

September 5, 2001

OLYMPIA, WASHINGTON

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of September 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.

WASHINGTON STATE REGISTER

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

John G. Schultz
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Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

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) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (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 ((fined 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.

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].

2001-2002

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
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	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
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01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
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02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

¹ 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.

² 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.

³ 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.

⁴ 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;

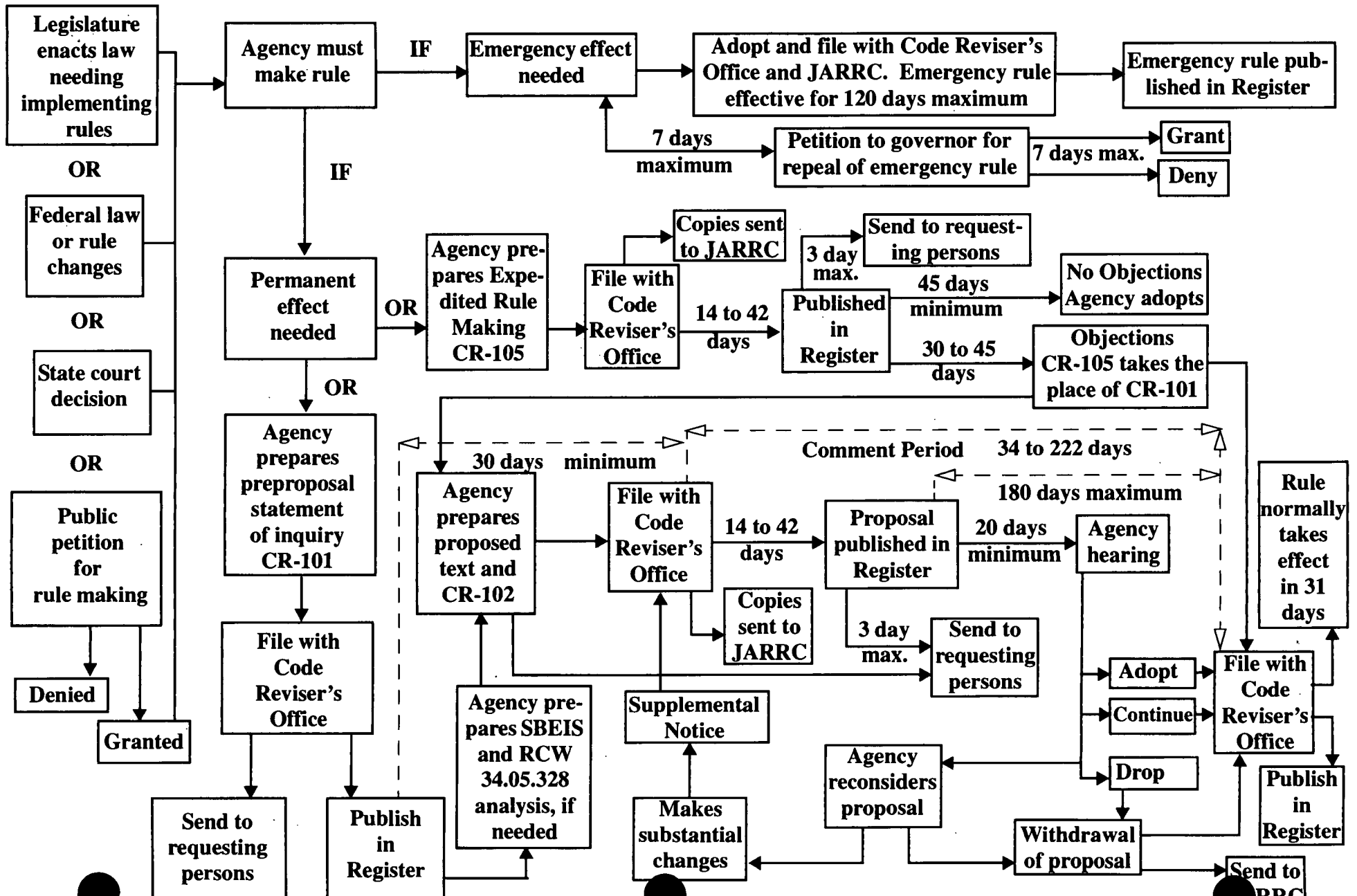
There is less than minor economic impact on business;

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



WSR 01-17-001**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 1, 2001, 1:42 p.m.]

Subject of Possible Rule Making: Changes to coastal spot shrimp commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Concerns over destruction of pot shrimp habitat, by-catch and equity among competing fishing gears are reasons for considering rule changes. The changes would provide long term protection to the habitat, reduce by-catch and provide an evolution to gear equity among fishers.

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 Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 24, 2001.

August 1, 2001

Evan Jacoby

Rules Coordinator

WSR 01-17-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 1, 2001, 1:44 p.m.]

Subject of Possible Rule Making: Charter boat angler permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Having more anglers than angler permits is currently prohibited by statute, but the use of license statutory violation only addresses rule violations. By adoption the statutory prohibition as a rule, it will allow enforcement.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373. Contact by October 23, 2001, proposed filing October 24, 2001.

August 1, 2001

Evan Jacoby

Rules Coordinator

WSR 01-17-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 1, 2001, 1:45 p.m.]

Subject of Possible Rule Making: Procedure for fishing contest vessel decontamination/notification re: Zebra mussels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To prevent introduction of deleterious species and provide notice mechanism of compliance or noncompliance of potential fishing contest entrants.

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 Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by October 24, 2001.

August 1, 2001

Evan Jacoby

Rules Coordinator

WSR 01-17-015**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed August 2, 2001, 4:22 p.m.]

The Department of Ecology hereby withdraws the following Preproposal Statement of Inquiry (CR-101): WSR 99-17-080, filed August 16, 1999, Administrative Order 99-02, chapter 173-460 WAC, New source review; and WSR 00-20-105, filed October 4, 2000, Administrative Order 00-25, chapter 173-151 WAC, Water right administration.

August 2, 2001

Jerome D. Thielen

Regulatory Affairs Manager

WSR 01-17-025**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed August 7, 2001, 1:45 p.m.]

Subject of Possible Rule Making: Changes as the result of legislation passed in the year 2001, specifically SB 5275, and eliminate the reports to the Secretary of State regarding all mail elections.

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: These amendments are needed to bring sections of the Washington Administrative Code into compliance with new state law.

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 smoss@secstate.wa.gov.

August 6, 2001

Steve Excell

Assistant Secretary of State

WSR 01-17-027

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed August 7, 2001, 4:34 p.m.]

The Board of Health is withdrawing the CR-101 for chapter 246-650 WAC, Newborn screening, which was filed April 4, 2001, as WSR 01-08-089. The board will file a new CR-101 that more accurately reflects the board's work on the issue of newborn screening. If you have questions please contact Don Sloma at (360) 236-4102 or Doreen Garcia at 236-4101.

Don Sloma
Executive Director

WSR 01-17-028

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed August 7, 2001, 4:37 p.m.]

Subject of Possible Rule Making: To consider amending the newborn screening rule, chapter 246-650 WAC, to include which, if any, disorders should be included in the mandatory dried blood spot screening, and to examine the adequacy of existing privacy protections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.83, 43.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 70.83 RCW delegates authority to the Board of Health to determine which disorders, in addition to phenylketonuria (PKU), are to be included in newborn screening required by the statute. Current regulation requires congenital hypothyroidism, hemoglobinopathies such as sickle cell disease, and congenital adrenal hyperplasia, in addition to PKU. Medical and technological advances in recent years have made it feasible to screen for an increasing number of additional disorders. Adding disorders to the panel could further prevent illness and death through early detection and treatment of affected newborns. It is also valuable to examine the adequacy of existing privacy protections.

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

cies: Department of Health will work closely with the Board of Health in the review process.

Process for Developing New Rule: The process will involve significant public input to consider the merits of the numerous candidate disorders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Glass, Department of Health, Newborn Screening Policy Liaison, 1610 N.E. 150th, Shoreline, WA 98155-9701, phone (206) 361-2890, toll free 1-866-660-9050, fax (206) 361-4996, e-mail mike.glass@doh.wa.gov; or Doreen Garcia, Board of Health, Senior Policy Analyst, P.O. Box 47990, Olympia, WA 98504-7990, phone (360) 236-4101, e-mail doreen.garcia@doh.wa.gov. The Department of Health and the State Board of Health will establish an advisory group composed of interested parties to solicit and review information and obtain broad public input regarding which disorders should be recommended to the board for adoption. Input will be sought through publicized meetings and correspondence.

August 3, 2001

Don Sloma

Executive Director

WSR 01-17-034

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 8, 2001, 2:27 p.m.]

Subject of Possible Rule Making: WAC 392-140-xxx Finance—Special allocations—Salary bonus for teachers who attain certification by national board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to implement language in the 2001-03 State Operating Appropriations Act. These new rules will enable proper administration of the salary bonus.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 725-6308.

August 7, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-17-035**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 8, 2001, 2:28 p.m.]

Subject of Possible Rule Making: WAC 392-140-600 through 392-140-685, school district eligibility for state special education safety net funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to rules are needed to update special education safety net procedures and requirements for the 2001-02 school year and thereafter.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Mary Ellen Parrish, (360) 725-6309.

August 6, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-17-048**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 9, 2001, 3:48 p.m.]

Subject of Possible Rule Making: Rules relating to natural gas pipeline operators will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the following criteria: Need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost, and fairness. All provisions currently codified in chapter 480-93 WAC might be affected. The review, under Docket No. UG-011073, will include consideration of whether substantive changes or additional rules are required for gas companies' safety regulation generally, and in concert with the Federal Department of Transportation - Office of Pipeline Safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the criteria set out above. This includes reviewing whether current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws, and with appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Department of Transportation - Office of Pipeline Safety, and the Washington State Department of Ecology. The commission will invite those agencies to participate actively in the rule making.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments by September 12, 2001, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal. The first workshop will be held on September 25, 2001.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than September 12, 2001.

Electronic copies. The commission also requests, but does not require, that comments be provided in electronic format to facilitate quotations from the comments, to enhance public access, and to reduce the need for additional paper copies. Please help us by sending an electronic copy with your paper filing on a 3-1/2 inch, IBM-formatted, high density disk, in .pdf Adobe Acrobat format, reflecting the pagination of your original. Also send us the text in your choice of .doc (Word 97 or later) or .wpd (WordPerfect 6.0 or later) and include all of the following information on the label of the diskette:

- * The docket number of this proceeding (UG-011073);
- * The commenting party's name;
- * The title and date of the comment or comments; and
- * The type of software used.

Please use the three-letter extension noted above for all electronic files. You may also send your comments by electronic mail to the commission's records center at <records@wutc.wa.gov>; if you choose this means of submitting comments, include all of the information requested above for the diskette label. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <<http://www.wutc.wa.gov>>.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. UG-011073 to ensure that you are placed on the appropriate service list.

NOTICE OF WORKSHOP: A workshop will be held on **September 25, 2001**, beginning at 9:00 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, Washington. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Kippi Walker at (360) 664-1139 no later than 5:00 p.m., Friday, September 21, 2001. Questions may be addressed to Sondra Walsh at (360) 664-1286 or e-mail at swalsh@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UG-011073, and the words "Please keep on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UG-011073, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www/wutc.wa.gov/>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 9, 2001
Carole J. Washburn
Secretary

WSR 01-17-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 13, 2001, 8:10 a.m.]

Subject of Possible Rule Making: Chapter 388-533 WAC, Maternity-related services. The department is adding a new section to this chapter in order to add coverage of smoking cessation treatment(s) for Medicaid pregnant women.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.760, 74.09.770.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes that smoking during pregnancy is associated with poor maternal, fetal, and infant outcomes. Since smoking cessation is one of the most important actions a woman can take to improve the outcome of her pregnancy, the department is

adding coverage for smoking cessation intervention(s) for Medicaid pregnant women to its maternity-related services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is consulting with the Department of Health in the development of these rules.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Medical Assistance Administration, Regulatory Improvement, P.O. Box 45533, Mailstop 45533, Olympia, WA 98504, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

Susan Bush, Manager
Board of Appeals

WSR 01-17-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed August 14, 2001, 11:41 a.m.]

Subject of Possible Rule Making: Real estate license renewal fee increase. Amend WAC 308-124A-460.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With projections for a continual decline in license renewals and increasing costs of doing business, fee increases for the real estate program are needed to defray the costs of administering the program as required by RCW 43.24.086.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana L. Jones, Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6524, fax (360) 586-0998.

August 14, 2001
Jana L. Jones
Assistant Administrator

WSR 01-17-060**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 15, 2001, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-500.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.20.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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

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 Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mail-stop 48001, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

August 14, 2001

Deborah McCurley, Administrator
Title and Registration Services**WSR 01-17-064****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 15, 2001, 3:24 p.m.]

Subject of Possible Rule Making: Medical nutrition therapy program (formerly known as nutritional counseling services).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Medical nutrition therapy provides coverage of medically necessary nutritional counseling services for DSHS clients. This rule will describe medical nutrition therapy benefits and limitations, who is eligible for the services, and provider requirements.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Kevin Sullivan, Regulatory Improvement Coordinator, Medical Assistance Administration, Mail-stop 45533, Olympia, WA 98504-5533, phone (360) 725-1344, fax (360) 586-9727, TDD 1-800-848-5429, e-mail sullivan@dsht.wa.gov.

August 15, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit**WSR 01-17-077****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed August 16, 2001, 10:56 a.m.]

Subject of Possible Rule Making: New rules governing the collection of real estate contracts and other evidence of debt by escrow agents, and amendments to the escrow rules governing trust accounting, the responsibilities of the designated escrow officer, and the purpose of the \$10,000 surety bond required when the fidelity bond has a deductible.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.44.400 and 18.44.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many escrow agents, particularly in eastern Washington, provide escrow services for the collection of real estate contracts and other evidence of debt. The existing rules provide little guidance to licensees or the agency regarding the standards for conducting such business. The proposed rules will provide definitions and standards for escrow instructions, trust accounting, recordkeeping, and the rights of the parties to obtain information about their account.

Trust accounting amendments will clarify the meaning of the statute and allow escrow agents to transfer their fees out of the trust account with a single check each month. This will allow escrow agents to manage these transfers more efficiently and at a lower cost.

A rule on supervision by the designated escrow officer will clarify the responsibility of the designated escrow officer to physically supervise the office for which they are responsible. The rule will provide guidance to escrow agents in employing designated escrow officers.

A rule clarifying that the purpose of the surety bond required when the fidelity bond has a deductible is to cover the deductible on the fidelity bond. The rule will protect consumers whose claims against an escrow agent for violations of the statute or rules are not covered as a result of the deductible on the fidelity bond.

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

Process for Developing New Rule: The department is developing the proposed rule through public meetings with a task force of the escrow commission and will discuss the proposed rule in public meetings of the escrow commission prior to hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by attending meetings of the task force working on rule development or by attending escrow commission meetings. Contact Mark Thomson, Director of Consumer Services, at (360) 902-8787, or mthomson@dfi.wa.gov, or Jeanette Terry at (360) 902-8786 or jterry@dfi.wa.gov.

August 16, 2001
Mark Thomson
Director of
Consumer Services

WSR 01-17-083**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 16, 2001, 3:50 p.m.]

Subject of Possible Rule Making: Special restrictions to be placed upon pesticides containing the active ingredient clopyralid.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Turf clippings and other plant materials are often recycled to composting facilities. There is some evidence that turf clippings from sites treated with clopyralid may contain clopyralid residues when the compost is sold. The clopyralid residues on turf clippings are not breaking down as rapidly as anticipated during the composting process. Consequently, the compost when used around sensitive plants has damaged sensitive plants.

