AMD	01-04-023	420-12-080	NEW	01-04-052	480-80-010	AMD-P	01-02-102
392-141-200	PREP	01-03-099	420-12-085	NEW	01-04-052	480-80-035	NEW-P	01-02-102
392-151-090	AMD-P	01-03-097	420-12-090	NEW	01-04-052	480-80-047	REP-P	01-02-102
392-151-095	AMD-P	01-03-097	434-260-220	AMD-P	01-06-023	480-80-048	REP-P	01-02-102
399-10-010	AMD-P	01-03-143	434-260-225	AMD-P	01-06-023	480-80-049	REP-P	01-02-102
399-30-030	AMD-P	01-03-143	434-260-300	AMD-P	01-06-023	480-80-120	REP-P	01-02-102
399-30-040	AMD-P	01-03-143	434-260-305	AMD-P	01-06-023	480-80-325	NEW-P	01-02-102
399-30-042	AMD-P	01-03-143	434-260-307	NEW-P	01-06-023	480-80-326	NEW-P	01-02-102
399-50-040	AMD-P	01-03-143	434-260-309	NEW-P	01-06-023	480-80-390	REP-P	01-02-102
415-02-030	PREP	01-05-074	458-20-169	AMD-P	01-03-091	480-90-001	NEW-P	01-02-084
415-02-060	AMD-P	01-05-096	458-20-228	AMD	01-05-022	480-90-003	NEW-P	01-02-084
415-100-055	PREP	01-05-094	458-20-22802	AMD-P	01-03-105	480-90-008	NEW-P	01-02-084
415-103	PREP	01-06-048	458-20-247	AMD-P	01-04-048	480-90-011	REP-P	01-02-084
			458-40-660	PREP	01-06-034	480-90-013	NEW-P	01-02-084

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-90-016	REP-P	01-02-084	480-90-211	REP-P	01-02-084	480-100-141	REP-P	01-02-083
480-90-018	NEW-P	01-02-084	480-90-213	NEW-P	01-02-084	480-100-143	NEW-P	01-02-083
480-90-021	REP-P	01-02-084	480-90-218	NEW-P	01-02-084	480-100-146	REP-P	01-02-083
480-90-023	NEW-P	01-02-084	480-90-223	NEW-P	01-02-084	480-100-148	NEW-P	01-02-083
480-90-026	REP-P	01-02-084	480-90-228	NEW-P	01-02-084	480-100-151	REP-P	01-02-083
480-90-028	NEW-P	01-02-084	480-90-233	NEW-P	01-02-084	480-100-153	NEW-P	01-02-083
480-90-031	REP-P	01-02-084	480-90-238	NEW-P	01-02-084	480-100-156	REP-P	01-02-083
480-90-032	REP-P	01-02-084	480-90-303	NEW-P	01-02-084	480-100-161	REP-P	01-02-083
480-90-033	NEW-P	01-02-084	480-90-308	NEW-P	01-02-084	480-100-163	NEW-P	01-02-083
480-90-036	REP-P	01-02-084	480-90-313	NEW-P	01-02-084	480-100-166	REP-P	01-02-083
480-90-041	REP-P	01-02-084	480-90-323	NEW-P	01-02-084	480-100-168	NEW-P	01-02-083
480-90-043	REP-P	01-02-084	480-90-328	NEW-P	01-02-084	480-100-171	REP-P	01-02-083
480-90-046	REP-P	01-02-084	480-90-333	NEW-P	01-02-084	480-100-173	NEW-P	01-02-083
480-90-051	REP-P	01-02-084	480-90-338	NEW-P	01-02-084	480-100-176	REP-P	01-02-083
480-90-056	REP-P	01-02-084	480-90-343	NEW-P	01-02-084	480-100-178	NEW-P	01-02-083
480-90-061	REP-P	01-02-102	480-90-348	NEW-P	01-02-084	480-100-181	REP-P	01-02-083
480-90-066	REP-P	01-02-084	480-90-353	NEW-P	01-02-084	480-100-183	NEW-P	01-02-083
480-90-071	REP-P	01-02-084	480-90-999	NEW-P	01-02-084	480-100-186	REP-P	01-02-083
480-90-072	REP-P	01-02-084	480-100-001	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083
480-90-076	REP-P	01-02-084	480-100-003	NEW-P	01-02-083	480-100-191	REP-P	01-02-083
480-90-081	REP-P	01-02-084	480-100-008	NEW-P	01-02-083	480-100-193	NEW-P	01-02-102
480-90-086	REP-P	01-02-084	480-100-011	REP-P	01-02-083	480-100-201	REP-P	01-02-083
480-90-091	REP-P	01-02-084	480-100-013	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083
480-90-096	REP-P	01-02-084	480-100-016	REP-P	01-02-083	480-100-206	REP-P	01-02-083
480-90-101	REP-P	01-02-084	480-100-018	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083
480-90-103	NEW-P	01-02-084	480-100-021	REP-P	01-02-083	480-100-211	REP-P	01-02-083
480-90-106	REP-P	01-02-084	480-100-023	NEW-P	01-02-083	480-100-213	NEW-P	01-02-083
480-90-108	NEW-P	01-02-084	480-100-026	REP-P	01-02-083	480-100-218	NEW-P	01-02-083
480-90-113	NEW-P	01-02-084	480-100-028	NEW-P	01-02-083	480-100-223	NEW-P	01-02-083
480-90-116	REP-P	01-02-084	480-100-031	REP-P	01-02-083	480-100-228	NEW-P	01-02-083
480-90-118	NEW-P	01-02-084	480-100-032	REP-P	01-02-083	480-100-233	NEW-P	01-02-083
480-90-121	REP-P	01-02-084	480-100-033	NEW-P	01-02-083	480-100-251	REP-P	01-02-083
480-90-123	NEW-P	01-02-084	480-100-036	REP-P	01-02-083	480-100-308	NEW-P	01-02-083
480-90-126	REP-P	01-02-084	480-100-041	REP-P	01-02-083	480-100-311	REP-P	01-02-083
480-90-128	NEW-P	01-02-084	480-100-043	REP-P	01-02-083	480-100-313	NEW-P	01-02-083
480-90-131	REP-P	01-02-084	480-100-046	REP-P	01-02-083	480-100-318	NEW-P	01-02-083
480-90-133	NEW-P	01-02-084	480-100-051	REP-P	01-02-083	480-100-328	NEW-P	01-02-083
480-90-136	REP-P	01-02-084	480-100-056	REP-P	01-02-083	480-100-333	NEW-P	01-02-083
480-90-138	NEW-P	01-02-084	480-100-061	REP-P	01-02-102	480-100-338	NEW-P	01-02-083
480-90-141	REP-P	01-02-084	480-100-066	REP-P	01-02-083	480-100-343	NEW-P	01-02-083
480-90-143	NEW-P	01-02-084	480-100-071	REP-P	01-02-083	480-100-353	NEW-P	01-02-083
480-90-146	REP-P	01-02-084	480-100-072	REP-P	01-02-083	480-100-358	NEW-P	01-02-083
480-90-148	NEW-P	01-02-084	480-100-076	REP-P	01-02-083	480-100-363	NEW-P	01-02-083
480-90-151	REP-P	01-02-084	480-100-081	REP-P	01-02-083	480-100-368	NEW-P	01-02-083
480-90-153	NEW-P	01-02-084	480-100-086	REP-P	01-02-083	480-100-373	NEW-P	01-02-083
480-90-156	REP-P	01-02-084	480-100-091	REP-P	01-02-083	480-100-378	NEW-P	01-02-083
480-90-158	NEW-P	01-02-084	480-100-096	REP-P	01-02-083	480-100-383	NEW-P	01-02-083
480-90-161	REP-P	01-02-084	480-100-101	REP-P	01-02-083	480-100-388	NEW-P	01-04-081
480-90-163	NEW-P	01-02-084	480-100-103	NEW-P	01-02-083	480-100-393	NEW-P	01-04-081
480-90-166	REP-P	01-02-084	480-100-108	NEW-P	01-02-083	480-100-398	NEW-P	01-04-081
480-90-168	NEW-P	01-02-084	480-100-111	REP-P	01-02-083	480-100-999	NEW-P	01-02-083
480-90-171	REP-P	01-02-084	480-100-113	NEW-P	01-02-083	480-120-011	AMD-P	01-03-100
480-90-173	NEW-P	01-02-084	480-100-116	REP-P	01-02-083	480-120-015	NEW-P	01-03-100
480-90-176	REP-P	01-02-084	480-100-118	NEW-P	01-02-083	480-120-016	AMD-P	01-03-100
480-90-178	NEW-P	01-02-084	480-100-121	REP-P	01-02-083	480-120-022	REP-P	01-02-102
480-90-181	REP-P	01-02-084	480-100-123	NEW-P	01-02-083	480-120-023	REP-P	01-02-102
480-90-183	NEW-P	01-02-084	480-100-126	REP-P	01-02-083	480-120-024	REP-P	01-02-102
480-90-188	NEW-P	01-02-084	480-100-128	NEW-P	01-02-083	480-120-025	REP-P	01-02-102
480-90-191	REP-P	01-02-084	480-100-131	REP-P	01-02-083	480-120-026	AMD-P	01-03-100
480-90-193	NEW-P	01-02-102	480-100-133	NEW-P	01-02-083	480-120-027	REP-P	01-02-102
480-90-203	NEW-P	01-02-084	480-100-136	REP-P	01-02-083	480-120-028	NEW-P	01-03-100
480-90-208	NEW-P	01-02-084	480-100-138	NEW-P	01-02-083	480-120-029	NEW-P	01-03-100