Restrictions are intended to prevent clopyralid residues in compost at levels which may be damaging to plants grown in or around compost.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Environmental Protection Agency (EPA). The EPA regulates the use of pesticides primarily through the pesticide label. EPA has delegated WSDA Pesticide Management Division as the state lead agency for the enforcement of pesticide regulations in Washington state. EPA will be apprised during the entire rule-making process and be offered an opportunity to provide comments.

Department of Ecology (DOE). DOE regulates compost through its solid waste rules. DOE will be apprised during the entire rule-making process and be offered an opportunity to provide comments.

Process for Developing New Rule: A technical advisory committee consisting of key stakeholders will be established as an aid in developing a new rule if necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To comment contact Cliff Weed, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, (360) 902-2040,

fax (360) 902-2093, or e-mail cweed@agr.wa.gov. Comments must be received by September 28, 2001.

August 16, 2001

Ann Wick

Acting Assistant Director

WSR 01-17-096**PREPROPOSAL STATEMENT OF INQUIRY
SALMON RECOVERY FUNDING BOARD**

[Filed August 20, 2001, 12:07 p.m.]

Subject of Possible Rule Making: WAC 420-12-060 Disbursement of funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.85.120 [(1)(b)].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 77.85.140, "project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the Salmon Recovery Funding Board (SRFB) within thirty days of project completion." The purpose of this WAC is to further explain the meaning of "approved for funding" and "project completion." That is, SRFB will issue reimbursement within thirty days of the sponsor's completion of the billing requirements described in the board's reimbursement policies, Manual 8.

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

Process for Developing New Rule: Our intent is to advance this rule proposal through a participatory process that includes distribution of copies of the recommended changes to the SRFB advisory committees and other interested parties, including any who have asked to be placed on our WAC notification listing. We will encourage comments via mail, e-mail, telephone, and in person. Based on any comments, revisions will be considered before presentation of final recommendations to the SRFB for adoption in an advertised and open public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing questions and comments to Greg Lovelady, Rules Coordinator, Salmon Recovery Funding Board, Natural Resources Building, P.O. Box 40917, Olympia, WA 98504-0917, e-mail gregl@iac.wa.gov, phone (360) 902-3008, TDD (360) 902-1996, fax (360) 902-3026.

August 16, 2001

Greg Lovelady

Rules Coordinator

WSR 01-17-101
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed August 20, 2001, 4:01 p.m.]

Subject of Possible Rule Making: Reasonable use exception.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.370 and 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Forest Practices Board is considering a reasonable use exception to the forest practices rules. This exception would be available to landowners that can demonstrate that application of the forest practices rules would deny all or substantially all reasonable economic uses of the property. The reasonable use exception would be classified as Class IV-Special and would be subject to SEPA review. Approval of a reasonable use exception could result in allowing forest practices to proceed that would otherwise be prohibited.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Forest Practices Board is charged with establishing rules to protect the state's public resources while maintaining a viable forest products industry.

Process for Developing New Rule: The Forest Practices Board recognizes and encourages collaborative efforts to build solutions to pressing forest practices issues. Participants who would help in the rule development process would consist of representation by timber interests, environmental interests, state agencies, local government, federal agencies, tribal governments and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Rules Coordinator, Forest Practices Board, Department of Natural Resources, Forest Practices Division, 1111 Washington Street, 4th Floor, P.O. Box 47012, Olympia, WA 98504-4701, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

August 20, 2001
 Pay McElroy
 Executive Director of
 Regulatory Programs

WSR 01-17-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 01-08—Filed August 20, 2001, 4:32 p.m.]

Subject of Possible Rule Making: This rule making would add "turbidity" to the list of parameters that do not require lab accreditation for analysis and reporting. The rule making will be very narrow in focus and limited to this single revision. There are three WACs (WAC 173-216-125, 173-220-210, and 173-226-090) where the listed exceptions occur. Ecology typically includes monitoring and reporting requirements in permits that authorize the discharge of waste-

water to waters of the states. Monitoring provides information about the discharge of wastewater and can be used for regulatory purposes including enforcement actions. All monitoring data required by the permit must be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC except for the parameters: Flow, temperature, settleable solids, conductivity, pH and parameters used solely for internal process control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of these rules provides improved options for the regulated community to comply with permit conditions with no increase in risk to the environment. In past permitting actions there was a strong message that lab accreditation and associated fees for turbidity monitoring were a significant disincentive for permittees that might otherwise invest in a turbidity meter and conduct their own testing. Environmental efforts are better served when permittees conduct their own onsite turbidity tests. Like pH, turbidity is a good indicator test and in the stormwater realm, perhaps even more useful for on the spot analysis of the effectiveness of best management practices designed to keep pollutants out of stormwater. Field turbidity meters are available that are at least as easy to use correctly as a pH meter, which does not require lab accreditation for use in monitoring and reporting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Energy Facility Site Evaluation Council issues wastewater discharge permits for energy facilities that fall under their jurisdiction.

Process for Developing New Rule: We intend to inform the public through mailings, a webpage, and a public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keith Johnson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6442, kjoh461@ecy.wa.gov; or Poppy Carre, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6442, poca461@ecy.wa.gov. Anyone wanting additional information or desiring to comment on this possible rule making should contact either parties above or visit our webpage at <http://www.ecy.wa.gov/programs/wq/turbidity>.

August 20, 2001
 Megan White, P.E.
 Water Quality Program Manager

WSR 01-17-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 22, 2001, 10:23 a.m.]

Subject of Possible Rule Making: Revisions to the Group A Public Water System Regulation, chapter 246-290 WAC, are necessary to be consistent with federally promulgated Environmental Protection Agency (EPA) rules and reg-

ulations. The revisions that will be made to chapter 246-290 WAC will include those sections associated with: Surface water sources or ground water under the influence of surface water; sources that use a disinfectant; monitoring, reporting, maximum contaminant levels, follow-up action, and public notification regarding lead and copper; public notification; and source approval, monitoring, reporting and maximum contaminant levels for radionuclides.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The primacy agreement between the Department of Health and EPA outlines a number of activities that the department must do in order for the DDW to maintain primacy for Group A public water systems in the state. One of these activities involves rule adoption such that state regulations be consistent with federal rules. The public health objectives of the rules are to: (1) Strengthen protection against microbial contamination, while not causing increases in disinfection byproducts; (2) strengthen protection against radionuclides in drinking water; and (3) ensure consumers are apprised of the quality of their drinking water.

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

Process for Developing New Rule: The department will recruit interested parties to help in revising the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For more information contact Meliss Maxfield, Program Development Section, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3126, (360) 236-2253. Stakeholders will be involved through the Water Supply Advisory Committee and the Water Utility Council. In addition, the draft rule will be available for comment upon request.

August 20, 2001
M. C. Selecky
Secretary

WSR 01-17-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Massage)

[Filed August 22, 2001, 10:25 a.m.]

Subject of Possible Rule Making: In 2001, SSB 5621 (chapter 297, Laws of 2001) amended the statute governing massage therapy (chapter 18.108 RCW) by creating endorsements for small or large animal practitioners. Rules need to be developed defining small and large animals as well as rules addressing the training required for the endorsements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.108 RCW (chapter 297, Laws of 2001).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Animal massage practitioners need to know the difference between small and large ani-

mals and the training required to ensure that practitioners can practice in Washington.

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

Process for Developing New Rule: Collaborative rule making. Public forums will be conducted throughout the state soliciting input and recommended language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirby Putscher, Program Manager, Health Professions Section Three, Massage Program, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 235-4868, fax (360) 664-9077.

August 20, 2001
M. C. Selecky
Secretary

WSR 01-17-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 22, 2001, 10:39 a.m.]

Subject of Possible Rule Making: Increase the maximum allowed tank size for pesticide temporary field storage containers used for soil fumigants.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule (WAC 16-229-010) limits the size of pesticide temporary field storage containers to 2,500 gallons. This limitation has become a concern of applicators and growers who are using soil fumigants. Soil fumigants are often used at rates of fifteen to twenty-five gallons per acre and higher. A large percentage of soil fumigant users grow upwards of four hundred acres of crops often on the same farm. Given the rate per acre, number of acres to be treated, the current tank size are inadequate in that the field storage tanks will have to be filled several times. Larger tanks would present a greater degree of safety than smaller tanks for the following reasons. Spills are most likely to occur during transfer from trucks into temporary field storage tanks. It is less hazardous to have an operator empty a 5,000 gallon tank truck into a field storage tank that can hold that capacity rather than a tank that can hold half that capacity.

The current 2,500 gallon restriction results in a substantial increase in the number of times the product is transferred, increasing the risk of accidental spills. Larger tank allowances would reduce the number of road miles in the delivery of soil fumigants.

Without an increase in the allowable tank size for field storage dealers will be forced to make multiple trips to and from the tanks, increasing exposure of trucks to transportation accidents.

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

cies: Environmental Protection Agency (EPA). The EPA regulates the use of pesticides primarily through the pesticide label. EPA has delegated WSDA Pesticide Management Division as the state lead agency for the enforcement of pesticide regulations in Washington state. EPA will be apprised during the entire rule-making process and be offered an opportunity to provide comments.

Department of Ecology (DOE). DOE will be apprised during the entire rule-making process and be offered an opportunity to provide comments.

Process for Developing New Rule: A technical advisory committee consisting of key stakeholders will be established as an aid in developing a new rule if necessary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To comment contact Cliff Weed, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, (360) 902-2040, fax (360) 902-2093, or e-mail at cweed@agr.wa.gov. Comments must be received by September 28, 2001.

August 22, 2001

Bob Arrington
Assistant Director

WSR 01-17-119

PREPROPOSAL STATEMENT OF INQUIRY

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed August 22, 2001, 10:40 a.m.]

Subject of Possible Rule Making: WAC 139-01-400 through 139-01-410, facility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules to define use, licensee's responsibility, care and maintenance and use fees of the Criminal Justice Training Center (CJTC) facility and equipment. Results of new legislation transferring facility from General Administration (GA) to CJTC.

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 Sharon M. Tolton, Criminal Justice Training Center, 19010 1st Avenue South, Seattle, WA 98148-2055, (206) 835-7345, fax (206) 439-3860.

Criminal Justice Training Commission meetings, September 12, 2001, and December 12, 2001.

August 22, 2001
Sharon M. Tolton
Deputy Director

WSR 01-17-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 22, 2001, 10:43 a.m.]

Subject of Possible Rule Making: Amending WAC 458-16-110 Applications—Who must file, initial applications, annual declarations, filing fees, penalties, and refunds, 458-16-120 Appeals and notice of determination, 458-16-130 Change in taxable status of nongovernmental real property, and 458-16-150 Cessation of use—Taxes collectible for prior years.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-16-110 explains the application procedures to apply for and renew real and personal property tax exemptions provided under chapter 84.36 RCW. WAC 458-16-120 explains how a property owner may appeal a denial of an application for tax exemption by the department. WAC 458-16-130 explains what occurs when a change in ownership or use of property owned or used by a nongovernmental entity causes the property to either gain or lose its tax-exempt status. WAC 458-20-150 explains what occurs when property loses its tax-exempt status and is placed back on the tax rolls. These rules need updating to incorporate changes to the underlying statutes since the rules were last adopted.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of anticipated changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Kim M. Qually, Counsel, Department of Revenue, Legislation and Policy Division, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6113, fax (360) 664-0693, e-mail kimq@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 1025 Union Avenue S.E., 4th Floor Large Conference Room, Olympia, WA, on September 25, 2001, at 10 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

August 22, 2001
Claire Hesselholt, Rules Manager
Legislation and Policy Division



WSR 01-16-113
 PROPOSED RULES
 BENTON CLEAN AIR AUTHORITY

[Filed July 30, 2001, 11:39 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4), 70.94.141.

Title of Rule: Regulation 1.

Purpose: Establish fee schedule for Notice of Construction and Asbestos programs; revise fee schedule for Source Registration Program; revise Article 5 Open Burning to bring into compliance with state law, general housekeeping, throughout regulation.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Full cost recovery for program expenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David A. Lauer, 650 George Washington Way, Richland, WA 99352, (509) 943-3396.

Name of Proponent: Benton Clean Air Authority, 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: Establishes and revises fee schedules in order to achieve cost recovery on existing programs.

Current burn regulations in Article 5 are less stringent than state law, which was revised in April 2000. Those changes have been incorporated into Article 5 revision.

Hearing Location: Benton County Annex, Conference Room, 5600 West Canal, Kennewick, WA 99336, on October 18, 2001, at 6:00 p.m.

Submit Written Comments to: David A. Lauer, 650 George Washington Way, Richland, WA 99352, fax (509) 943-2232, by October 17, 2001.

Date of Intended Adoption: October 18, 2001.

July 26, 2001

Terry Flores

Administrative Assistant III

ARTICLE 5

Outdoor Open Burning

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

Section 5.01 Reserved

Section 5.02 Authority Implementation

A. General Requirements Open burning in Benton County will be regulated using the "General Rule Burn" permitting system described in WAC 173-425-070. This system, which provides a limited number of days when open burning is allowed, will be implemented and enforced by the BCAA within all city limits and urban growth areas in Benton County. The BCAA will provide a spring window and fall window when burn days will be specified as established by WAC 173-425-070 or Board decision. Within each window, the BCAA will make daily burn decisions based on current monitoring and meteorological information. This information will be provided daily on a published burn message phone line, and/or through the local media. Open burning is restricted at all other times throughout the year, except as defined in Section 5.02 (B) and (C), or with a Special Burn Permit as described in Section 5.02(F) below.

1. Definitions of all terms in this article are as defined in WAC 173-425-030.

2. No outdoor burning shall be allowed on any construction or demolition sites (except for fire training, which requires a special burn permit).

3. There are no restrictions on burning tumbleweeds, which have been blown by the wind, regardless of location within Benton County or the current "burn day" status.

B. For all areas within Benton County which are outside of all city limits and urban growth areas, open burning for residential purposes may be conducted without a permit (or permission) and without the payment of a fee except for those outlined in Section 5.02 (D)(2), (D)(8), (D)(9), and (F)(2) below: Inside Urban Growth Areas (UGA)

1. After January 1, 2001 residential and land clearing burning is prohibited inside UGA's with a population greater than 5,000.

2. For UGA's within Benton County with a population less than 5,000, the BCAA Board of Directors will determine the availability of reasonable alternatives to burning. If the BCAA Board determines reasonable alternatives are not currently available and the population is less than 5,000, eight days per year will be granted for burning in that area. The eight days will be equally assigned to two burn periods, four days each in spring and fall. The BCAA will make daily burn decisions, based on current monitoring and meteorological information, until four days have been granted within each period.

a. After January 1, 2006, residential and land clearing burning will be prohibited in UGA's with a population less than 5,000.

b. In any UGA, which at anytime before January 1, 2006 attains population greater than 5,000 or which reasonable alternatives are established as of January 1, 2003 by the BCAA Board of Directors, residential and land clearing burning will be prohibited.

C. There are no restrictions on burning tumbleweeds which have been blown by the wind, regardless of location within Benton County or the current "burn day" status: Outdoor Burning Outside of Urban Growth Areas

PROPOSED

1. Residential burning can be conducted only on designated burn days and in accordance with the following rules: A person burning under this section must follow these requirements and restrictions:

1. a. Unless otherwise specified, on "burn days" open burning may be conducted in areas where open burning is allowed only between the hours of 9 a.m. and one hour before sunset.

2. b. The fire must not include the following materials: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal or any substance (other than natural vegetation) ~~which when burned that normally~~ releases toxic emissions, dense smoke, or obnoxious odors ~~when burned~~.

3. c. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

4. d. No fires are to be within fifty feet of structures.

5. e. The pile must not be larger than four feet by four feet by three feet.

6. f. Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

7. g. No outdoor fire is permitted in or within 500 feet of forest slash.

8. h. If the fire creates a nuisance, it must be extinguished.

9. i. Permission from the landowner or the landowner's designated representative must be obtained before starting an open fire.

j. Material to be burned in a residential fire must be generated at the residence where the burn occurs.

k. The use of a burn barrel is prohibited anywhere in Benton County. Legal outdoor containers used for burning must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch. Only natural vegetation can be burned in an outdoor container.