TABLE

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-032	AMD-P	01-03-100						
480-120-033	AMD-P	01-03-100						
480-120-036	REP-P	01-03-100						
480-120-043	NEW-P	01-02-102						
480-120-049	NEW-P	01-03-100						
480-120-066	REP-P	01-02-102						
480-120-076	REP-P	01-03-100						
480-120-091	REP-P	01-03-100						
480-120-096	REP-P	01-03-100						
480-120-136	AMD-P	01-03-100						
480-120-530	AMD-P	01-03-100						
480-120-531	NEW-P	01-03-100						
480-120-541	NEW-P	01-02-102						
480-120-542	NEW-P	01-02-102						
480-120-543	NEW-P	01-02-102						
480-120-544	NEW-P	01-02-102						
480-120-545	NEW-P	01-03-100						
480-121-061	NEW-P	01-02-102						
480-121-062	NEW-P	01-02-102						
480-121-063	NEW-P	01-02-102						
480-121-064	NEW-P	01-02-102						
516-24-001	AMD-P	01-05-086						
516-24-050	REP-P	01-05-086						
516-24-060	REP-P	01-05-086						
516-24-110	AMD-P	01-05-086						
516-24-115	REP-P	01-05-086						
516-24-130	AMD-P	01-05-086						
516-25-001	NEW-P	01-05-086						

**TABLE**



## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY

#### COMMISSION

Meetings MISC 01-02-103  
 Performance and improvement goals reading and mathematics PROP 01-05-034

### ACCOUNTANCY, BOARD OF

Certificates and licenses experience requirement PERM 01-03-011  
 Ethics and prohibited practices PERM 01-03-012  
 PREP **01-06-002**  
 Meetings MISC 01-01-079

### ADVANCED TUITION PAYMENT, COMMISSION ON

Meetings MISC 01-02-034

### AGING AND ADULT SERVICES

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

### AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission meetings MISC 01-01-061  
 Apiaries PREP 01-04-008  
 Apples annual release dates and harvest year marking PREP 01-03-133  
 PREP 01-04-093  
 Asparagus commission meetings MISC 01-01-135  
 membership representation PROP 01-02-094  
 MISC 01-05-049  
 Barley commission meetings MISC 01-01-095  
 Beef commission meetings MISC 01-03-030  
 Blueberries assessment PERM 01-05-047  
 MISC 01-05-048  
 PREP 01-03-137  
 planting stock certification  
 Bulb commission meetings MISC 01-01-096  
 Cranberries planting stock certification PREP 01-03-139  
 Dairy commission powers and duties PREP 01-03-090  
 Farmed salmon commission termination MISC 01-01-090  
 EXRE 01-01-091  
 Grades and packs, standards inspections and certifications PREP 01-03-134  
 Grain inspection fee schedule PREP 01-03-135  
 PREP 01-04-092  
 EMER 01-05-003  
 Hop commission meetings MISC 01-03-006  
 Noxious weed control board meetings MISC 01-01-129  
 MISC 01-04-031  
 Organic food standards and practices PERM 01-01-100  
 Pesticides application, irrigation systems PROP **01-06-052**  
 PROP **01-06-053**  
 penalties for violations PERM 01-01-058  
 PROP 01-02-080  
 PREP **01-06-021**  
 wood destroying organism inspections  
 Potato commission promotional hosting PROP 01-04-088  
 Quarantine blueberry scorch virus PREP 01-03-138  
 onion white rot PERM 01-01-013  
 plant services and pest programs PREP 01-02-100  
 PREP 01-02-101  
 PREP 01-03-136  
 PERM 01-01-014  
 sudden oak death wetland and aquatic weed  
 Red raspberries grades and standards PERM 01-03-049  
 Red raspberry commission meetings MISC 01-03-047  
 Seed program PERM 01-01-015  
 Sod certification PREP **01-06-019**

Strawberries commission membership PROP 01-05-132  
 planting stock certification PREP 01-03-140

### AIR POLLUTION

(See ECOLOGY, DEPARTMENT OF; individual air pollution control authorities)

### ARTS COMMISSION

Meetings MISC 01-02-007

### ASBESTOS

(See LABOR AND INDUSTRIES, DEPARTMENT OF)

### ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 01-01-031  
 MISC 01-01-080

### ATHLETICS

(See LICENSING, DEPARTMENT OF)