2. To designate residential burn days outside of the UGA, the BCAA will make daily burn decisions based on current monitoring and meteorological information. The daily burn decision will be provided daily on a published burn message phone line, and/or through the local media.

3. All land clearing burning outside of the UGA requires a written special burn permit as provided in Section D of this article.

~~E. No open burning shall be allowed on sites where active construction or demolition activities are occurring.~~

D. Special burning permits

1. No building, structure, or vessel may be demolished by intentional burning, ~~either for demolition or for fire training~~, without a written approval, in the form of a special burning permit, from the Authority. The special burn permit will contain restrictions regarding prohibited materials, fire safety, asbestos removal or demolition, and other restrictions as deemed necessary. Special burn permits shall be subject to a fee as described in ~~Section 10.09 Article 10~~.

~~2. A special burn permit is required for No burning of large quantities of unprocessed or processed natural vegetation, except as provided under Section 5.02(D), accumulated from land clearing or other activities or events is allowed except by written special permit from the Authority. Such s Special burning permits will specify restrictions and conditions on a case by case basis. Special burning permits shall be subject to a fee as described in Section 10.09 Article 10.~~

3. Agricultural burning as defined in WAC 173-430-020 on commercially viable agricultural enterprises is exempted from special burn permits.

~~3. 4. Application for a When anyone under the jurisdiction of this Authority would like to apply for a special burning permit, which allows to allow them to perform an operation or procedure otherwise not granted under this Article, must be they may submitted a request for special burn permit at least five (5) working days prior to the proposed activity, to the Authority with a An application fee as described in Section 10.09 Article 10 must be paid at the time of application. Payment of the application fee shall not guarantee the applicant that the request will be approved. The request for special burn permit must include the name, address and phone number of the applicant, a detailed explanation of the requested special permit, purpose of the special permit, and how the applicant would incur hardship without the special permit.~~

5. Special Burn Permits for the fire training

a. Fire training to fight structural fires inside UGA's requires a written special burn permit.

b. Fire training to fight structural fires outside of the UGA no permit is required. However, a written notification must be filed with the BCAA prior to conducting the training fire as provided in RCW 52.12.15.

c. No permit is required for fire training for aircraft fires as provided in RCW 70.94.650.

d. No permit is required for fire training to control forest fires as provided in RCW 70.94.

6. Hauling or transfer of materials

a. Because no outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning is prohibited, a special burn permit will not be issued for such a fire.

b. The BCAA may issue a special burn permit for vegetative material hauled from areas where outdoor burning of the material is allowed.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

ARTICLE 6

Agricultural Burning

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 6.01 Reserved

Section 6.02 Authority Implementation

A. For the purpose of this section agricultural burning does not include incidental agricultural burning as listed in

RCW 70.94.745. All other agricultural burning - requires a written agricultural burning permit.

B. Agricultural burning permit applications and agricultural burning permits for Benton County farmers are available from the BCAA and are subject to the fees described in Article 10 Section 10.10.

C. Agricultural burning will be allowed only on designated "burn days". The Authority will make daily "burn" or "no-burn" designations based on current monitoring and meteorological data. This information will be provided daily on a published burn-message phone line, and/or through the local media.

D. A person burning under this section must follow these requirements and restrictions:

1. Unless otherwise specified, on "burn days" agricultural burning may be conducted in areas where burning is allowed only between the hours of 9 a.m. and one hour before Sunset.

2. It is the responsibility of those conducting agricultural burning to be informed of any additional fire safety rules as determined by their local fire district or county.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

ARTICLE 8

Asbestos

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 8.01 CFR Adoption by Reference.

This article adopts all provisions of the following Code of Federal Regulations (CFR) by reference and makes it a part of Regulation 1 of this Authority: **CFR 40 Part 61 Subpart M "National Emission Standard for Asbestos"** and **CFR 40 Part 763 Subpart E "Asbestos Containing Materials in Schools."**

Section 8.02 Authority Implementation

A. Definitions

1. Residential asbestos projects are defined as the renovation of any residential unit component or contents containing category I and II non-friable asbestos containing material (ACM) or regulated asbestos containing material (RACM), as defined in CFR 40 Part 61 Subpart M occurring in or on a residential unit.

2. Residential units are defined as any building with four or fewer dwelling units each containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include any facility that contains a residential unit.

B. All Section 8.01 requirements shall apply to asbestos renovation and demolition projects that are greater than 48 square feet or 10 linear feet, (unless the surface area of the pipe is greater than forty-eight feet) and are subject to the notification requirements and fee schedule described in Section 10.07.

C. Operators (Certified Asbestos Abatement Contractors) who perform residential asbestos projects are subject to the requirements of Section 8.03(A) only when RACM is involved. D. Only resident owners who occupy the residence and certified asbestos abatement contractors may conduct residential asbestos projects.

E. Resident owners performing their own residential asbestos projects for ACM and/or RACM are subject to the following requirements:

1. A written notification on forms provided by the Authority shall be submitted to the Authority ten (10) working days prior to the asbestos removal.

2. A filing fee as described in Article 10 Section 10.07 of this Regulation shall accompany the written notice.

3. The owner of a residential project must participate in a prescribed educational program prepared by the Authority concerning the hazards of asbestos removal in the home. This program may include, but may not be limited to:

a. Watching an informational video,

b. Agreement to read and understand informational pamphlets, provided by the Authority, concerning proper residential asbestos removal. Any questions pertaining to this material shall be addressed by the Authority.

4. If after reviewing the notification form, interviewing the applicant about methods of removal and disposal, and inspecting the site as deemed necessary, the Authority may grant permission for owner or operator, or require a certified asbestos contractor to perform removal.

F. A demolition project under Section 8.01 and 8.02 that contains no asbestos requires ten (10) working day advance notification.

G. All residential demolition projects are subject to the provisions of 8.01,

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

Section 8.03 Unexpected Discovery of Asbestos

A. In the event of an unexpected discovery of asbestos during a renovation or demolition project, which was originally thought to contain no asbestos, the requirements of either Section 8.01 or 8.02 are applicable, and all work must stop until these requirements have been met.

B. During an approved renovation or demolition project, if an unexpected discovery of additional asbestos is made which increases the project by 20% or greater than originally reported, an amendment or emergency waiver form must be filed with the Authority before work may continue.

Section 8.04 Emergency Safeguards for the Public in the Case of Asbestos Spills or Scattering of Suspected Asbestos Material

A. In all such instances the suspected material shall be considered asbestos, and treated with proper precautions until such time as it is determined not to contain asbestos.

B. Immediate action shall be taken to contain the spill and to prevent entry of unprotected and/or unauthorized persons; methods shall include but are not limited to:

1. Roping off contaminated areas, danger signs may be considered appropriate in open areas.

2. Locking or barring doors in buildings.

C. A call shall be placed to the appropriate emergency response center to provide them with the necessary information so that they may notify the BCAA and/or respective law enforcement agency on an emergency basis.

of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

2. Registration form. Registration information shall be provided on forms supplied by the BCAA and shall be completed and returned within the time specified on the form. Emission units within the facility shall be listed separately unless the BCAA determines that certain emission units may be combined into process streams for purposes of registration and reporting.

3. Signatory responsibility. The owner, operator, or their designated management representative shall sign the registration form for each source. The owner or operator of the source shall be responsible for notifying the BCAA of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

4. Operational and maintenance plan. Owners or operators of registered sources within Benton County shall maintain an operation and maintenance plan for process and control equipment. The plan shall reflect good industrial practice and shall include a record of performance and periodic inspections of process and control equipment. In most instances, a manufacturer's operations manual or an equipment operation schedule may be considered a sufficient operation and maintenance plan. The plan shall be reviewed and updated by the source owner or operator at least annually. A copy of the plan shall be made available to the BCAA upon request.

5. Report of closure. A report of closure shall be filed with the BCAA within ninety days after operations producing emissions permanently cease at any applicable source under this section.

6. Report of change of ownership. A new owner or operator shall report to the BCAA within ninety days of any change of ownership or change in operator.

7. Operating permit program source exemption. Permit program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of this section.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

Section 9.02 ~~Source Classification~~ Registered Sources.

The Authority regulates the classes of air contaminant sources under the authority of RCW 70.94.151. Air contaminant sources whether publicly or privately owned shall register with the Authority unless exempted under Section 9.04 of this Article. The following sources are required to register with the BCAA:

A. All sources that are required to register with Ecology according to WAC 173-400-100 in (General Regulations for Air Pollution Sources).

B. All facilities required to register according to WAC 173-491 (Emission Standards and Controls for Sources Emitting Gasoline Vapors).

C. Any existing stationary source, which if new, the federal standard of performance (NSPS) would be applicable according to WAC 173-400-115 (Standards of Performance for New Sources).

D. Any existing source, which if new, would be subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP).

E. Any new or existing source of toxic air pollutants as defined in WAC 173-460-020, which exceeds small quantity emission rates defined in WAC 173-460-080.

F. Any new source category and any existing source, which if new, would be required by WAC 173-400-110 to undergo New Source Review.

G. Permanently located abrasive blasting operations.

H. Any other source deemed registerable by the Control Officer or BCAA Board to be registered.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Section 9.03 Source Classification

A. Class 1. Sources emitting a less than or equal to 20% of the amount of the regulated pollutants listed in WAC 173-400-030(68) are considered to be Class 1 sources.

B. Class 1 Toxic Source. Sources that emit less than or equal to 1.0 ton of any single or a combined total of less than or equal to 2.5 tons of any multiple toxic air pollutants as listed in Section 112 (b)(1) of the FCAA, WAC 173-460-150, or 173-460-160 are considered to be Class 1 Toxic Sources.

C. Class 2. Sources emitting a base amount of more than 20% of the amount of the regulated pollutants listed in the definition of significant emissions in WAC 173-400-030, except major sources as defined in WAC 173-401-200, which are eligible for the Federal Clean Air Act Title 5 air operating permits.

D. Class 2 Toxic Source. Sources that emit more than 1.0 ton of any single or a combined total of more than 2.5 tons of any multiple toxic air pollutants as listed in Section 112 (b)(1) of the FCAA, WAC 173-460-150, or 173-460-160 are considered to be Class 1 Toxic Sources.

E. Class 3 sources are those sources that meet the requirements for permitting under the air operating program as described in WAC 173-401.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Section 9.04 Sources exempt from Registration

A. Sources that meet the requirements of an exempt source as defined by WAC 173-400-102(5) will be exempt from BCAA source registration.

B. Other sources deemed non-registerable by the Control Officer or BCAA Board will be exempt from BCAA source registration.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

ARTICLE 10

Fees and Charges

ADOPTED: April 18, 1996

EFFECTIVE: May 25, 1996

Section 10.01 Fees and Charges Required

A. A fee or service charge shall be paid to the Authority for issuance of permits and for providing services as herein-after provided.

B. Upon approval by the BCAA Board of Directors as part of the annual budget process, fees may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.

Section 10.02 Fees Otherwise Provided

All fees and charges provided for in this Article are in addition to fees otherwise provided for or required to be paid by Regulation 1, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of this Regulation.

Section 10.03: Fee Waiver, Indigency

The Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver, Indigency Form supplied by the Authority.

Section 10.04: General Administrative Fees

A. A fee of fifteen cents (\$.15) per page shall be charged for photocopies.

B. A fee of twenty dollars (\$20.00) per hour will be charged for research time for requests covering more than one-hour of staff time.

C. A fee of ten dollars (\$10.00) will be charged per copy of audio or video materials.

D. The actual cost of postage or shipping shall be charged for all material requested to be mailed.

E. For other administrative services requested and performed by Authority staff which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

Section 10.05: ~~Registration Fees for Air Contaminant Sources~~ Class 1 and Class 2 Registered Source Fees

A. The Authority shall charge an annual registration fee pursuant to RCW 70.94.151. The Authority shall levy annual registration fees for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Board will review the registration program on an annual basis.

B. All air contaminant sources required by Section 9.02 to be registered shall be divided into the following three categories and are subject to the applicable fee:

~~1. Class 1 sources are defined as all sources emitting pollutants, unless otherwise exempted by law or contained in Class 2 or Class 3. Class 1 sources shall pay an annual registration fee equal to a base fee of two hundred dollars (\$200.00) plus ten dollars (\$10.00) per ton of pollutant emitted plus fifteen dollars (\$15) per emission point, of one hundred dollars (\$100.00) at the time of registration.~~

~~2. Class 1 toxic sources are defined as sources listed in WAC 173-460-020, unless otherwise exempted by law or contained in Class 2 or Class 3. Class 1 toxics sources shall pay an annual registration fee equal to a base fee of two hundred dollars (\$200.00) plus one hundred dollars (\$100.00) per ton of pollutant emitted plus fifteen dollars (\$15) per emission point.~~

~~2-3.~~ Class 2

~~a. Class 2 sources shall pay an annual registration fee at the time of registration. In no case shall the fee so calculated be less than three hundred fifty dollars (\$350.00) per year.~~

~~Sources emitting a base amount of more than 20% of the amount of the regulated pollutants listed in the definition of significant emissions in WAC 173-400-030, except major sources as defined in WAC 173-401-200, which are eligible for the Federal Clean Air Act Title V air operating permits. For these emission sources, the Class 2 fee shall be an amount equal to the average BCCAA BCAA "per ton" fee for air operating permittees times the actual tons of pollutants emitted each year in excess of the above defined base amount.~~

~~a. Class 2 sources shall pay an annual registration fee equal to a base fee of six hundred dollars (\$600.00) plus ten dollars (\$10.00) per ton of pollutant emitted plus fifteen dollars (\$15.00) per emission point at the time of registration.~~

~~e. b. Class 2 toxic sources are those sources emitting more than 1 one (1) ton of a single or more than 2.5 tons of a combination of toxic substances as defined in WAC 173-460-020, except major sources as defined in RCW 70.94.030(17); (Section 10.05(B)(2)(b)). The Class 2 fee for sources emitting toxic pollutants shall be an amount equal to the average BCCAA "per ton" fee for air operating permittees times the actual tons of toxic pollutants over the above defined base~~

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~~amount times a factor of seven (7). Class 2 toxic sources shall pay an annual registration fee equal to a base fee of six hundred dollars (\$600.00) plus one hundred dollars (\$100.00) per ton of pollutant emitted plus fifteen dollars (\$15.00) per emission point at the time of registration.~~

~~3- 4. Class 3 sources are those sources that meet the requirements for permitting under the air operating program as described in WAC 173-401. Class 3 sources are subject to the fee schedule outlined in Section 10.08 of this Regulation.~~

C. All gasoline facilities required by Section 9.02 to be registered shall register annually in accordance with WAC 173-491-030 and pay the following annual fees:

1. Gasoline Loading Terminals: ~~one thousand dollars (\$1,000.00) plus ten dollars (\$10.00) per ton of pollutant emitted, five hundred dollars (\$500.00),~~

2. Bulk Gasoline Plants: ~~four hundred dollars (\$400.00) plus ten dollars (\$10.00) per ton of pollutant emitted, two hundred dollars (\$200.00), and~~

3. Gasoline Dispensing Facilities: ~~one hundred dollars (\$100.00) a base fee of two hundred dollars (\$200.00) plus ten dollars (\$10.00) per ton of pollutant emitted.~~

a. ~~With less than 500,000 gallons of annual throughput the fee shall be \$150.00.~~

b. ~~With greater than 500,000 but less than 1.5 million gallons of annual throughput the fee shall be \$450,000.~~

c. ~~With greater than 1.5 million gallons of annual throughput the fee shall be \$900.00.~~

d. ~~Once classified will remain in a higher throughput classification for a period of two (2) years consecutive years before reassignment to a lower classification.~~

~~D. Upon approval by the BCAA Board of Directors as part of the annual budget process, fees in Section 10.05 may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.~~

D. Fee Payment and Penalties

1. Fee Payment. Each registered source shall pay a fee in the amount reflected. Such fee shall be due on or before February 28 of each year.