### ATTORNEY GENERAL

Notice of request for opinion MISC 01-04-084  
 MISC 01-04-085

### BAIL AND BOND AGENTS

(See LICENSING, DEPARTMENT OF)

### BASIC HEALTH PLAN

(See HEALTH CARE AUTHORITY)

### BATES TECHNICAL COLLEGE

Meetings MISC 01-03-031  
 MISC 01-03-149  
 MISC 01-05-037  
 MISC 01-05-038

### BELLEVUE COMMUNITY COLLEGE

Meetings MISC 01-01-046

### BELLINGHAM TECHNICAL COLLEGE

Meetings MISC 01-01-074  
 MISC 01-03-020  
 MISC 01-04-067  
 MISC **01-06-047**

### BENTON CLEAN AIR AUTHORITY

Meetings MISC 01-01-104

### BIG BEND COMMUNITY COLLEGE

Meetings MISC 01-01-120

### BLIND, DEPARTMENT OF SERVICES FOR THE

Meetings MISC 01-01-127  
 Order of selection for services PREP 01-03-131  
 Rules coordinator MISC 01-01-128

### BUILDING CODE COUNCIL

Building code PERM 01-02-095  
 PROP 01-05-028  
 Energy code PERM 01-03-010  
 PROP 01-05-031  
 Fire code PERM 01-02-096  
 Mechanical code PROP 01-05-030  
 Plumbing code PERM 01-02-097  
 PROP 01-05-029  
 PERM 01-02-099  
 Ventilation and indoor air quality code PERM 01-02-099

### CASCADIA COMMUNITY COLLEGE

Meetings MISC 01-01-082

### CENTRALIA COLLEGE

Meetings MISC 01-01-119  
 MISC 01-05-039

### CHILD SUPPORT

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

### CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

Public disclosure and Open Public Meetings Act PROP 01-04-033

# Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>CLARK COLLEGE</b> Meetings	MISC 01-02-023	education advisory boards fees out-of-state candidates	PERM 01-03-151 PROP 01-05-093 PROP 01-04-022 PREP 01-05-126 PREP 01-05-147 PROP 01-02-037 PREP 01-04-018 PROP 01-04-019
<b>CODE REVISER'S OFFICE</b> Quarterly reports 00-19 - 00-24 See Issue 01-01		standards	
<b>COLUMBIA BASIN COLLEGE</b> Meetings	MISC 01-01-062	Endorsements braille certificate primary and supporting requirements	PROP 01-05-091 PREP 01-05-127 PREP 01-05-129 PREP 01-05-128
<b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>		High schools graduation requirements	
Community economic revitalization board meetings	MISC 01-03-068	social studies requirements subject areas	PREP 01-05-092 PREP 01-05-125 PROP 01-04-025 PREP 01-05-124 PROP 01-04-024 PROP 01-05-090
Developmentally disabled endowment trust fund Growth management comprehensive plans and development regulations	PREP 01-03-029	transcript contents	
project consistency	PROP 01-03-166	Home-based education standardized tests	PREP 01-05-122
Meetings	PROP 01-03-165	Meetings	MISC 01-01-060 MISC 01-05-016
Public works board loans	MISC 01-01-086 MISC 01-01-087	Parents' rights pupil testing and recordkeeping Preparation programs	PREP 01-05-123 PERM 01-03-153 PROP 01-04-019 PERM 01-04-021
meetings	PROP 01-03-143	School plant facilities architectural and engineering fees post. 1992 facilities replacement option	PROP 01-05-089 PROP 01-05-088 PREP 01-05-130 PERM 01-04-020
<b>CONSERVATION COMMISSION</b> Meetings	MISC 01-01-108	Waivers	
<b>CONVENTION AND TRADE CENTER</b> Meetings	MISC 01-01-030 MISC 01-03-027 MISC 01-05-054	<b>ELECTIONS</b> (See <b>SECRETARY OF STATE</b> )	
<b>CORRECTIONS, DEPARTMENT OF</b>		<b>EMERGENCY SERVICES</b> (See <b>MILITARY DEPARTMENT</b> )	
Community custody violation hearings	MISC 01-04-044	<b>EMPLOYMENT SECURITY DEPARTMENT</b>	
Escorted leave	MISC 01-04-001	Interpretive regulations	PERM 01-03-009
Meetings	MISC 01-03-007	Rules agenda	MISC 01-04-047
Organizational structure	PERM 01-03-079	Unemployment benefits disabled workers	PROP 01-05-117 EMER 01-05-071 PROP 01-05-118 PROP 01-04-082 PREP 01-04-083 PREP 01-01-125
Rules agenda	MISC 01-04-007	dislocated workers	
<b>COUNTY ROAD ADMINISTRATION BOARD</b>		employer-initiated layoffs job search requirements overpayments, collection agency fees	
Approved projects, lapsing of RATA	PROP 01-06-017	<b>ENGINEERS</b> (See <b>LICENSING, DEPARTMENT OF</b> )	
CRAB/county contract	PERM 01-05-008	<b>EVERETT COMMUNITY COLLEGE</b>	
Meetings	MISC 01-03-074	Rules	
Project prioritization	PERM 01-05-009	updates and housekeeping	PERM 01-02-043
RAP program cycle	PROP 01-01-023	<b>FACTORY ASSEMBLED STRUCTURES</b> (See <b>LICENSING, DEPARTMENT OF</b> )	
<b>EASTERN WASHINGTON UNIVERSITY</b>		<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>	
Meetings	MISC 01-03-073 MISC 01-03-124 MISC 01-06-012 MISC 01-06-013	Banks	
<b>ECOLOGY, DEPARTMENT OF</b>		fees and assessments	PREP 01-03-145 PREP 01-03-106 PROP 01-03-107
Air pollution		state-chartered commercial banks	
standards and compliance	PROP 01-04-072	Collective investment funds	PREP 01-03-147
Environmental Permit Assistance Act	PERM 01-05-035	Consumer services	
Flood control assistance account program	PERM 01-02-006	fees and assessments	PROP 01-03-146 PROP 01-05-072
Model Toxics Control Act	PERM 01-05-024	Credit unions	
Public comment period	MISC 01-04-071	fees and assessments	PROP 01-01-044 MISC 01-04-006 PERM 01-06-024
Public hearings	MISC 01-04-012	member business loans	
Public participation grants	PERM 01-05-024	Mortgage brokers and loan originators	
Remedial action grants	PERM 01-05-024	licensing	
Rules agenda	MISC 01-05-042	Rules agenda	
Tank vessels	PERM 01-05-036	Savings and loan associations	
Water		<b>FISH AND WILDLIFE, DEPARTMENT OF</b>	
centennial clean water fund	PERM 01-01-042	Aquaculture disease control	PROP 01-02-012
pollution control revolving fund	PERM 01-01-043	Fishing, commercial bottomfish	PERM 01-02-060 EMER 01-03-088
<b>ECONOMIC DEVELOPMENT FINANCE AUTHORITY</b>		Certification administrators	PERM 01-03-152
Meetings	MISC 01-01-094		
<b>EDMONDS COMMUNITY COLLEGE</b>			
Meetings	MISC 01-03-022 MISC 01-04-003 MISC 01-04-066 MISC 01-05-053 MISC 01-06-039		
<b>EDUCATION, STATE BOARD OF</b>			



# Subject/Agency Index

(Citation in bold type refer to material in this issue)

crab	PREP 01-05-001	deer	PROP 01-05-139
	PROP 01-05-070	elk	PROP 01-05-146
	EMER 01-01-019		EMER 01-01-075
	EMER 01-01-027	firearms restrictions	PROP 01-05-145
	EMER 01-01-084	fur	PROP 01-05-146
	EMER 01-01-112		PROP 01-05-142
	EMER 01-04-009	game farms	EMER 01-01-018
	EMER 01-04-030	game management units	PREP 01-01-021
	EMER 01-04-076		PROP 01-05-144
	EMER 01-05-044	moose, sheep, and goats	PERM 01-04-037
groundfish trawl-	PREP 01-01-110	nontoxic shot	PROP 01-05-136
herring and anchovy	EMER 01-01-099	poisons	PROP 01-05-143
	PERM 01-02-058	private lands wildlife management areas	PROP 01-05-137
octopus	PROP 01-02-082	raffle hunts	PROP 01-05-138
salmon	PERM 01-02-057	small game	PROP 01-05-139
Columbia River below Bonneville		special hunting seasons	PERM 01-04-037
	EMER 01-02-016		PROP 01-05-140
	EMER 01-04-042	trapping	PROP 01-05-141
	EMER 01-05-069		PERM 01-04-037
license buy back program	<b>EMER 01-06-004</b>		PROP 01-05-140
	PREP 01-01-020		PROP 01-05-146
	PREP 01-01-022		EMER 01-01-018
	PROP 01-05-120		PREP 01-01-021
North of Falcon	PREP 01-05-002		PREP 01-02-081
sale and purchase	PROP 01-02-085		PROP 01-05-111
	PROP 01-02-086		PROP 01-05-135
sea cucumbers	PROP 01-02-086		EMER 01-03-013
sea urchins	EMER 01-01-041		PROP 01-05-144
	EMER 01-01-146	waterfowl	PERM 01-04-037
	EMER 01-02-044	wild birds and animals	PROP 01-05-146
	PROP 01-02-086	wild turkey	
	EMER 01-03-014	Rules	
	EMER 01-03-043	semi-annual agenda	MISC 01-01-145
	EMER 01-03-062		
	EMER 01-03-093	<b>FOREST PRACTICES BOARD</b>	
	EMER 01-04-010	Meetings	MISC 01-01-144
	EMER 01-04-049		MISC 01-06-008
	EMER 01-05-011		
shellfish		<b>GAMBLING COMMISSION</b>	
areas and seasons	PERM 01-02-059	Bingo	PERM 01-05-018
definitions	PERM 01-03-016		PERM 01-05-020
harvest logs	PERM 01-02-061	Card rooms	EXRE 01-05-119
smelt	PROP 01-02-014		PERM 01-05-021
	EMER 01-02-015	Licenses	PREP 01-05-046
	PROP 01-03-015	fees	PROP 01-02-040
Fishing, recreational			PREP 01-04-005
bottomfish	EMER 01-02-077		PERM 01-05-019
crab	EMER 01-01-026	Pull-tabs	PROP 01-01-143
	PROP 01-02-013		PREP 01-03-080
	EMER 01-02-013	Rules	
fly fishing	PROP 01-02-063	clarifications and technical corrections	PERM 01-01-016
	<b>PERM 01-06-051</b>	Social card games	PREP 01-05-045
licenses			
dealer fees	PREP 01-02-055	<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>	
	PROP 01-05-112	Meetings	MISC 01-01-081
rules revision	<b>PERM 01-06-036</b>		MISC 01-05-025
salmon	EMER 01-01-040		MISC 01-05-105
	EMER 01-02-079	<b>GOVERNOR, OFFICE OF THE</b>	
	PREP 01-05-002	Appeal of denial	MISC 01-01-140
shellfish			MISC 01-02-033
areas and seasons	EMER 01-02-078		MISC 01-03-071
razor clams	EMER 01-04-046		MISC 01-04-035
	<b>EMER 01-06-035</b>		MISC 01-04-063
smelt	EMER 01-02-015		MISC 01-04-077
	<b>EMER 01-06-005</b>		MISC 01-05-023
	<b>EMER 01-06-050</b>		MISC 01-05-073
steelhead	EMER 01-03-061	Clemency and pardons board	
	EMER 01-04-011	meetings	MISC 01-03-018
	EMER 01-05-010		MISC 01-03-063
	EMER 01-05-043		MISC 01-04-043
	EMER 01-05-080		MISC 01-02-001
	<b>EMER 01-06-007</b>		MISC 01-02-002
	EMER 01-03-044		MISC 01-02-003
sturgeon			MISC 01-04-013
unlawful acts			
crab, shrimp, crawfish	PROP 01-01-025	State of emergency declared	
Hunting			
aquatic plants	PROP 01-05-144		
auction hunts	PROP 01-05-140		
big game	PROP 01-05-142		
black bear	PERM 01-04-037	<b>GRAYS HARBOR COLLEGE</b>	
	PROP 01-05-134	Meetings	MISC 01-01-033
cougar	PROP 01-05-134		MISC 01-03-117