2. Late Payment of Fees. BCAA shall charge a penalty to a registered source under its jurisdiction for late payment of all or part of its registration fee at the following rates:

a. Ten percent of the source's total assessed registration fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

b. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

c. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

3. Failure to Pay Fees. The BCAA shall charge a penalty to a registered source under its jurisdiction for failure to pay all or part of its registration fee and/or penalties thereon after ninety

3- 4. Class 3 sources are those sources that meet the requirements for permitting under the air operating program as described in WAC 173-401. Class 3 sources are subject to the fee schedule outlined in Section 10.08 of this Regulation.

C. All gasoline facilities required by Section 9.02 to be registered shall register annually in accordance with WAC 173-491-030 and pay the following annual fees:

1. Gasoline Loading Terminals: ~~one thousand dollars (\$1,000.00) plus ten dollars (\$10.00) per ton of pollutant emitted, five hundred dollars (\$500.00),~~

2. Bulk Gasoline Plants: ~~four hundred dollars (\$400.00) plus ten dollars (\$10.00) per ton of pollutant emitted, two hundred dollars (\$200.00), and~~

3. Gasoline Dispensing Facilities: ~~one hundred dollars (\$100.00) a base fee of two hundred dollars (\$200.00) plus ten dollars (\$10.00) per ton of pollutant emitted.~~

a. ~~With less than 500,000 gallons of annual throughput the fee shall be \$150.00.~~

b. ~~With greater than 500,000 but less than 1.5 million gallons of annual throughput the fee shall be \$300.00.~~

c. ~~With greater than 1.5 million gallons of annual throughput the fee shall be \$900.00.~~

d. ~~Once classified will remain in a higher throughput classification for a period of two (2) years consecutive years before reassignment to a lower classification.~~

~~D. Upon approval by the BCAA Board of Directors as part of the annual budget process, fees in Section 10.05 may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.~~

D. Fee Payment and Penalties

1. Fee Payment. Each registered source shall pay a fee in the amount reflected. Such fee shall be due on or before February 28 of each year.

2. Late Payment of Fees. BCAA shall charge a penalty to a registered source under its jurisdiction for late payment of all or part of its registration fee at the following rates:

a. Ten percent of the source's total assessed registration fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

b. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

c. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

3. Failure to Pay Fees. The BCAA shall charge a penalty to a registered source under its jurisdiction for failure to pay all or part of its registration fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.

4. Other Penalties. Penalties assessed are in addition to and in no way prejudice the BCAA's ability to exercise other civil and criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its registration fee.

5. Facility Closure. Sources that permanently cease operations will be required to pay only a *pro rata* portion of the registration fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source

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ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

6. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay registration fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Section 10.06 Application and Permit Fees for Notice of Construction (NOC) and Application for Approval and for Notice of Intent to Install and Operate a Temporary Source (NIO)

A. All construction under RCW 70.94.152 and 153 shall be required to file a Notice of Construction and Application for Approval (NOC). A filing fee of one hundred fifty dollars (\$150.00) shall be paid at the time of filing the NOC application. If the registration fee required in Section 10.05 also applies to the construction, the filing fee shall be waived.

B. A filing fee of four hundred dollars (\$400.00) shall be paid at the time of filing a NIO application. Each time the temporary source relocates within the boundaries of Benton County, a relocation fee of two hundred dollars (\$200.00) will be charged.

B. For portable air contaminant sources that locate temporarily at particular sites within the Authority's jurisdiction, a Notice of Intent to Operate a Temporary Source and Application for Approval (NIO) must be filed with the Authority. A fee of one hundred dollars (\$100.00) shall be paid at the time of filing the NIO.

C. In addition to the filing fees provided in Section 10.06(A) and (B), when an inspection is deemed necessary by the Authority, a plan review and inspection fee shall be paid at a rate equal to the hourly rate of the Authority's Air Operating Permit Engineer for a period not to exceed 10 hours. In addition to the filing fee, an examination and inspection fee shall be charged according to Table 10-1. Additional fees for administrative or engineering and technical work shall be charged according to Table 10-2

1. Fee amounts in Table 10-1 which are listed as "Actual" are based upon the Authority's actual cost to complete a review or task and shall be determined using the actual or direct hours expended completing the specific review or

task and the corresponding hourly rate of each Authority staff person directly involved. The following provisions shall apply:

a. Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each Authority staff person directly involved in completing the specific task;

b. Time accrued for purposes of determining the amount of a fee for this section shall be accounted for to the nearest 15 minutes;

c. Current employee cost rates shall be used when calculating actual cost-based fees; and,

d. The bill issued for any fee based on the Authority's actual cost shall indicate the total hours expended and the hourly cost rates which were used to determine the fee.

D. State Environmental Policy Act (SEPA) fees under WAC 197-11. For every environmental checklist the Authority reviews when it is Lead Agency, the applicant shall first pay a filing fee of one hundred dollars (\$100.00) the threshold determination fee of fifty dollars (\$50.00) prior to the undertaking of the threshold determination by the responsible official of the Authority. If the Authority decides it must prepare a statement in order to comply with the SEPA before taking any action on a NOC the cost of preparing, publishing, and distributing such a statement at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.

E. The cost of publishing a public notice shall be borne by the applicant or other initiator of the action.

F. D. When an operation for which an NOC or NIO Temporary NOC (less than one year at a location) is required commences prior to making application and receiving approval, the Control Officer or his authorized agent may conduct an investigation as part of the application NIO review. In such a case, an investigation fee of three times the fees required in Section 10.06 hundred dollars (\$300.00) shall be paid in addition to all other required fees in Section 10.06. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

E. Upon approval by BCAA Board of Directors as part of the annual budget process, fees in Section 10.06 may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.

Table 10-1: Notice of Construction Fees

CATEGORY	FEE	CATEGORY	FEE
Fuel Burning Equipment with or without Air Pollution Equipment (million BTU/hr)		Gasoline Dispensing Facilities	
2 or more but less than 5	\$200	Stage I	\$300
5 or more but less than 10	\$250	Stage II	\$300
10 or more but less than 30	\$350	Stage I and II Combined	\$500
30 or more but less than 50	\$450	Toxics review for gasoline facility	\$1,500

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CATEGORY	FEE	CATEGORY	FEE
50 or more but less than 100	\$650	Temporary Source	\$400
100 or more but less than 250	\$1,400	Relocation of Source	\$200
250 or more but less than 500	\$2,500	Spray Painting (per booth)	\$300
500 or more	\$3,500	Dry Cleaner (per machine)	\$300
Fuel change or new fuel 1/2 new installation fee		Coffee Roaster	\$500
Air Discharge Actual CFM Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft³/min)		Asphalt Concrete Plant	
Less than 50	\$300	Initial	\$1,000
50 or more but less than 5,000	\$400	Relocation of Portable Unit	500
5,000 or more but less than 20,000	\$500	Soil Thermal Desorption Unit	
20,000 or more but less than 50,000	\$600	Initial	\$2,000
50,000 or more but less than 100,000	\$700	Relocation of Unit	\$700
100,000 or more but less than 250,000	\$1,000	Odor Source	\$350
250,000 or more but less than 500,000	\$2,000	Composting Facility	Actual
More than 500,000	\$4,000	Landfill Gas System	Actual
Refuse Burning Equip (Tons/day)		Soil and Groundwater Remediation	Actual
0.5 or more but less than 5	\$1,000	All other sources not listed	greater of \$500 or Actual
5 or more but less than 12	\$2,000		
12 or more but less than 250	\$6,000		
250 or more	\$12,000		
Other Incinerators (pPounds/hr)			
Less than 100	\$150		
100 or more but less than 200	\$300		
200 or more but less than 500	\$600		
500 or more but less than 1000	\$1,200		
1000 or more	\$1,500		
Storage Tanks (gal)			
250 or more but less than 10,000	\$300		
10,000 or more but less than 40,000	\$500		
40,000 or more	\$1,000		
Public Noticing	Actual	Variance Request	Actual
Publishing of Public Notices	Actual	Alternative Opacity Limits Review	Actual
Public Hearings	Actual	Construction Begun without Approval	3 times regular fee
Air Toxics Screening (WAC 173-460)		Synthetic Minor Determination	Actual
Review for source supplied ASIL	\$300	Major Source, Major Modification, or PSD Thresholds	Actual
Source supplied risk analysis demo	\$1000	Emission Units subject to NSPS or NESHAPS (except residential woodstoves, heaters, asbestos renovation or demolition and PCE dry cleaning)	Actual
Complete screening procedure	Actual	Construction or Reconstruction of a Major Source of Hazardous Air Pollutants	Actual
NOC Application Assistance	Actual	Each CEM or Alternate Monitoring Device	Actual

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CATEGORY	FEE	CATEGORY	FEE
NOC Applicability Determination	Actual	Each Source Test Required in NOC	Actual
NOC-CEM or Alternate Monitoring Device Installed	Actual	Opacity/Gain Loading Correlation	Actual
SEPA Threshold Determination (lead agency)	Actual	Bubble Application	Actual
Environmental Impact Statement Review . . .	Actual	Netting Analysis	Actual
NOC Approval Modification Lessor of 1/2 fee or \$350 RACT/BACT/MACT/BART/LAER Determination	Actual		
Emission Offset Analysis	Actual		
Emission Reduction Credit (ERC) Application	Actual		

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Section 10.07 State Environmental Policy Act (SEPA) fees

A. For every environmental checklist the Authority reviews when it is Lead Agency, the applicant shall pay a filing fee of one hundred dollars (\$100.00) prior to the undertaking of the threshold determination by the responsible official of the Authority.

B. If the Authority decides it must prepare a statement in order to comply with the SEPA before taking any action on an NOC the cost of preparing, publishing, and distributing such a statement at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer ad such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.

C. Other fees as listed in Table 10-2 may also apply.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

~~Section 10.07~~ **Section 10.08 Asbestos Fees**

A. Any owner or operator of a renovation or demolition activity required by CFR 40 Part 61 Subpart M or Article 8 to notify the Authority prior to starting the renovation or demo-

lition, or required by federal regulation to be approved or inspected by the Authority, shall give the required advance notice and pay a processing fee to the Authority determined by the following: as determined in Table 10-3.

1. All single renovation or demolition projects under Section 8.01 or Section 8.02(B), require a ten (10) working day advance notification on a written "Notice of Intent to Remove Asbestos Materials," and a fifty dollar (\$50.00) fee.

2. Annual notices under Section 8.01, and within the notification requirements of Section 8.02(B), require ten (10) working day advance notification, an annual written application for approval, and a three hundred dollar (\$300.00) fee.

3. An amendment under Section 8.01 or Section 8.02 to an approved renovation or demolition requires prior notification, an amended application, and a twenty-five dollar (\$25.00) fee for the 2nd amendment and any thereafter.

4. An emergency under Section 8.01 or Section 8.02 requires prior notification, an Emergency Waiver Request Letter submitted by the property owner or operator, a Notice of Intent to Remove Asbestos, and a fifty dollar (\$50.00) emergency fee as well as the normal application fee described in this Section.

5. A residential asbestos project under Section 8.02 requires ten (10) working day advance notification, on a "Notice of Intent to Remove Asbestos Materials," form accompanied by a filing fee of ten dollars (\$10.00).

~~1. 6. A demolition project under Section 8.01 and 8.02 that contains no asbestos requires ten (10) working day advance notification.~~

Table 10-3: Asbestos Fees

Type of project	Project Size LF: linear ft SF: square ft	Advanced Notification- Period	Fee	Forms required
Demolition	All	10 working days	\$10	Notice of Intent to Remove Asbestos or to Demolish (NOI)
Asbestos Project	Residential	10 working days	\$10	NOI
Asbestos Project	10 to 259 LF 48 to 159 SF	10 working days	\$125	NOI

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<u>Asbestos Project</u>	<u>260 to 999 LF</u> <u>160 to 4,999 SF</u>	<u>10 working days</u>	<u>\$250</u>	<u>NOI</u>
<u>Asbestos Project</u>	<u>1,000 to 9,999 LF</u> <u>5,000 to 49,999 SF</u>	<u>10 working days</u>	<u>\$500</u>	<u>NOI</u>
<u>Asbestos Project</u>	<u>more than 10,000 LF</u> <u>more than 50000 SF</u>	<u>10 working days</u>	<u>\$1500</u>	<u>NOI</u>
<u>Amendments</u>	<u>All</u>	<u>Prior Notification</u>	<u>\$50 Res</u> <u>\$25</u>	<u>Amended NOI</u>
<u>Annual</u>	<u>All</u>	<u>10 working days</u>	<u>\$1500</u>	<u>NOI</u>
<u>Emergencies</u>	<u>All</u>	<u>Prior Notification</u>	<u>Double</u> <u>Fee Res</u> <u>\$50</u>	<u>NOI & Emergency Waiver</u> <u>Request</u>
<u>Alternate Methods</u>	<u>All</u>	<u>10 working days</u>	<u>Double</u> <u>Fee</u>	<u>NOI & Supporting Docu-</u> <u>mentation</u>

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Section 10.08 Section 10.09 Operating Permit Fees Class 3 Registered Source (Air Operating Permit) Fee

All eligible sources under WAC 173-401 shall be subject to the annual fees described in this section.

A. Permanent annual fee determination and certification

1. Fee Determination

a. Fee Determination. The BCAA shall develop a fee schedule using the process outlined below, according to which it will collect fees from permit program sources under its jurisdiction. The fees shall be sufficient to cover all permit administration costs. The BCAA shall also collect its jurisdiction's share of Ecology's development and oversight costs. The fee schedule shall differentiate as separate line items the BCAA's and Ecology's fees. Opportunities for public participation shall be afforded throughout the fee determination process, as provided in Section 10.08 (A)(3)(a).

b. Fee Eligible Activities. The costs of permit administration and development and oversight activities are fee eligible.

i. Permit Administration. Permit administration costs are those incurred by BCAA in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Eligible permit administration costs are as follows:

(A) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;

(B) Source inspection, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;

(C) 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;

(D) 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;

(E) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(F) Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;

(G) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;

(H) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;

(I) The share attributable to permitted sources of the development and maintenance of emissions inventories;

(J) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;

(K) Training for permit administration and enforcement;

(L) Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;

(M) Required fiscal audits, periodic performance audits, and reporting activities;

(N) Tracking of time, revenues and expenditures, and accounting activities;

(O) Administering the permit program including the costs of clerical support, supervision, and management;

(P) Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the federal clean air act; and

(Q) Other activities required by operating permit regulations issued by the United States Environmental Protection Agency under the Federal Clean Air Act.

ii. Ecology Development and Oversight. Development and oversight costs are those incurred by Ecology in developing and administering the state operating permit program and in overseeing the administration of the program by the delegated local authorities. Development and oversight costs are in Chapter 252, Laws of 1993 Section 6 (2)(b).

c. Workload Analysis.

i. The BCAA shall conduct an annual workload analysis projecting resource requirements for the purpose of facilitating budget preparation for permit administration. The workload analysis shall include resource requirements for both the direct and indirect costs of the permit administration activities in Section 10.08 (A)(1)(b)(i).

ii. Ecology will, for the two-year period corresponding to each biennium, identify the development and oversight activities that it will perform during that biennium. The eligible activities are those referenced in Section 10.08 (A)(1)(b)(ii).

d. Budget Development. The BCAA shall annually prepare an operating permit program budget. The budget shall be based on the resource requirements identified in an annual workload analysis and shall take into account the projected fund balance at the start of the calendar year. The BCAA shall publish a draft budget for the following calendar year on or before May 31 and shall provide opportunity for public comment thereon in accordance with 10.08 (A)(3)(a). The BCAA shall publish a final budget for the following calendar year on or before June 30.

e. Allocation Methodology.

i. Permit Administration Costs. The BCAA shall allocate its permit administration costs and its share of Ecology's development and oversight costs among the permit program sources for whom it acts as permitting authority, according to a three-tiered model based upon:

(A) the number of sources under its jurisdiction;

(B) the complexity of the sources under its jurisdiction, and

(C) the size of the sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted. The quantity of each regulated pollutant emitted by a source shall be determined based on the annual emissions data during the most recent calendar year for which data is available. Each of the three tiers shall be equally weighted.

ii. Ecology Development and Oversight Costs. Ecology will allocate its development and oversight costs among all permitting authorities, including the BCAA, based upon the number of permit program sources under the jurisdiction of each permitting authority. If Ecology determines that it has incurred extraordinary costs in order to oversee a particular permitting authority and that those costs are readily attributable to the particular permitting authority, Ecology may assess to that permitting authority such extraordinary costs.

f. Fee Schedule. The BCAA shall issue annually a fee schedule reflecting the permit administration fee and Ecology's development and oversight fee to be paid by each permit program source under its jurisdiction. The fee schedule shall be based on the information contained in the final source data statements for each year; the final source data statements shall be issued after opportunity for petition and review has been afforded in accordance with Section 10.08 (A)(4).