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>GREEN RIVER COMMUNITY COLLEGE</b>				<b>HISPANIC AFFAIRS, COMMISSION ON</b>		
Meetings	MISC	01-02-035		Meetings	MISC	01-01-130
<b>GUARANTEED EDUCATION TUITION COMMITTEE</b> (See <b>ADVANCED TUITION PAYMENT, COMMISSION ON</b> )				<b>HORSE RACING COMMISSION</b>		
<b>HEALTH, DEPARTMENT OF</b>				Licenses		
Cancer registry	PERM	01-04-086		application forms	PREP	01-02-004
Charitable organizations				national racing compact license	PREP	01-02-004
drug export	PREP	01-05-109		Safety equipment	PERM	01-01-035
Chemical dependency professional advisory committee				<b>HOUSING FINANCE COMMISSION</b>		
meetings	MISC	01-03-046		Tax credit allocation	PREP	01-03-144
Dentist				<b>HUMAN RIGHTS COMMISSION</b>		
impaired dentist surcharge fee	PREP	01-04-053		Meetings	MISC	01-03-005
Hearing and speech, board of				<b>HUNTING</b>		
meetings	MISC	01-02-042		(See <b>FISH AND WILDLIFE, DEPARTMENT OF</b> )		
Interpretive and policy statements	MISC	01-03-069		<b>INDUSTRIAL INSURANCE</b>		
	MISC	01-03-109		(See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )		
	MISC	01-03-110		<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>		
	MISC	01-03-111		Notice of appeals	PROP	01-06-058
	MISC	01-03-112			PROP	01-06-059
	MISC	01-03-113		<b>INFORMATION SERVICES, CENTER FOR</b>		
	MISC	01-04-038		(See <b>COMMUNITY AND TECHNICAL COLLEGES</b> )		
	MISC	01-04-056		<b>INSURANCE COMMISSIONER, OFFICE OF</b>		
	MISC	01-04-057		Health insurance		
	MISC	01-04-058		maternity coverage	PERM	01-03-035
	MISC	01-04-059			EMER	01-04-087
	MISC	01-04-060		patient bill of rights	PERM	01-03-033
Medical test sites	PERM	01-02-069			PERM	01-03-034
Nursing care quality commission				pharmacy benefit	PERM	01-03-032
standards of practice	PROP	01-02-064		prescription contraceptive benefits	EMER	01-04-087
Nursing home administrators, board				sex discrimination	PREP	01-05-108
examinations	PERM	01-03-114		Rules agenda	MISC	01-04-041
Pharmacy, board of				Technical assistance advisory	MISC	01-01-076
patient information requirements	PERM	01-04-055		<b>INTERAGENCY COMMITTEE, OFFICE OF THE</b>		
Physicians				Outdoor recreation, interagency committee for		
licenses				meetings	MISC	01-04-045
expired	PERM	01-03-115		rules, clarifications and updates	PREP	01-02-090
Prescription drugs				rules agenda	MISC	01-03-004
senior discount program	PERM	01-01-101		Salmon recovery funding board		
Radiation protection				administrative rules	PERM	01-04-052
U.S. nuclear regulatory commission rules,				meetings	MISC	01-06-038
compliance	PERM	01-02-067		<b>INTEREST RATES</b>		
	PERM	01-02-068		(See inside front cover)		
	PERM	01-02-069		<b>INVESTMENT BOARD</b>		
	PROP	01-02-087		Meetings	MISC	01-01-106
	PERM	01-05-110		<b>JAIL INDUSTRIES BOARD</b>		
	MISC	01-04-039		Address change	MISC	01-02-010
Rules agenda				<b>JUDICIAL CONDUCT, COMMISSION ON</b>		
Sex offender treatment provider				Meetings	MISC	01-01-036
certification	PERM	01-02-065		Procedural rules	PROP	01-05-004
Shellfish programs				<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>		
National Shellfish Sanitation Program Model				Agriculture		
Ordinance (NSSP)	PERM	01-04-054		minors, wages	PREP	01-05-114
Surgical technologist	PROP	01-06-054		Apprenticeship and training council		
Veterinary medicine				meetings	MISC	01-01-139
examinations	PERM	01-02-066		Construction		
Water				vehicular traffic	PREP	01-05-115
drinking water				Crime victim compensation program		
water works operator certification	PERM	01-02-070		survivor death benefits	PREP	01-03-156
<b>HEALTH CARE AUTHORITY</b>				Factory assembled structures	PREP	01-03-070
Basic health plan				state building code	PREP	01-05-116
definitions and eligibility	PERM	01-01-134			PREP	01-05-131
pre-existing condition	PREP	01-02-054		Fees		
	EMER	01-02-054		Occupational health standards		
	EMER	01-02-056		bloodborne pathogens standards	PREP	01-04-089
	PROP	01-05-107		Safety and health standards		
Community health clinics				construction work	PERM	01-04-015
rules clarification	PERM	01-04-080		electrical wires and equipment	PERM	01-01-097
Domestic partners	PERM	01-01-126		elevators and other conveyances	PERM	01-02-026
Pharmacy, board of						
Uniform Controlled Substance Act	MISC	01-03-108				
Public employees benefits board						
meetings	MISC	01-02-062				
	MISC	01-05-050				
<b>HIGHER EDUCATION COORDINATING BOARD</b>						
Advanced tuition payment program	PREP	01-01-132				
Displaced homemaker program	PERM	01-01-050				
	PROP	01-06-065				
Meetings	MISC	01-01-064				

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

flaggers	EMER 01-04-090	<b>MANUFACTURED HOMES</b>	
	PROP 01-04-091	(See LICENSING, DEPARTMENT OF)	
Workers' compensation		<b>MARINE EMPLOYEES' COMMISSION</b>	
attendant care services, providers	PREP 01-02-091	Rules	
medical aid	PREP 01-01-147	clarifications and technical corrections	PERM 01-01-124
pension annuities	<b>PREP 01-06-037</b>		
reimbursement rates	PROP 01-05-113	<b>MEDICAL ASSISTANCE</b>	
reporting and classification	PREP 01-03-157	(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>		<b>MEDICAL CARE</b>	
Meetings	MISC 01-02-024	(See HEALTH, DEPARTMENT OF)	
	MISC 01-05-051		
<b>LAND SURVEYORS</b>		<b>MILITARY DEPARTMENT</b>	
(See LICENSING, DEPARTMENT OF)		Emergency worker program	PERM 01-02-053
<b>LICENSING, DEPARTMENT OF</b>		<b>MOTOR VEHICLES</b>	
Adjudicative proceedings	PERM 01-03-065	(See LICENSING, DEPARTMENT OF)	
	PERM 01-03-129		
Aircraft fuel tax	PROP 01-03-083	<b>NATURAL RESOURCES, DEPARTMENT OF</b>	
Collection agencies	PROP 01-03-130	Definitions	
Cosmetologists, barbers, manicurists, and esthetician		supervisor	PROP 01-04-061
rules revision	PERM 01-01-083	Meetings	MISC 01-01-107
Drivers' licenses			MISC 01-03-064
commercial	PROP 01-04-075		MISC 01-05-017
Engineers		natural heritage advisory council	
examinations	PROP 01-04-094	meetings	MISC 01-02-036
Geologists			
licensing	PREP 01-03-052	<b>NOXIOUS WEED CONTROL BOARD</b>	
Landscape architect registration board		(See AGRICULTURE, DEPARTMENT OF)	
fees	PROP 01-01-133		
meetings	MISC 01-01-122	<b>NURSING CARE</b>	
registration and examination fees	PERM 01-04-002	(See HEALTH, DEPARTMENT OF)	
Manufactured homes			
certificate of title	PREP 01-01-102	<b>OLYMPIC COLLEGE</b>	
	<b>PROP 01-06-018</b>	Meetings	MISC 01-01-123
Motor vehicles			
certificate of title	PERM 01-03-002	<b>OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR</b>	
	PROP 01-03-072	(See INTERAGENCY COMMITTEE, OFFICE OF THE)	
excise tax	PROP 01-05-106		
licenses	PROP 01-04-062	<b>PARKS AND RECREATION COMMISSION</b>	
	PROP 01-05-106	Boating	
registration	PREP 01-01-071	accident and casualty reports	PERM 01-02-021
	PREP 01-01-072	Meetings	MISC 01-02-022
special plates	PROP 01-04-017		MISC 01-03-036
Real estate		Wind/sand sailing and kite bugging	PREP 01-01-073
licenses			
continuing education	PREP 01-01-089	<b>PENINSULA COLLEGE</b>	
written reciprocity agreements	PREP 01-01-088	Meetings	MISC 01-03-021
Real estate commission			MISC 01-03-150
meetings	MISC 01-02-041		MISC 01-04-036
Rules agenda	MISC 01-02-038	Student responsibilities	PROP 01-03-116
Signatures, handwritten and digital	PROP 01-04-050		
Snowmobiles	<b>PROP 01-06-049</b>	<b>PERSONNEL, DEPARTMENT OF</b>	
Vessels		Salaries	
registration and certificate of title	PROP 01-03-017	additional pay	EMER 01-04-051
	PROP 01-03-072		PROP 01-04-079
	PERM 01-03-128	registered nurses	PROP 01-02-089
	PREP 01-05-076	transition pool program	PROP 01-03-088
Wastewater, on-site treatment systems		trial service period	PROP 01-02-088
designer and inspector licensing	PROP 01-05-033	Washington management employees	PERM 01-03-003
Wreckers	PERM 01-03-141		
<b>LIQUOR CONTROL BOARD</b>		<b>PERSONNEL RESOURCES BOARD</b>	
Adjudicative proceedings	<b>PROP 01-06-062</b>	(See PERSONNEL, DEPARTMENT OF)	
Administrative director	<b>PREP 01-06-061</b>		
Alcohol server training permit	PERM 01-03-085	<b>PIERCE COLLEGE</b>	
Licenses	PERM 01-03-087	Meetings	MISC 01-02-008
Rules review	<b>PERM 01-06-014</b>	Student records	PREP 01-03-125
	<b>PERM 01-06-015</b>		PREP 01-03-126
	<b>PERM 01-06-016</b>		
Violations		<b>PILOTAGE COMMISSIONERS, BOARD OF</b>	
hearings	PERM 01-03-086	Office relocation	MISC 01-02-009
<b>LOTTERY COMMISSION</b>		<b>PRISONS AND PRISONERS</b>	
General provisions		(See CORRECTIONS, DEPARTMENT OF)	
winning ticket probability	PREP 01-04-040		
Policy statements	MISC 01-03-037	<b>PROPERTY TAX</b>	
		(See REVENUE, DEPARTMENT OF)	
<b>LOWER COLUMBIA COLLEGE</b>		<b>PROSECUTING ATTORNEYS, ASSOCIATION OF</b>	
Meetings	MISC 01-03-008	Rules coordinator	MISC 01-01-118