2. Fee Collection - Ecology and BCAA.

a. Collection from Sources. The BCAA, as a delegated local authority, shall collect the fees from the permit program sources under its jurisdiction.

i. Permit Administration Costs. The BCAA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its permit administration costs.

ii. Ecology Development and Oversight Costs. The BCAA shall collect from permit program sources under its jurisdiction fees sufficient in the aggregate to cover its share of Ecology's development and oversight costs.

b. Dedicated Account.

i. All receipts from fees collected by the BCAA, as a delegated local authority, from permit program sources pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall be deposited in the dedicated accounts of its treasury. Expenditures from these dedicated accounts will be used only for the activities described in RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.

ii. All receipts from fees collected by BCAA on behalf of Ecology from permit program sources pursuant to RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993 shall be deposited in the air operating permit account created under RCW 70.94.015. Expenditures from the air operating permit account may be used only for the activities described in RCW 70.94.152(1), and RCW 70.94.161, Section 6 of Chapter 252, Laws of 1993, and Section 8 of Chapter 252, Laws of 1993.

3. Accountability

a. Public Participation During Fee Determination Process. The BCAA shall provide for public participation in the fee determination process described under 10.08 (A)(1), which provision shall include but not be limited to the following:

i. The BCAA shall provide opportunity for public review of and comment on:

(A) each annual workload analysis;

(B) each annual budget; and

(C) each annual fee schedule

ii. The BCAA shall submit to Ecology for publication in the *Permit Register* notice of issuance of its draft annual workload analysis, issuance of its draft annual budget and issuance of its draft annual fee schedule.

iii. The BCAA shall make available for public inspection and to those requesting opportunity for review copies of its draft:

(A) annual workload analysis on or before March 31.

(B) annual budget on or before May 31.

(C) annual fee schedule on or before December 31.

iv. The BCAA shall provide a minimum of thirty (30) days for public comment on the draft annual workload analysis and draft annual budget. Such thirty-day period for comment shall run from the date of publication of notice in the *Permit Register* as provided in Section 10.08 (A)(3)(a)(ii).

b. Tracking of Revenues, Time and Expenditures.

i. Revenues. The BCAA shall track revenues on a source-specific basis.

ii. Time and Expenditures. The BCAA shall track time and expenditures on the basis of functional categories as follows:

(A) application review and permit issuance;

(B) permit modification;

(C) permit maintenance;

- (D) compliance and enforcement;
- (E) business assistance;
- (F) regulation and guidance development;
- (G) management and training;
- (H) technical support.

iii. Use of Information Obtained from Tracking Revenues, Time and Expenditures. The BCAA shall use the information obtained from tracking revenues, time and expenditures to modify its workload analysis during each calendar year's review provided for under Section 10.08 (A)(1)(d).

iv. 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.

c. Periodic Fiscal Audits, Reports and Performance Audits. A system of regular, periodic fiscal audits, reports and performance audits shall be conducted in order to evaluate Ecology's and the Authority's operating permit program administration, as follows:

i. Fiscal Audits. The BCAA shall contract with the State Auditor to perform a standard fiscal audit of its operating permit program every other year.

ii. Annual Routine Performance Audits. The BCAA shall be subject to annual routine performance audits, except that the routine audit shall be incorporated into the extensive performance audit, conducted pursuant to Section 10.08 (A)(3)(c)(v) in each year during which an extensive performance is conducted. Ecology shall issue guidance regarding the content of the routine performance audits and shall conduct the Authority's audits.

iii. Annual Random Individual Permit Review. One permit issued by the BCAA shall be subject to review in conjunction with the annual routine performance. The permit to be reviewed shall be selected at random. Ecology shall issue guidance regarding the content of the random individual permit review and shall conduct the Authority's review.

iv. Periodic Extensive Performance Audits. The BCAA shall be subject to extensive performance audits every five years. In addition, this authority may be subject to an extensive performance audit more frequently under the conditions of Section 10.08 (A)(3)(c)(v). Ecology shall issue guidance regarding the content of the extensive performance audits and shall conduct the audits of this Authority.

v. Finding of Inadequate Administration or Need for Further Evaluation. If, in the process of conducting a fiscal audit, annual routine audit, or annual random individual permit review, the auditor or Ecology finds that the BCAA is inadequately administering the operating permit program or finds that further evaluation is immediately warranted, an extensive performance audit shall be conducted, as provided in Section 10.08 (A)(3)(c)(iv).

vi. Annual Reports. The BCAA shall prepare an annual report evaluating its operating permit program administration. Such report shall include any findings of the auditor or Ecology resulting from the relevant fiscal audits, annual routine audits, annual random individual permit reviews or periodic extensive performance audits. The BCAA shall submit its report to its Board and to Ecology.

4. Administrative Dispute Resolution.

a. Preliminary Statement of Source Data. The BCAA shall provide to the permit program sources under their

respective jurisdictions a preliminary statement of emissions and other data from that source upon which the authority intends to base its allocation determination under Section 10.08 (A)(1)(e). Such preliminary statement shall be provided to the permit program sources on or before September 30 of each year. Such preliminary statement shall indicate the name, address and telephone number of the person or persons to whom the source or other individual may direct inquiries and/or petitions for review under Section 10.08 (A)(4)(b) regarding the accuracy of the data contained therein.

b. Petition for Review of Statement. A permit program source or other individual under the jurisdiction of the BCAA, as a delegated local authority, may petition to review for accuracy the data contained in the preliminary source data statement provided for under Section 10.08 (A)(4)(a). Such petition shall be lodged on or before October 31 of each year. Such petition shall be in writing, directed to the individual indicated on the statement of source data. Such petition shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or petitioning individual desires, be accompanied by written documentation supporting the request for review. Such petition shall, in addition, state the name, address and telephone number of the person or persons to whom the BCAA may direct inquiries regarding the request. Upon receipt of such a petition, the BCAA, as a delegated local authority, must issue its written response to the petitioner on or before November 30 of each year. Such response shall state the conclusions of the review and the reasons therefore, and shall contain a new preliminary source data statement, revised to reflect any changes necessitated by the authority's response.

c. Final Source Data Statement. The BCAA shall provide to the permit program sources under its jurisdiction a final statement of emissions and other data from that source upon which the local authority will base its allocation determination under Section 10.08 (A)(1) along with an invoice reflecting the fee billed to that source on or before December 31 of each year.

5. Fee Payment and Penalties

a. Fee Payment. Each permit program source shall pay a fee in the amount reflected in the invoice issued under Section 10.08 (A)(4)(c). Such fee shall be due on or before February 28 of each year.

b. Late Payment of Fees. BCAA shall charge a penalty to a permit program source under its jurisdiction for late payment of all or part of its operating permit fee at the following rates:

vii. Ten percent of the source's total assessed fee for payment received after the due date for fee payment but up to the first thirty days past the due date for fee payment;

viii. Fifteen percent of the source's total assessed fee for payment received between the thirty-first day and the sixtieth day past the due date for fee payment; and

ix. Twenty-five percent of the source's total assessed fee for payment received between the sixty-first day and the ninetieth day past the due date for fee payment.

c. Failure to Pay Fees. The BCAA shall charge a penalty to a permit program source under its jurisdiction for failure to

pay all or part of its operating permit fee and/or penalties thereon after ninety days past the due date for fee payment in an amount three times the source's total assessed fee.

d. **Other Penalties.** The penalties authorized in Section 10.08 (A)(5)(b) and (c), are additional to and in no way prejudice the BCAA's ability to exercise other civil and criminal remedies, including the authority to revoke a source's operating permit for failure to pay all or part of its operating permit fee.

e. **Facility Closure.** Sources that permanently cease operations will be required to pay only a pro rata portion of the annual operating permit fee for the fiscal year in which they cease operations. The portion of the fee to be paid will be calculated by dividing the number of calendar days that have passed in the relevant calendar year at the time the source ceases operations by the total of 365 calendar days, and multiplying the fraction thus derived by the fee that the source would have paid for the relevant calendar year, had it not ceased operations.

f. **Transfer in Ownership.** Transfer in ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.

6. **Development and Oversight Remittance by Local Authorities to Ecology**

a. Ecology will provide to the Authority a statement of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.

b. The Authority shall remit to Ecology one-half of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before March 31 of each year and shall remit to Ecology the balance of its share of Ecology's development and oversight costs on or before June 30 of each year.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

Section 10.09 Section 10.10 Special Open Burning Permits Fees

A. Anyone who submits to the Authority a request for special burning permit shall pay an application fee of fifty dollars (\$50.00).

B. Upon approval of the request for special burn permit the Authority will charge an additional fee at a rate determined by the volume of the material to be burned, and inspection and oversight costs. The additional fee shall not exceed eight dollars and fifty cents (\$8.50) per cubic yard or the adjusted amount according to WAC 173-425. Special Open Burning Permits shall be valid for a period not to exceed one year, at which time the applicant may re-apply with another \$50.00 fee.

C. The fees for a burn permit are due within thirty (30) days of the start of burning. A late fee of \$25.00 will be added to the fees for burn permits that have not been paid within thirty (30) days of the start of burning. Failure to pay

said fee within sixty (60) days of the start of burning may result in issuance of a citation and penalty.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Benton Clean Air Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

Section 10.10 Section 10.11 Agricultural Burning Permits Fees

A. Upon approval of any agricultural burn permit application, the BCAA will charge a fee not to exceed two dollars and fifty cents (\$2.50) per acre for each acre permitted to be burned. This fee is divided into a local and a state portion. Up to one dollar-twenty five cents (\$1.2500) per acre of each fee will go directly to Ecology to be divided among administration, oversight costs, and the research fund. The remainder of the fee will go to the BCAA for local administration and implementation of the program.

B. The local portion of the agricultural burn permit fee will be seventy-five cents (\$0.75) per acre.

C. Permits will only be issued upon receipt of full payment. Refunds may be issued by the BCAA for acres not burned under each permit.

D. The minimum permit fee shall be no less than \$25.00.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Benton Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 01-16-145
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 1, 2001, 9:24 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-060.

Purpose: Changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives.

Federal-initiated amendments relating to chapter 296-52 WAC, Safety standards for possession and handling of explosives, are being proposed as a result of an Occupational Safety and Health Administration (OSHA) letter dated October 23, 1997. Upon federal review, the state standard was found to be not at least as effective as the federal rule in regard to black powder and blasting caps.

We are also proposing state-initiated amendments to chapter 296-52 WAC in response to industry request. In 1999, workers in the explosive industry formally asked the department to consider updating and revising the worker safety and health rules that regulate the explosive industry. Industry requested the department to establish the rules for air blast and ground vibration to meet the national standards and to rewrite the licensing requirements for better clarity.

The department convened a group of industry stakeholders to undertake the review of chapter 296-52 WAC. The stakeholders addressed the OSHA letter and their concerns, through assisting in the rewriting of the standard. The rule was rewritten by simplifying the language of the rules and

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organizing them for ease of use. The proposed amendments are at least as effective as the federal standard.

WAC 296-52-401 Scope and application.

- The requirements in this section have been moved to WAC 296-52-600.
- This section has been repealed.

WAC 296-52-405 Incorporation of standards of national organizations and federal agencies.

- The requirements in this section have been moved to WAC 296-52-60125.
- This section has been repealed.

WAC 296-52-409 Variance and procedure.

- The requirements in this section have been moved to WAC 296-52-60120.
- This section has been repealed.

WAC 296-52-413 Equipment approval by nonstate agency or organization.

- This section has been repealed.

WAC 296-52-417 Definitions.

- The requirements in this section have been moved to WAC 296-52-60130.
- This section has been repealed.

WAC 296-52-419 Basic legal obligations.

- The requirements in this section have been moved to WAC 296-52-60040.
- This section has been repealed.

WAC 296-52-421 Licenses—Information verification.

- The requirements in this section have been moved to WAC 296-52-61010.
- This section has been repealed.

WAC 296-52-423 Revoking or suspending licenses.

- The requirements in this section have been moved to WAC 296-52-60060.
- This section has been repealed.

WAC 296-52-425 Dealer's license.

- The requirements in this section have been moved to WAC 296-52-620.
- This section has been repealed.

WAC 296-52-429 License for manufacturing.

- The requirements in this section have been moved to WAC 296-52-610.
- This section has been repealed.

WAC 296-52-433 Purchaser's license.

- The requirements in this section have been moved to WAC 296-52-630.
- This section has been repealed.

WAC 296-52-437 User's (blaster's) license.

- The requirements in this section have been moved to WAC 296-52-640.
- This section has been repealed.

WAC 296-52-441 Storage magazine license requirements.

- The requirements in this section have been moved to WAC 296-660.
- This section has been repealed.

WAC 296-52-445 License and inspections.

- The requirements in this section have been moved to WAC 296-52-610 through 296-52-660.
- This section has been repealed.

WAC 296-52-449 Storage magazine license fee.

- The requirements in this section have been moved to WAC 296-52-61020.
- This section has been repealed.

WAC 296-52-453 Construction of magazines.

- The requirements in this section have been moved to WAC 296-52-700.
- This section has been repealed.

WAC 296-52-457 Storage of caps with other explosives prohibited.

- The requirements in this section have been moved to WAC 296-52-690.
- This section has been repealed.

WAC 296-52-461 Storage of explosives.

- The requirements in this section have been moved to WAC 296-52-690.
- This section has been repealed.

WAC 296-52-465 Storage of ammonium nitrate.

- The requirements in this section have been moved to WAC 296-52-69095.
- This section has been repealed.

WAC 296-52-469 Storage of blasting agents and supplies.

- The requirements in this section have been moved to WAC 296-52-69090.
- This section has been repealed.

WAC 296-52-477 Quantity and distance table for separation between magazines.

- The requirements in this section have been moved to WAC 296-52-69100.
- This section has been repealed.

WAC 296-52-481 Recommended separation distances of ammonium nitrate and blasting agents.

- The requirements in this section have been moved to WAC 296-52-69115.
- This section has been repealed.

WAC 296-52-485 Quantity and distance tables for manufacturing buildings.

- The requirements in this section have been moved to WAC 296-52-69120.
- This section has been repealed.

WAC 296-52-487 Low explosives.

- The requirements in this section have been moved to WAC 296-69125.
- This section has been repealed.

WAC 296-52-489 Transportation.

- The requirements in this section have been moved to WAC 296-52-680.
- This section has been repealed.

WAC 296-52-493 Use of explosives and blasting agents.

- The requirements in this section have been moved to WAC 296-52-670.
- This section has been repealed.

WAC 296-52-497 Blasting agents.

- The requirements in this section have been moved to WAC 296-52-67120.
- This section has been repealed.

WAC 296-52-501 Water gel (slurry) explosives and blasting agents.

- The requirements in this section have been moved to WAC 296-52-67150.
- This section has been repealed.

WAC 296-52-505 Coal mining code unaffected.

- This section has been repealed.

WAC 296-52-509 Small arms ammunitions, primers, propellants and other black powder.

- The requirements in this section have been moved to WAC 296-52-670.
- This section has been repealed.

WAC 296-52-510 Explosives at piers, railways stations, and cars or vessels not otherwise specified in this standards.

- The requirements in this section have been moved to WAC 296-52-710.
- This section has been repealed.

WAC 296-52-550 Appendix I—IME two-compartment transportation units (mandatory).

- This section has been repealed, the requirements can be found in IME publication number 22. The department does not regulate IME regulations.

WAC 296-52-552 Appendix II—Radio frequency warning signs (mandatory).

- The requirements in this section have been moved to WAC 296-52-67060.
- This section has been repealed.

WAC 296-52-555 Appendix III—ATF regulations.

- This section has been repealed.

WAC 296-52-600 Purpose, Scope, and Application.

Moved requirements relating to:

- Exemptions;
- State and local government jurisdictions;
- Basic legal obligations;
- Drug use;
- License revocation, suspension, and surrender;
- Basic hazard precautions;
- Violation appeals;
- Firearms;
- Fire; and
- Definitions.

The proposal adds:

- Requirements extending licensing periods one to two years.
- The licensing fees reflect the proposed two-year licensing period.

WAC 296-52-610 Explosive licensing.

Moved requirements relating to:

- Types of explosive licenses;
- Applicant information;
- Fees;
- Verification of applicant information;
- Applicant participation;
- Criminal records;
- Applicant disqualifications;
- Term of license; and
- License renewal.

The proposal adds:

- Requirements for licensing.

WAC 296-52-620 Dealer's license.

Moved requirements relating to:

- Applicant information;
- Conditions of a dealer's license;
- Prohibited sale/display areas;
- Container labeling;
- Authorized agent information;
- Verification of customer identity; and
- Recordkeeping and reporting.

WAC 296-52-630 Purchaser's license.

Moved requirements relating to:

- Applicant information;
- Conditions of a purchaser's license;
- Authorized agents;
- Explosives order deliveries; and
- Notification—Blaster changes.

WAC 296-52-640 Blaster's license.

Moved requirements relating to:

- License classifications;
- General qualifications;
- Classification qualifications;
- Applicant information;
- License limitations;
- Blaster in charge responsibilities; and
- License renewal.

The proposal adds:

- Requirements for blaster's license classifications, qualification requirements, license renewal for list A and B classifications, and renewal for list C classifications.

WAC 296-52-650 Manufacturer's license.

Moved requirements relating to:

- Applicant information;
- Application inspection; and
- Site plan.

WAC 296-52-660 Storage license.

Moved requirements relating to:

- Applicant information;
- Application inspection;
- Demonstration of handling and storage experience;
- Conditions of storage license;
- Mobile storage sites;
- Moving, altering, or destroying a licensed magazine;
- Transfer or lease of a magazine or mobile storage site; and
- Reporting changes in conditions.

The proposal adds:

- The option to allow a mobile storage "site" to be licensed.

WAC 296-52-670 Use of explosive materials.

Moved requirements relating to:

- Blaster in charge responsibilities;
- General use requirements;
- Extraneous electricity and radio frequency (RF) transmitters;
- Vibration and damage control;
- Storage at blast sites;

- Blast area precautions;
- Drilling;
- Loading blast holes;
- Initiation systems;
- Use of safety fuse with detonators;
- Use of detonating cord;
- Firing the blast;
- Precautions after firing;
- Excavation work in pressurized air locks;
- Blasting agents;
- Transportation, storage, and use;
- Fixed location mixing;
- Bulk delivery/mixing vehicles;
- Bulk storage bins;
- Transportation of blasting agents;
- Water-Gel and emulsion explosives and blasting agents;
- Fixed location mixing;
- Bulk delivery/mixing vehicles;
- Underwater blasting operations;
- Underground blasting operations;
- Separation distance: Electrical storms;
- Electric initiating systems;
- High speed tunneling: Central primer house; and
- Sample format for a blast record, nonmandatory.

The proposal adds:

- The blaster in charge responsibilities by consolidating them into one location. Some new responsibilities are added for clarification purpose only.
- Requirements for vibration, flyrock, and air blast from the April 1996 institute of makers of explosives (IME) safety library publication #3 are added.
- Requirements from the IME nonelectrical initiation-system requirements.
- Requirements for notifying local jurisdictions when storing explosives, this requirements is equal to BATF.
- Requirements to limit reporting to misfires "not cleared."
- Requirements in a nonmandatory appendix, which contains relevant issues that should be considered by local jurisdictions developing blasting ordinances.

WAC 296-52-680 Transportation of explosives materials.

Moved requirements relating to:

- Safety precautions;
- Transportation of workers;
- Cargo;
- Transportation vehicles;
- Open top vehicles;
- Vehicle placards;
- Vehicle fire protection;
- Operation of vehicles transporting explosives;
- Transporting detonators and explosives in the same vehicle;
- Underground blasting operations;
- Notification—Hoist operator; and
- Underground transportation.

The proposal adds:

- Fire safety requirements for vehicles transporting explosives.

WAC 296-52-690 Storage of explosive material.

Moved requirements relating to:

- Detonators;
- Exempt explosives;
- Storage facilities;
- Quantity and distance tables;
- Storage within magazines;
- Storage limits, notification of fire safety authority;
- Magazine repairs;
- Inventory;
- Inspection;
- Surrounding area precautions;
- Deteriorated explosives;
- Explosives recovered from misfires;
- Theft or loss;
- Blast site storage;
- Multiple magazines;
- Blasting agents and supplies; and
- Ammonium nitrate.

The proposal amends:

- Requirements for Table H-20 to be identical to BATF regulations.

WAC 296-52-700 Magazine construction.

Moved requirements relating to:

- Magazine construction;
- Class 1 Magazine: Permanent storage facilities;
- Class 2 Magazine: Portable field storage;
- Class 3 Magazine: Indoor storage facilities;
- Storage facilities for detonators;
- Class 4 Magazine: Blasting agent, low explosive, or electric detonator storage facilities;
- Class 5 Magazine: Blasting agent storage facilities;
- Explosives day box;
- Detonator day box;
- Heating systems;
- NFPA heating system requirements; and
- Lighting.

WAC 296-52-710 Miscellaneous.

Moved requirements relating to:

- Exemptions;
- Ammunition;
- Small arms smokeless propellants;
- Small arms ammunition primers;
- Black powder;
- Explosives at piers, railway stations, railway cars, and vessels not otherwise specified in this chapter;
- Railway cars; and
- Appendix A, sample explosives—Blasting ordinance for local jurisdictions, nonmandatory.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation

and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 C.F.R. 1910.

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Small Business Economic Impact Statement

Introduction: The Department of Labor and Industries is proposing new requirements for chapter 296-52 WAC, Safety standards for possession and handling of explosives. These requirements were developed as a result of an explosive-industry request to the Governor's Office to update existing blasting requirements due to concerns related to significant population growth in suburban and rural areas where blasting occurs. Industry management, labor representatives, department representatives, and other regulatory agencies (such as the State Fire Marshall) developed the proposal, which primarily updates the standard to current industry practices and national consensus standards. While a number of changes are being proposed the most significant changes are to the blasting record and IME vibration, flyrock and airblast requirements. In addition, licensing requirements for blasters and explosives purchasers are being increased. Finally, the rule will be updated to incorporate clear rule-writing practices. The rule changes are summarized below.

Summary of the Proposed Explosives Rule:

Licensing Periods/Fees. Licensing periods have been extended from one to two years. The licensing fees specified in the proposal are unchanged, but do reflect the proposed two-year licensing period.

Licensing Requirements for Black Powder. Any person who sells black powder must be a licensed dealer.

BATF Requirements. New BATF final-rule amendments are added.

Blaster Licensing:

(1) **Deletion:** Remove language indicating firms, partnerships, and corporations may be issued licenses.

(2) **Blaster's License Classifications:** The new blaster classifications table separates blaster classifications into three distinct qualification groups. These groups are designated List A, B, and C.

- List A classifications: Agriculture, avalanche control, explosives disposal, forestry (includes logging, trail building, and tree topping), industrial ordinance, seismographic, transmissions systems, and well drilling.
- List B classifications: Demolition, surface blasting (includes construction, quarry, and surface mining), underground blasting, and other.
- List C classifications: Law enforcement (bomb disposal and illegal explosives and fireworks disposal)

and unlimited (all classifications *except* law enforcement and underground blasting).

(3) Qualification Requirements:

(a) List A Classification Qualifications. To be considered for a blaster's license limited to one or more classification in List A only, an applicant must have a minimum of forty hours training. The training must be accrued during the previous six years and include either:

- Eight hours basic blaster safety classroom training and thirty-two hours specific field experience under a qualified blaster, or
- Sixteen hours basic blaster safety classroom training and twenty-four hours specific field training experience under a qualified blaster, or
- Twelve months of documented experience in the specific classification(s) being applied for.

(b) List B Classification Qualifications. To be considered for a blaster's license, which includes one or more classification in List B, the applicant must have either:

- Eighteen months of documented blasting experience which includes at least twelve months of documented experience in List A and six months documented blasting experience in each classification being applied for in List B, or
- Twelve months of documented blasting experience in the last six years in the specific classification being applied for in List B.

Note: List B, up to eighty hours of classroom training may be substituted hour for hour for field experience.

(c) List C Classification Qualifications.

- Unlimited. To be considered for an unlimited license, the applicant must submit a detailed resume which documents:
 - Experience in the majority of the classifications in Lists A and B.
 - At least five years of continuous full-time blasting experience in the explosives industry where blasting has been the applicant's primary responsibility the previous five years.
- Law Enforcement. To be considered for a law enforcement classification, the applicant must submit a certificate of graduation from the FBI Redstone Arsenal Training Center at Redstone, Alabama.

(4) License Renewal - List A and B Classifications.

(a) An application for a license renewal must include documentation of:

- Blasting experience by providing at least two blast records accrued during the last two years, OR
- Successful completion of sixteen hours of basic blaster's classroom training. The blasting course instructor must witness the documentation submitted.

(b) List A or B applicants who do not meet the minimum licensing qualifications, experience, or training requirements:

- May take a written exam.
- Must pass a written department exam to qualify for a blaster's license.

(5) Renewal - List C Classifications.

(a) *Unlimited Classification.* To be considered for a renewal of an unlimited license, an applicant must submit a detailed resume, which documents:

- Experience in the majority of the classifications in List A and List B accrued during the previous two years.
- A continuation of full-time blasting experience in the explosives industry, where blasting has been the applicant's primary responsibility during the previous two years.

(b) *Law Enforcement Classification.* To be considered for a renewal of a law enforcement classification, an applicant must submit a detailed resume, which documents:

- Continuous employment as a law enforcement bomb technician during the previous two years OR
- Successful completion of sixteen hours of bomb-technician classroom training. The course instructor must witness the documentation submitted.

Blaster-in-Charge Responsibilities. Blaster-in-charge responsibilities are consolidated into one location. Some new responsibilities are added for clarification purposes only.

Blaster-in-charge responsibilities include (but are not limited to) (1) - (8) below. The blaster in charge must:

(1) **License:** Carry a current license with the appropriate blaster classification for the type of blasting being performed.

(2) **Compliance:** Comply with all federal, state, and local government regulations.

(3) **Reasonable Precautions:** Use every reasonable precaution to ensure the safety of the general public and workers. Reasonable precautions include (but are not limited to) the use of blast area surveys, warning signals, flags and barricades, and blasting mats or other suitable protective material.

(4) **Professional Judgment:** Exercise and apply independent professional judgment regarding blasting activities when compliance with instructions from others could result in an illegal act, or effect of the blast.

(5) **Blast Operation:** Control blast-area activities during blast operations. Blast-area activities include (but are not limited to) items (a) through (g) below. The blaster in charge must:

(a) Conduct all blast operations regardless of the type of blasting being performed.

(b) Control activities associated with a blast.

(c) Supervise all on-site transportation, storage, loading, and firing of explosives.

(d) Notify nearby jurisdictions when blasting may impact those jurisdictions.

(e) Personnel and observers.

- Designate safe locations for personnel during actual blasting.
- Designate a method to determine when all personnel are accounted for in designated safe locations.
- Ensure blast observers are able to communicate with the blaster in charge.

(f) Means-of-egress: Ensure all potential blast-site area means-of-egress are under observation immediately prior to each blast.

(g) Loading and detonation.

- Distribute explosives in the shot.
- Be present when a charge is detonated.
- Personally detonate the charge or give an order to a designated blaster to detonate the charge.

(6) **Notification - Blast Incidents:** Notify the department within twenty-four hours when:

(a) A misfire is not cleared.

(b) Vibration and air-blast limits cause injury or property damage.

(c) Flyrock causes injury or property damage.

(7) **Blast Records** (see below).

(a) Complete and sign a blast record for each blast.

(b) Ensure blast records are available for inspection.

(8) **Other Responsibilities:** Comply with any other responsibilities identified throughout this chapter.

Blast Record Documentation. Requirements for a blast plan are deleted and replaced with new requirements for maintenance of a blast record. Record retention requirements are increased from three to five years. All blast records must contain the following minimum information:

(1) Name of the company or contractor.

(2) Exact location of the blast.

(3) Date and time of detonation.

(4) Name, signature, and license number of the blaster in charge.

(5) Type of material blasted.

(6) Types of explosives used.

(7) Number of holes, burden, and spacing.

(8) Diameter and depth of holes.

(9) Total amount of each type of explosives used.

(10) Maximum amount of explosives per delay period within eight milliseconds.

(11) Maximum number of holes per delay period within eight milliseconds.

(12) Method of firing.

(13) Type of circuit.

(14) Direction, distance in feet, and identification of the nearest dwelling, house, public building, school, church, or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting.

(15) Weather conditions.

(16) Type and height (or length) of stemming.

(17) A statement indicating whether blast mats or other flyrock protection were used.

(18) Type of initiation system used.

(19) Type of delay periods used.

(20) Seismograph records and readings (only if required or used). Seismograph records and readings must accurately identify the:

(a) Name of the person and business analyzing the seismograph record.

(b) Exact location of the seismograph.

(c) Distance of the seismograph from the blast.

(21) Sketch of the blast pattern. The sketch must include the:

(a) Number of holes.

(b) Burden.

(c) Spacing distance delay pattern.

(22) Sketch of the hole profile if decking was used.

(23) General comments, which include (but are not limited to):

- (a) Unusual conditions/situations during the blast.
- (b) The calculated scale distance number.
- (c) Misfires.

Mobile-Storage Site Licensing. An option is added to allow a mobile storage "site" to be licensed. The fee table is amended to include mobile sites. The ability to license a site rather than a mobile facility allows the company to license either one and is an option rather than a new fee.

Transportation Vehicle - Fire Safety. Fire safety requirements for vehicles transporting explosives are updated to current Uniform Fire Code standards.

Vibration and Damage Control. Vibration, flyrock, and airblast requirements from the April 1996 Institute of Makers of Explosives (IME) safety library publication (#3) are added*.

Nonelectrical Initiation Systems. IME non-electrical initiation-system requirements are added*.

Notification Requirements. The following notification requirements are added:

1. Blasting operations must notify nearby jurisdictions when blasting could have an impact on the jurisdiction.
2. Existing BATF fire safety notification requirements for storage of explosive materials are added.
3. Vibration and air-blast (exceeding limits) that can cause injury or property damage must be reported to the department.
4. Flyrock, which causes injury or property damage, must be reported to the department.

Misfires. Misfire notification requirements are amended to limit reporting to misfires "not cleared."

Sample Blasting Ordinance. This new non-mandatory appendix contains relevant issues that should be considered by local jurisdictions developing blasting ordinances.