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### PUBLIC ASSISTANCE

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

### PUBLIC DISCLOSURE COMMISSION

Campaign contributions  
 abbreviated reporting PREP 01-03-159  
 affiliated entities PREP 01-03-161  
 PREP 01-03-081  
 PREP 01-03-082  
 mini campaign reporting PREP 01-03-162  
 registration statement for candidates PREP 01-03-163  
 registration statement for political committees PREP 01-03-164  
 Financial affairs, forms  
 real property, descriptions PREP 01-03-160  
 Meetings MISC 01-03-019  
 Rules agenda MISC 01-04-032

### PUBLIC EMPLOYEES BENEFITS BOARD

(See **HEALTH CARE AUTHORITY**)

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

Meetings MISC 01-02-005  
 MISC 01-03-026  
 Petitions PREP 01-04-073

### PUBLIC INSTRUCTION, SUPERINTENDENT OF

Educational service districts EMER 01-03-098  
**PROP 01-06-063**  
 Instructional support, program 94 PREP 01-01-024  
**PROP 01-06-064**  
 Sick leave  
 Special education  
 safety net PREP 01-01-098  
 PERM 01-04-023  
 student eligibility PREP 01-01-065  
 State allocations PREP 01-03-099  
 Traffic safety  
 School safety patrol PREP 01-03-097

### PUBLIC WORKS BOARD

(See **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**)

### PUGET SOUND CLEAN AIR AGENCY

Fees PERM 01-03-076

### QUARTERLY REPORTS

(See **CODE REVISER'S OFFICE**)

### REAL ESTATE APPRAISERS

(See **LICENSING, DEPARTMENT OF**)

### REDISTRICTING COMMISSION

Administrative procedures EMER 01-05-101  
 PREP 01-05-102  
 Meetings MISC 01-05-103  
 Rules coordinator MISC 01-05-104  
 Third party submissions PREP 01-05-102

### RENTON TECHNICAL COLLEGE

Meetings MISC 01-01-048

### RETIREMENT SYSTEMS, DEPARTMENT OF

Dependent care assistance salary reduction plan PREP 01-04-028  
 EMER 01-04-029  
 General provisions PREP 01-05-074  
 PROP 01-05-096  
 Judicial retirement system PREP 01-05-094  
 Post retirement employment PREP 01-05-095  
 Public employees' retirement system (PERS)  
 plan 3 PREP 01-04-027  
 reinstatement or payment PROP 01-05-077  
 Rules coordinator MISC 01-01-103  
 MISC 01-03-048  
 School employees retirement system (SERS)  
 management and administration PERM 01-01-059  
 reinstatement or payment PROP 01-05-077  
 Teachers' retirement system (TRS)  
 plan 3 PERM 01-01-059  
 PREP 01-05-075  
 Washington state patrol retirement system (WSPRS)  
 salary, definition **PREP 01-06-048**

### REVENUE, DEPARTMENT OF

Excise tax  
 electronic funds transfer PROP 01-03-105  
 penalties and interest PERM 01-05-022  
 trade-ins, selling price, sellers' tax measures PROP 01-04-048  
 Forest land and timber  
 land values PERM 01-02-018  
 stumpage values PERM 01-02-019  
 PERM 01-02-020  
**PREP 01-06-034**  
 Interim audit guidelines  
 interpretive statements MISC 01-02-017  
 MISC 01-02-092  
 MISC 01-03-045  
 MISC 01-05-099  
**MISC 01-06-006**  
 Nonprofit organizations PROP 01-03-091  
 Rules agenda MISC 01-02-093  
 Use tax  
 motor vehicle title transfer PREP 01-01-142

### RULES COORDINATORS

Blind, department of services for MISC 01-01-128  
 Prosecuting attorneys, association of MISC 01-01-118  
 Redistricting commission MISC 01-05-104  
 Retirement systems, department of MISC 01-01-103  
 MISC 01-03-048  
 Secretary of state MISC 01-02-025  
 Transportation, department of MISC 01-03-104

### SAFETY STANDARDS

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

### SALARIES FOR ELECTED OFFICIALS

(See **CITIZENS COMMITTEE ON SALARIES FOR ELECTED OFFICIALS**)

### SALES TAX

(See **REVENUE, DEPARTMENT OF**)

### SALMON RECOVERY FUNDING BOARD

(See **INTERAGENCY COMMITTEE, OFFICE OF THE**)

### SCHOOLS

(See **EDUCATION, STATE BOARD OF**)

### SEATTLE COMMUNITY COLLEGES

Meetings MISC 01-01-047  
 MISC 01-03-050  
 MISC 01-05-005  
 MISC 01-05-052

### SECRETARY OF STATE

Elections  
 administrators, certification **PROP 01-06-023**  
 ballots **PREP 01-06-022**  
 Rules coordinator MISC 01-02-025

### SECURITIES

(See **FINANCIAL INSTITUTIONS, DEPARTMENT OF**)