Quantity and Separation Distance Tables. Table H-20 is amended to be identical to BATF regulations. "Recommended" is deleted from the title of Table H-22 since these distances have historically been required and are not optional.

Appendices. Appendix I (illustrations deleted) and II are incorporated into the standard. Appendix III is deleted since the information exists in BATF regulations.

Small Business Economic Impact Statement (SBEIS): The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS). For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. The agency must prepare an SBEIS when a proposed rule, or rule amendments, have the potential of placing a more than minor economic impact on business. The Guide for Facilitating Regulatory Fairness (1993) lists the minor impact costs thresholds from \$50 to \$288 (1990 dollars) per business. These values are calculated as 0.1% of profits for a business of fifty employees. The results in Table 5 and 6 below reveal that the total compliance

costs created by proposed changes to chapter 296-52 WAC exceed the minor cost threshold, indicating that an SBEIS analysis is necessary.

Employer Survey: To assess the financial impact of the proposed amendments to chapter 296-52 WAC, the agency conducted a mail cost survey of businesses employing personnel that use explosives. A total of two hundred surveys were sent from a mailing list representing the blasting industry. A total of forty-eight surveys were returned, of which forty-seven were useable, giving a response rate of 24%. For a survey of this type, a 24% response rate should be considered excellent. Of those responding 83% were classified as small businesses and 17% as large.

The survey contained a brief description of the proposed rule change and more detailed descriptions of the proposed changes thought to have potential cost impacts on businesses. The survey questions focused on time and cost for current blaster qualification/training anticipated qualification/training under the proposed rule changes and costs to comply with the blast record and IME requirements. Table 1 below summarizes the respondent population and the current number of hours spent in class and field training.

Table 1: Survey Response Information

Category	All Business	Small Business	Large Business
Response rate	24%	—	—
Number	47	39	8
Number Blasters	110	52	58
Number Purchasers	95	52	43
Class training time (hr)	9.6	9.5	9.6
Field training time (hr)	12.9	17.1	9.0
Current training cost (per emp)	\$905	\$612	\$1,168

*Weighted averages for training time and cost.

Even though small businesses dominate in numbers (39 vs. 8), the large businesses employ nearly the same number (101 vs. 104 explosives employees) of blasters and explosive purchasers. Large businesses report slightly more class training time (9.6 vs. 9.5) and significantly less field training time (9.0 vs. 17.0) than small businesses. The (weighted) average training cost per employee is significantly higher for large businesses at \$1,168 versus \$612 for small businesses.

Businesses were surveyed about meeting the new training/qualification, blast record, and IME requirements. Table 2 below summarizes these results.

Table 2: Percent Requiring Training or Meeting Blast Record and IME Requirements

Category	All Business	Small Business	Large Business
Business requiring addl. training	23	17	6
Percent bus. need addl. training	50%	44%	75%
Individuals need training	56	22	34
Percent ind. requiring addl. training	27%	21%	34%
Meet blast record req.	16	13	3
Percent meet blast record req.	38%	38%	38%
Meet IME req.	31	26	5
Percent meet IME req.	79.5%	78.8%	83.3%

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PROPOSED

Half of the businesses surveyed felt that they would need to supply additional training in order to meet the qualification requirements of the proposed rules. However, only 27% (21% for small and 34% for large) of individual blasters/purchasers actually need additional training to meet the new qualification requirements. Less than half of businesses surveyed (38%) meet the blast record requirement, while 80% businesses meet the IME requirements.

Data: As is often the case with survey data of this type, compliance costs estimates for a select item (explosives training for an individual) can vary widely. Some of this variance reflects real differences in perceived compliance costs, but misinformed responses or strategic responses often cloud survey data. In the explosives survey estimates of new training costs (those reporting new costs) for blasters ranged from \$500 to \$5,000. Estimates for current training costs (those reporting training costs) were even more varied, ranging from \$175 to \$25,000. Compliance cost estimates for the other two requirements of the proposed rule (blast record and IME requirements) also varied widely. Two techniques are frequently used to adjust data when misinformed or strategic responses are in evidence. The first approach is to make an upper bound estimate for the question at hand. The other approach is referred to as alpha-trimming and involves removing an equal number of high and low responses from the data set prior to analysis. Both techniques were utilized in the analysis of the cost data from the explosive users survey. The results derived from using an upper bound are referred to as "adjusted results"; results from the alpha-trimming approach are referred to as "trimmed results."

For the adjusted results upper bound limits for training costs were established by surveying the costs of current training courses: See Appendix A. Additional costs for travel and meals were included in the estimate. The upper bound (maximum) training cost was determined to be \$2,000. All values in excess of this amount were replaced with the upper bound value of \$2,000. In the case of the alpha trimming, three high and three low values were excluded from the data set prior to analysis.

The adjusted result compliance costs for the components of the proposed rule are shown in Table 3 below.

Table 3: Component Compliance Costs Using Adjusted Results

Category	All Business	Small Business	Large Business
Current training cost (per blaster)	\$905	\$612	\$1,168
Business w/new training expenditures	34%	28%	63%
Net new training cost (per blaster)	\$512	\$391	\$620
Blast record compliance cost	\$965	\$432	\$3,444
IME compliance cost	\$180	\$182	\$150

Table 3 reveals that both current and anticipated additional new training costs, on a per blaster basis, are greater for large businesses. Maintaining blast records will be significantly more expensive for large business (\$3,444 vs. \$432), although this is likely to be due to the greater number of blasts carried out by these businesses. Complying with the IME requirements will be approximately the same for large and small businesses (\$150 vs. \$182).

The trimmed result compliance costs for the components of the proposed rule are shown in Table 4 below.

Table 4: Component Compliance Costs Using Trimmed Results

Category	All Business	Small Business	Large Business
Current training cost (per blaster)	\$740	\$648	\$841
Business w/new training expenditures	28%	23%	57%
Net new training cost (per blaster)	\$395	\$327	\$461
Blast record compliance cost	\$826	\$233	\$3,929
IME compliance cost	\$141	\$132	\$171

The results of the trimmed data analysis in Table 4 are very similar to the adjusted data analysis in Table 3 above. Net new training costs and blast record compliance costs are higher for large businesses, while IME costs are roughly the same for the two size categories. Comparing Tables 3 and 4 we can see that the estimated net new training costs are lower using the data trimming approach (\$395 vs. \$512).

Total compliance costs for the proposed rule consist of the individual compliance cost for qualification and training requirements, compliance costs for meeting the blast record requirements, and the costs for meeting the IME requirements. Qualification and training costs are anticipated to occur once every several years. As a conservative measure these costs were distributed over a four year time period. Total compliance costs were determined on per business, per employee, per blaster, and a per blast basis. The total compliance costs as determined using the adjusted data set are shown in Table 5 below.

Table 5: Estimated Total Compliance Costs Using Adjusted Data Set

Category	All Business	Small Business	Large Business
Cost per business	\$1,646	\$866	\$5,446
Cost per employee	\$20	\$156	\$12
Cost per blaster	\$377	\$325	\$431
Cost per blast	\$34	\$28	\$42
Cost per blast - imputed	\$29	\$21	\$42

As expected average total compliance costs are significantly higher for large businesses (\$5,446 vs. \$866). When examined on a per employee basis the relationship changes and costs are much higher for small businesses (\$156 vs. \$12), which is most probably the result of the larger businesses having a significant number of employees that are not involved in explosives work. If compliance costs are determined on the basis of those involved in working directly with explosives, compliance is somewhat more expensive for the larger businesses (\$431 vs. \$325). Expressing the estimated compliance cost on a per blast basis reveals higher costs for large business (\$42 vs. \$28). Because three respondents did not report the number of blasts per year, the cost per blast estimate in Table 5 is high. To more accurately assess the cost per blast, the number of blasts for the three respondents was imputed based on the reported number of blasters and explosive purchasers. The cost per blast, inclusive of the imputed blast events, is \$42 for large business and \$21 for small business.

The total compliance costs as determined using the trimmed data approach are shown in Table 6 below.

Table 6: Estimated Total Compliance Costs Using Trimmed Data Set

Category	All Business	Small Business	Large Business
Cost per business	\$1,281	\$542	\$5,503
Cost per employee	\$16	\$115	\$10
Cost per blaster	\$294	\$194	\$414
Cost per blast	\$27	\$18	\$38
Imputed cost per blaster	\$21	\$12	\$38

Assessing total compliance costs using the trimmed data set approach provides much the same pattern as seen in Table 5. It should be noted that total estimated compliance costs determined using the data trimming approach are somewhat lower than using the adjusted data set approach: Cost per blaster \$294 vs. \$377, cost per blast \$21 vs. \$29.

Conclusions: The results presented in the previous section indicate that anticipated compliance cost for the proposed explosive safety standard rule will impose a more than minor impact on businesses. The survey reveals compliance costs of \$194 for small business and \$414 for large business expressed on per blaster basis: See Table 6. The survey results allow the department to conclude that there will not be a disproportionate impact on small business, and that mitigation steps are not required.

A copy of the statement may be obtained by writing to Greg Nothstein, Economic Analyst, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they increase requirements and it does not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA 98501, on September 25, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 5, 2001, at (360) 902-5484.

Submit Written Comments to: Sally Elliott, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on October 2, 2001.

In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and e-mail yous235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: November 7, 2001.

August 1, 2001

Gary Moore

Director

Chapter 296-52 WAC

SAFETY STANDARDS FOR POSSESSION, HANDLING, AND USE OF EXPLOSIVES

PART A

PURPOSE, SCOPE, AND APPLICATION

NEW SECTION

WAC 296-52-600 Purpose, scope, and application.

NEW SECTION

WAC 296-52-60005 Implementation of the Washington State Explosives Act. Chapter 296-52 WAC (Washington Administrative Code), Safety standards for possession, handling, and use of explosives, implements the Washington State Explosives Act (chapter 70.74 RCW (Revised Code of Washington)).

NEW SECTION

WAC 296-52-60010 Purpose and intent. The purpose and intent of the RCW and WAC is to define minimum requirements for the prevention and control of hazards relating to possession, handling, and use of explosives to:

- Protect the safety and health of the general public;
- Protect the safety and health of explosive industry employees covered under the Washington Industrial Safety and Health Act (chapter 49.17 RCW); and
- Assist, support, and promote development, achievement, and maintenance of a safe and healthy explosives use environment in the state of Washington.

NEW SECTION

WAC 296-52-60015 Coverage. The Washington State Explosives Act and administrative code applies to:

- Any person, partnership, company, corporation, government agency, or other entity;
- All aspects of explosives, blasting agents, and pyrotechnics:
 - Manufacture;
 - Sale;
 - Possession;
 - Purchase;
 - Use;
 - Storage; and
 - Transportation; and
- Display fireworks.

Note: Class A and B display fireworks are partially exempt from the requirements of this chapter (WAC 296-52-60020(5)).

NEW SECTION

WAC 296-52-60020 Exemptions. (1) **Exemptions specified in RCW 70.74.191.** RCW 70.74.191 identifies those instances and actions exempt from the requirements of the Washington State Explosives Act.

PROPOSED

PROPOSED

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from the requirements of this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks;
- Signaling devices;
- Flares;
- Fuses; and
- Torpedoes.

(4) **Class C consumer fireworks.**

(a) Exempt from the requirements of this chapter.

(b) Fireworks classified as Class C explosives by U.S. DOT (International Designation 1.4) and regulated through the state fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption - Class A and B display fireworks.** Display fireworks are fireworks classified as Class A or B explosives by U.S. DOT (International Designations 1.1, 1.2, or 1.3). Users of Class A and B display fireworks must comply with all storage or storage related (e.g., licensing, construction, and use) requirements of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- Back powder, under five pounds;
- Smokeless powder, under fifty pounds;
- Small arms ammunition; and
- Small arms ammunition primers:

– Are exempt from the requirements of this chapter, unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

NEW SECTION

WAC 296-52-60025 State and local government jurisdictions.

NEW SECTION

WAC 296-52-60030 The department. (1) **Administration and enforcement.** Pursuant to chapter 70.74 RCW, the director of labor and industries administers and enforces all activities governed by the Washington State Explosives Act through chapter 296-52 WAC with the full resources of the department.

(2) **Authority to enter, inspect, and issue penalties.** Pursuant to chapter 70.74 RCW, whenever the director has reasonable cause to expect:

- Explosives;
- Blasting agents; or
- Explosive materials to be found or to exist, the department has the right to:

- Enter and inspect any location, facility, or equipment; and
- Issue penalties for any violation of this chapter.

(3) **Unlicensed activities.** Whenever the director requests an unlicensed person to surrender:

- Explosives;
- Improvised devices; or
- Components of explosives or improvised devices, the director may request the attorney general make application to the county superior court in which the illegal practice exists for:
 - A temporary restraining order; or
 - Any other relief that appears to be appropriate under the circumstances.

NEW SECTION

WAC 296-52-60035 Other government entities. (1) **Law enforcement authorities.** The department:

- Acknowledges the legal obligation of other law enforcement agencies to enforce specific aspects or sections of the Washington State Explosives Act under local ordinances and with joint and shared authority granted by RCW 70.74.201; and
- Will cooperate with all other law enforcement agencies in carrying out the intent of the Washington State Explosives Act and chapter 296-52 WAC.

(2) **Local government authorities.**

(a) This chapter does not prevent local jurisdictions from adopting and administering local regulations relating to explosives. Examples of local jurisdictions/regulations include:

- City or county government explosive ordinances; or
- Other government authority (e.g., Washington utilities and transportation commission, the Washington state patrol, or *Washington Administrative Codes*.)

(b) Local regulations must not diminish or replace any regulation of this chapter.

Note: A nonmandatory sample blasting ordinance for local jurisdictions is included in WAC 296-52-720.

NEW SECTION

WAC 296-52-60040 Basic legal obligations.

NEW SECTION

WAC 296-52-60045 Responsibility to obtain an explosives license. Anyone manufacturing, purchasing, selling, offering for sale, using, possessing, transporting, or storing any explosive, improvised device, or components intended to be assembled into an explosive or improvised device must have a valid license issued by the department.

NEW SECTION

WAC 296-52-60050 Unlicensed activities. Upon notice from the department or any law enforcement agency having jurisdiction, an unlicensed person manufacturing, offering for sale, selling, possessing, purchasing, using, stor-

ing, or transporting any explosives, improvised device, or components of explosives or improvised devices must immediately surrender those explosive materials to the department or the law enforcement agency having jurisdiction.

NEW SECTION

WAC 296-52-60055 Drug use. (1) Explosives must not be handled by anyone under the influence of:

- Alcohol;
- Narcotics;
- Prescription drugs and/or narcotics that endanger the worker or others; or
- Other dangerous drugs.

(2) This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician provided their use will not endanger the blaster, workers, or other people.

NEW SECTION

WAC 296-52-60060 License revocation, suspension, and surrender. (1) **Revocation.** The department:

(a) Will revoke and not renew the manufacturer, dealer, purchaser, blaster, or storage license of any person as a result of a disqualifying condition identified in WAC 296-52-61040.

(b) May revoke the license of any person who has:

- (i) Repeatedly violated the requirements of this chapter;
- or
- (ii) Had a license suspended twice under this chapter.

(2) **Suspension.** The department will suspend the license of any person for a period up to six months for a violation of the requirements of this chapter.

(3) **Surrender.** Revoked or suspended licenses must be surrendered immediately to the department upon receipt of notice.

NEW SECTION

WAC 296-52-60065 Violation appeals. An appeal of a citation, issued for a violation of a requirement of this chapter, which results in a license suspension or revocation (WAC 296-52-60060) may be filed with the department pursuant to RCW 49.17.390.

NEW SECTION

WAC 296-52-60070 Basic hazard precautions.

NEW SECTION

WAC 296-52-60075 Hazards to life. Explosives or blasting agents must not be stored, handled, or transported when it could create a hazard to life.