### SHORELINE COMMUNITY COLLEGE

Meetings MISC 01-06-001

### SKAGIT VALLEY COLLEGE

Meetings MISC 01-02-011  
 MISC 01-03-127

### SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Aging and adult services administration  
 adult family homes PREP 01-02-072  
 chore services PERM 01-02-051  
**PROP 01-06-057**  
 nursing homes PROP 01-03-155  
 residential services  
 Assistance programs  
 client rights and responsibilities PREP 01-03-119  
 family assistance PERM 01-01-070  
 food assistance PROP 01-03-038  
 EMER 01-03-039  
 PROP 01-04-074  
 PERM 01-05-006

INDEX

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

fraud	PREP 01-06-027	medically needy and indigent programs standards	PREP 01-01-113
general assistance for children	PERM 01-06-030	neurodevelopmental centers	EMER 01-01-114
general assistance for pregnant women	PERM 01-06-044	out-of-state medical care	PREP 01-01-006
in-home care provider	PERM 01-03-121	payment	PERM 01-01-011
incapacity	PROP 01-03-120	physician-related services	<b>PERM 01-06-032</b>
payment standards	EMER 01-06-025	prescription drug program	PERM 01-01-012
SSI	PREP 01-04-069	private duty nursing services rules	PERM 01-01-028
refugee cash assistance	PROP 01-04-068	corrections and clarifications	PERM 01-01-029
	PROP 01-03-040		PERM 01-05-040
	EMER 01-03-041		
telephone assistance	<b>PERM 01-06-031</b>		PROP 01-02-047
	PROP 01-01-131		PERM 01-02-052
	PROP 01-04-070		PROP 01-02-073
	PREP 01-03-024		PERM 01-02-075
transfer of property			PERM 01-02-076
Child support, division of rules, revision	PERM 01-03-089	SSI eligible clients standards	<b>PERM 01-06-033</b>
Children's administration			
child care centers	PERM 01-02-032		EMER 01-01-113
child welfare services	<b>PERM 01-06-041</b>		EMER 01-01-114
family child care homes	PERM 01-02-032		<b>PERM 01-06-042</b>
school-age child care centers	PERM 01-02-031		<b>PROP 01-06-046</b>
Developmental disabilities services		state-administered cash programs	PERM 01-01-009
family support opportunity program	PREP 01-03-059	transportation program	PROP 01-02-045
Finance division			PERM 01-03-084
invoices, time period	PREP 01-01-068		<b>PERM 01-06-029</b>
Food assistance program		trusts, annuities, and life estates	<b>PERM 01-06-043</b>
overpayments	PREP 01-01-069	vision care services	PERM 01-01-010
Health and rehabilitative services		Mental health	
criminally insane	PERM 01-01-008	facilities, long-term certification	<b>EMER 01-06-040</b>
mentally ill	PERM 01-01-007	Rules, agenda	MISC 01-03-067
Medical assistance administration		Temporary assistance for needy families (TANF)	
administration of medical programs	PREP 01-02-046	eligibility	PERM 01-03-066
	PERM 01-05-100	five year limit	PERM 01-04-016
alien emergency medical program	PROP 01-01-077	WorkFirst	
	PERM 01-05-041	community jobs program	EMER 01-05-007
dental related services	PROP 01-03-154	individual development accounts	PERM 01-03-042
durable medical equipment	PERM 01-01-078	internships, practicums, seasonal employment	PROP 01-03-060
	EXRE 01-02-050		EMER 01-03-132
	PROP 01-03-001		
	PREP 01-05-027		
	<b>PERM 01-06-028</b>	<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>	
home health services	PREP 01-03-096	Meetings	MISC 01-01-063
hospice services	PREP 01-03-095		MISC 01-01-121
interpretive or policy statements	MISC 01-01-001		MISC 01-04-034
	MISC 01-01-002	<b>SOUTHWEST CLEAN AIR AGENCY</b>	
	MISC 01-01-003	Administrative procedures	
	MISC 01-01-004	agency name change	PERM 01-05-055
	MISC 01-01-005		PERM 01-05-056
	MISC 01-01-037		PERM 01-05-057
	MISC 01-01-038		PERM 01-05-059
	MISC 01-01-039		PERM 01-05-060
	MISC 01-01-066		PERM 01-05-061
	MISC 01-01-067		PERM 01-05-062
	MISC 01-01-115		PERM 01-05-063
	MISC 01-01-116		PERM 01-05-064
	MISC 01-01-117		PERM 01-05-065
	MISC 01-02-029		PERM 01-05-066
	MISC 01-02-030		PERM 01-05-067
	MISC 01-02-048		PERM 01-05-068
	MISC 01-02-049	Ambient air quality standards	PERM 01-05-062
	MISC 01-03-023		PERM 01-05-063
	MISC 01-03-051	General regulations	PERM 01-05-064
	MISC 01-03-053		PERM 01-05-055
	MISC 01-03-054		PERM 01-05-056
	MISC 01-03-055		PERM 01-05-057
	MISC 01-03-056		PERM 01-05-058
	MISC 01-03-057		
	MISC 01-03-058		
	MISC 01-03-094	<b>SPOKANE, COMMUNITY COLLEGES OF</b>	
	MISC 01-03-118	Meetings	MISC 01-03-148
	MISC 01-05-012		
	MISC 01-05-013	<b>SPOKANE AIR POLLUTION CONTROL AUTHORITY</b>	
	MISC 01-05-081	Agricultural burning	PERM 01-04-065
	MISC 01-05-082	Open burning	PROP 01-01-092
	MISC 01-05-083		PERM 01-04-064
	MISC 01-05-084	Outdoor burning	PROP 01-03-028
	MISC 01-05-085		<b>PROP 01-06-055</b>
	PREP 01-02-071		
long-term care services	EMER 01-02-074	<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>	
		Agricultural burning	PROP 01-01-093

**Subject/Agency Index**  
(Citation in **bold type** refer to material in this issue)

**SPORTS, PROFESSIONAL**  
(See **LICENSING, DEPARTMENT OF; HORSE RACING COMMISSION**)

**SUPREME COURT, STATE**

Access to family law court records MISC 01-05-014  
 Civil court MISC 01-01-054  
 Courts of limited jurisdiction MISC 01-01-051  
 Criminal court MISC 01-01-053  
 MISC 01-01-056  
 Disciplinary regulations MISC 01-01-052  
 Guilty plea, statement of defendant MISC 01-01-057  
 Lawyer discipline MISC 01-01-055  
 Practice of law board MISC 01-05-015

**TACOMA COMMUNITY COLLEGE**

Meetings MISC 01-01-049  
 MISC 01-01-136

**TAX APPEALS, BOARD OF**

Meetings MISC 01-01-045  
 MISC 01-02-028

**TAXATION**

(See **REVENUE, DEPARTMENT OF**)

**THE EVERGREEN STATE COLLEGE**

Meetings MISC 01-01-017

**TRANSPORTATION, DEPARTMENT OF**

Ferry  
 fares PREP 01-01-111  
 PROP 01-04-078  
 Relocation assistance and real property acquisition PERM 01-02-027  
 Rules agenda MISC 01-02-039  
 Rules coordinator MISC 01-03-104

**TREASURER, OFFICE OF THE STATE**

Financing contracts PROP 01-06-060  
 Usury rates (see inside front cover)

**UNEMPLOYMENT COMPENSATION**

(See **EMPLOYMENT SECURITY DEPARTMENT**)

**UNIFORM COMMERCIAL CODE**

(See **LICENSING, DEPARTMENT OF**)

**UNIVERSITY OF WASHINGTON**

Facilities  
 advertising and commercial solicitation PREP 01-01-034  
 PROP 01-06-009  
 Meetings MISC 01-03-142  
 MISC 01-05-026  
 MISC 01-06-026  
 Rules, agenda MISC 01-03-092  
 Small works roster PROP 01-03-122

**USURY RATES**

(See inside front cover)

**UTILITIES AND TRANSPORTATION COMMISSION**

Electric companies PROP 01-04-081  
 Gas companies PROP 01-02-084  
 Railroad company operations PERM 01-04-026  
 Tariffs PROP 01-02-102  
 Telecommunications operations PROP 01-03-100

**VOLUNTEER FIRE FIGHTERS AND RESERVE OFFICERS, BOARD FOR**

Volunteer fire fighters meetings MISC 01-03-123

**WASHINGTON STATE LIBRARY**

Library commission meetings MISC 01-03-025  
 MISC 01-04-014  
 MISC 01-06-003  
 Library council meetings MISC 01-03-075

**WASHINGTON STATE PATROL**

Motor vehicles  
 flashing amber lights PROP 01-05-097  
 impounds EMER 01-03-078  
 PERM 01-05-098

**WASHINGTON STATE UNIVERSITY**

Parking  
 permit fees PREP 01-05-078  
 Small works roster PREP 01-05-079

**WASTEWATER**

(See **ECOLOGY, DEPARTMENT OF; LICENSING, DEPARTMENT OF**)

**WATER**

(See **ECOLOGY, DEPARTMENT OF**)

**WENATCHEE VALLEY COLLEGE**

Debt, nonpayment  
 Discrimination  
 Meetings  
 Rules, update  
 PREP 01-03-102  
 PROP 01-06-056  
 MISC 01-01-032  
 PREP 01-03-103  
 PROP 01-04-004  
 PROP 01-06-010  
 PROP 01-06-011

**WESTERN WASHINGTON UNIVERSITY**

Admission and registration procedures PERM 01-01-137  
 General conduct PROP 01-05-086  
 Leasing university property PERM 01-01-138  
 Meetings MISC 01-05-032

**WHATCOM COMMUNITY COLLEGE**

Meetings MISC 01-03-101

**WILDLIFE**

(See **FISH AND WILDLIFE, DEPARTMENT OF**)

**WORKERS' COMPENSATION**

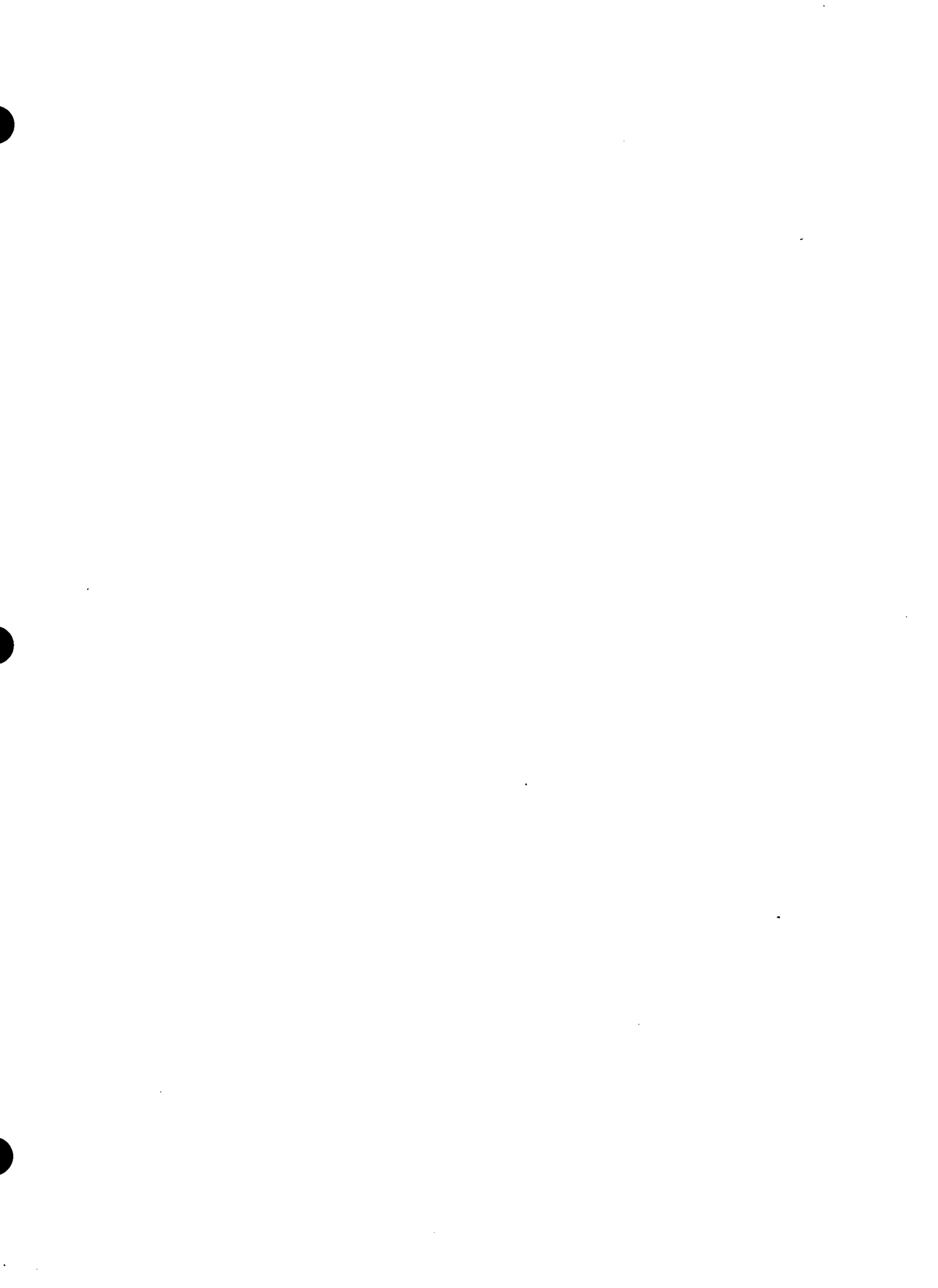
(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

Meetings MISC 01-01-105  
 Tuition recovery trust fund PERM 01-01-141

**YAKIMA REGIONAL CLEAN AIR AUTHORITY**

Carbon monoxide nonattainment area PERM 01-05-087



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