NEW SECTION

WAC 296-52-60080 Entry and access to explosive areas. No one may enter any:

- Explosives manufacturing building;
- Magazine;
- Vehicle; or
- Other common carrier containing explosives except:
 - The owner;
 - The owner's authorized agent;
 - The director; or
 - A law enforcement officer acting within official capacity.

NEW SECTION

WAC 296-52-60085 Abandonment of explosives. Explosives or improvised devices must not be abandoned.

NEW SECTION

WAC 296-52-60090 Firearms. Firearms must not be discharged at or against any:

- (1) Magazine.
- (2) Explosives manufacturing building.
- (3) Explosives material.

NEW SECTION

WAC 296-52-60095 Fire. (1) **Magazines/buildings.** Flame or flame producing devices must not be ignited within fifty feet of any magazine or explosives manufacturing building.

(2) **Explosives handling.**

(a) Prohibited fire sources. All sources of fire or flame, including smoking and matches, are prohibited within one hundred feet of the blast site while explosives are being handled or used.

(b) Handling near fire hazards. Explosives must not be handled near:

- (i) Open flames;
- (ii) Uncontrolled sparks; or
- (iii) Energized electric circuits.

(3) **Fire incident precautions.** In the event of a fire:

- (a) All employees must be removed to a safe area;
- (b) The fire area must be guarded against intruders; and
- (c) Fire must not be fought where the fire is in imminent danger of contact with explosives.

NEW SECTION

WAC 296-52-60100 Daylight blasting. Blasting operations must be conducted during daylight hours whenever possible.

NEW SECTION

WAC 296-52-60105 Notification—Blasting near utilities. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the blaster in charge must notify appropriate utility representatives:

- (1) At least twenty-four hours in advance of blasting.
- (2) Of the specific location and intended time of blasting.

(3) Confirm verbal notice with written notice.

NEW SECTION

WAC 296-52-60110 Miscellaneous.

NEW SECTION

WAC 296-52-60115 Explosive industry employers. In addition to the requirements of this chapter:

(1) Explosive industry employers must comply with other applicable requirements of the WISHA:

- Chapter 296-800 WAC, Safety and health core rules;
- Chapter 296-24 WAC, General safety and health standards;
- Chapter 296-62 WAC, General occupational health standards;
- Chapter 296-155 WAC, Safety standards for construction; and
- Other industry specific standards that may be applicable.

(2) Manufacturers of explosives or pyrotechnics must also comply with WISHA safety standards for process safety management of highly hazardous chemicals.

NEW SECTION

WAC 296-52-60120 Variance from a chapter requirement. The director may approve a variance from a chapter requirement pursuant to RCW 49.17.080 or 49.17.090:

- After an application for a variance is received;
- After the department has conducted an investigation;
- When conditions exist that make the requirement impractical to use; and
- When equivalent means of protection are provided.

Note: Variance application forms may be obtained from and should be submitted to: Department of Labor and Industries, WISHA Services Division, Post Office Box 44650, Olympia, WA 98504-4650.

NEW SECTION

WAC 296-52-60125 Using standards from national organizations and federal agencies. To be in compliance with WISHA rules, the information provided in this section must be followed when safety and health standards from national organizations and federal agencies are referenced in WISHA rules.

- The edition of the standard specified in the WISHA rule must be used.
- Any edition published after the edition specified in the WISHA rule may be used.

Note: The federal and national consensus standards referenced in the WISHA rules are available through the issuing organization and the local or state library.

NEW SECTION

WAC 296-52-60130 Definitions. American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter requirements:

- Storage licensing (WAC 296-52-660);
- Storage of explosive materials (WAC 296-52-690); and
- Magazine construction (WAC 296-52-700).

Attend means the physical presence of an authorized person within the field of vision of explosives.

Authorized, approved, or approval means authorized, approved, or approval by:

- The department; or
- Any other approving agency; or
- Individual as specified in this chapter.

Authorized agent means a person:

- Possessing a basic knowledge of explosives handling safety; and
- Has been delegated the authority, by a licensed purchaser, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on the purchaser's behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to:

- Perform a specific type of duty; or
- Be at a specific location at the job site.

Barricades.

• **Barricade** means effective screening of a building containing explosives by means of a natural or artificial barrier from:

- A magazine.
- Another building.
- A railway.
- A highway.

• **Artificial barricade** means:

- An artificial mound or properly revetted wall of earth with a minimum thickness of at least three feet; or
- Any other artificial barricade approved by the department.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

• A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

BATF means the Bureau of Alcohol, Tobacco, and Firearms.

Blast area means the area of a blast within the influence of:

- Flying rock missiles;
- Gases; and
- Concussion.

Blast pattern means:

- The plan of the drill holes laid out on a bench; and
- An expression of the burden distance, spacing distance, and their relationship to each other.

Blast site means:

- The area where explosive material is handled during loading; and
- Fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person:

- Trained and experienced in explosives use; and
- Licensed by the department.

Blaster in charge means a licensed blaster who is:

- Fully qualified, by means of training and experience in explosives use;
 - Is adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area;
 - In charge of:
 - The blast process to be used;
 - All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter; and
 - Has authority:
 - To take prompt corrective action in all areas of the blast operation.
 - Over all other blasters at the blast area.

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

- Which is intended for blasting;
- Which is not otherwise classified as an explosive; and
- In which none of the ingredients are classified as an explosive;
 - Provided, the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a Number 8 test detonator.

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Competent person means a person who:

- Is capable of identifying existing and predictable hazards in working conditions or the surroundings which are unsanitary, hazardous, or dangerous to personnel or property; and
 - Has authorization to take prompt corrective action to eliminate hazards.

Consumer fireworks means:

- Any small firework device:
 - Designed to produce visible effects by combustion; and
 - Which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507);
 - Some small devices designed to produce audible effects are, but are not limited to:
 - Whistling devices;
 - Ground devices containing 50 mg or less of explosive materials; or
 - Aerial devices containing 130 mg or less of explosive materials; and

- Does not include fused set pieces containing components, which, together, exceed 50 mg of salute powder.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks;
- Trailers;
- Rail cars;
- Barges; and
- Vessels.

Day box means a box which:

- Is a temporary storage facility for storage of explosive materials;
- Is not approved for unattended storage of explosives; and
 - May be used at the work site during working hours to store explosive materials, provided the day box is:
 - Constructed as required (WAC 296-52-70065);
 - Marked with the word "explosives";
 - Used in a manner that safely separates detonators from other explosives; and
 - Guarded at all times against theft.

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord:

- Containing a center core of high explosive; and
- Used to initiate other explosives.

Detonator means any device:

- Containing any initiating or primary explosive that is used for initiating detonation; and
 - Includes, but is not limited to:
 - Electric detonators of instantaneous and delay types; or
 - Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation; and
 - Include, but are not limited to:
 - Salutes containing more than two grains (130 mg) of explosive materials;
 - Aerial shells containing more than 40 grams of pyrotechnic compositions;
 - Other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks"; or
 - Fused set pieces containing components, which together exceed 50 mg of salute paper.

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry means:

• **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.

• **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

• **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.

• **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Emulsion means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel; or
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion.
 - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb.
- All material classified as Class A, Class B, and Class C explosives by U.S. DOT.
- For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:
 - Small arms ammunition;
 - Small arms ammunition primers;
 - Smokeless powder, not exceeding fifty pounds; and
 - Black powder, not exceeding five pounds.

Note 1: **Explosives exemption.** The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only.
- Does not apply to the employer employee relationship covered under Chapter 49.17 RCW.

Note 2: **Explosives classifications.** Per RCW 70.74.010(4), explosives classifications include, but are not limited to:

- **Class A (1.1) explosives** (possessing detonating hazard):
 - Dynamite;
 - Nitroglycerin;
 - Picric acid;
 - Lead azide;
 - Fulminate of mercury;
 - Black powder (exceeding five pounds);
 - Detonators (in quantities of 1001 or more); and
 - Detonating primers.
- **Class B (1.2) explosives** (possessing flammable hazard):
 - Propellant explosives.
 - Smokeless propellants (exceeding fifty pounds).
- **Class C (1.3) explosives.**

– Certain types of manufactured articles, which contain Class A and/or Class B explosives as compounds (but in restricted quantities).

– Detonators (in quantities of 1,000 or less).

Note 3: **International markings.**

• The department will accept U.S. DOT and/or BATF international identification markings on explosives and/or explosives containers or packaging.

• This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (Class A, B, or C) and required by RCW 70.74.300).

Explosive actuated power devices means:

- Any tool or special mechanized device which is actuated by explosives; and
- Does not include propellant actuated power devices.

Explosives manufacturing building means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted; and

• Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

- In connection with the manufacturing or processing of explosives;
- For any process involving explosives;
- For the storage of explosives; or
- To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation; and
- Which meets this section's definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See the definition for "safety fuse."

Fuse lighters means special devices used for the purpose of igniting safety fuses.

Handler means:

- Any person or individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal; and
- Does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads which are regularly and openly traveled by the general public and includes:

- Public streets, alleys, or roads; or
- Privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives; or
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals; and
- Designed to disfigure, destroy, distract, or harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings;
- Any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble; and
- Does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials which can be caused to deflagrate when confined. This term:

- Includes black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Class B explosives by U.S. DOT (49 CFR Part 173); and
- Does not apply to bulk salutes.

Magazine means:

- Any bunting, structure, or container approved for storage of explosive materials; and
- Does not mean an explosive manufacturing building.

Manufacturer means any person engaged in the business of manufacturing explosive materials for purpose of sale, distribution, or use.

EXEMPTIONS: The following exemptions are restricted to materials area components which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer does not include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole; or
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap, bulldozing, and dobbing means covering the required number of cartridges that have been placed on top of a boulder with a three or four inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse;
- Signal from miniaturized detonating cord; or
- Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic maser or other fuel.

Permanent magazines means magazines that:

- Are fastened to a foundation.
- Do not exceed permanent magazine capacity limits (RCW 70.74.040).
- Are approved and licensed.

- Are left unattended.

Person means any:

- Individual, firm, partnership, corporation, company, association, or joint stock association; or
- Trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine;
- Is responsible for the proper storage, protection, and removal of explosives; and
- May be the owner, lessee, or authorized operator.

Portable (field) magazines means magazines that are:

- Designed to be unattended;
- Not permanently fastened to a foundation;
- Constructed or secured to ensure they can not be lifted, carried, or removed easily by unauthorized persons;
- Limited to the capacity of explosives required for efficient blasting operation; and
- Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system which:

- Is actuated by a propellant; and
- Releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
 - The utilities and transportation commission;
 - Municipalities; or
 - Other public regulatory agencies; and
- Include:
 - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems;
 - Buried or exposed pipelines carrying water, natural gas, petroleum; or
 - Crude oil or refined products and chemicals.

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate;
- Professional standing; or
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

PROPOSED

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators; and
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means:

- Any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns; and
- Does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means:

- Small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant powder; or
- Percussion detonators used in muzzleloaders.

Smokeless propellants means solid chemicals or solid chemical mixtures which function by rapid combustion.

Special industrial explosive devices means explosive-actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite;
- Trinitrotoluene (TNT);
- Pentaerythritol tetranitrate (PETN);
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX); and
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate amount of explosives which allows larger quantities of explosives to be inserted in the drill hole.

Stemming means a suitable inert incombustible material or device used to:

- Confine or separate explosives in a drill hole; or
- Cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, that are:

- Built for explosives;
- Loaded with explosives; and
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:
 - Are sensitized by material classed as an explosive, such as TNT or smokeless powder; or
 - Contain no ingredient classified as an explosive which is sensitized with metals, such as aluminum, or other fuels.
- Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water; and
- May be premixed at:
 - An explosives plant; or
 - The blast site immediately before delivery into the drill hole.

**PART B
EXPLOSIVE LICENSING**

Note: RCW 70.74.022 applies.

NEW SECTION

WAC 296-52-61005 Types of explosive licenses.

License	Section Location
Dealer's	WAC 296-52-602
Purchaser's	WAC 296-52-603
Blaster's	WAC 296-52-604
Manufacturer's	WAC 296-52-605
Storage	WAC 296-52-606

NEW SECTION

WAC 296-52-61010 Applicant information. (1)

Applicants must provide the following information to the department (except as indicated):

- An individual:
 - The name, address, and citizenship of the applicant.
- A partnership:
 - The name, address, and citizenship of each partner.
 - The name and address of the applicant.
- An association or corporation:
 - The name, address, and citizenship of each officer and director.
 - The name and address of the applicant.

(2) Applicants must:

- Meet the requirements of WAC 296-52-610;
- Meet any license specific requirements;
- Provide the Social Security number at the time of application (RCW 26.23.150); and
- Provide any information requested by the department before a new or renewal license will be issued.

NEW SECTION

WAC 296-52-61015 Forms. Applications must be completed on department forms.

Notes: • Application forms may be obtained from and submitted to: Department of Labor and Industries, WISHA Services Division, Post Office Box 44655, Olympia, WA 98504-4655.

• Purchaser and blaster license applications may also be obtained from explosive dealers or department service locations.

License	Fee
Dealer's License	50.00
Purchaser's License	10.00
Blaster's License	10.00
Manufacturer's License	50.00
Storage License	(See table below)

NEW SECTION

WAC 296-52-61020 Fees. Applicable license fees must be included with new or renewal explosives license applications.

Explosive Materials STORAGE LICENSE FEES RCW 70.74.140 applies			
EXPLOSIVES	DETONATORS	FEE (for each magazine or mobile site)	
		Annual	Biannual
Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	Maximum Number of detonators permitted in each magazine or mobile site.		
200	133,000	10.00	20.00
1,000	667,000	25.00	50.00
5,000	3,335,000	35.00	70.00
10,000	6,670,000	45.00	90.00
50,000	33,350,000	60.00	120.00
300,000	200,000,000	75.00	150.00

Note: License fees will not be refunded when a license is revoked or suspended for cause.

NEW SECTION

WAC 296-52-61025 Verification of applicant information. The department will verify license application statements before an explosives license is issued.

NEW SECTION

WAC 296-52-61030 Applicant participation. Applicants:

- Must cooperate and assist the department in all aspects of the application review.
- Must provide all information requested by the department to:
 - Verify application statements.
 - Assist the department inquiry.
- Must furnish their fingerprints to the department on department forms.
 - Fingerprinting and criminal history record information checks shall be required for the management officials directly responsible for the operations where the explosives are used.
 - May be required to pay a fee to the law enforcement agency providing fingerprint research services (RCW 70.74.360).

NEW SECTION

WAC 296-52-61035 Criminal records. The Washington state patrol will provide any criminal records discovered to the director upon request.

NEW SECTION

WAC 296-52-61040 Applicant disqualifications. Licenses will not be issued for the manufacture, retail sale, purchase, storage, or use of explosives to any applicant:

- Under twenty-one years of age;
- Whose license is suspended or revoked, except as provided in this section;
 - Convicted in this state or elsewhere of:
 - A violent offense (RCW 9.94A.030);
 - Perjury;
 - Providing false information (false swearing);
 - Bomb threats;
 - A crime involving a Schedule I or II controlled substance (chapter 69.50 RCW);
 - Any other drug or alcohol related offense, unless such offense is not related to a drug or alcohol dependency.
- Conditional exception: A license may be issued if an applicant with a drug or alcohol dependency history:
 - Is participating in or has completed treatment in an alcohol or drug recovery program;
 - Has established control of their alcohol or drug dependency;
 - Provides proof to the department of participation in a recovery program and control over their dependency; and
 - Legally determined at the time of application to be:
 - Mentally ill;
 - Insane; or
 - Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

PROPOSED

• Physically ill or disabled to the extent that normal aspects of explosives use are not safe. Disqualifying disabilities may include, but are not limited to:

- Blindness;
- Deafness;
- Epilepsy; or
- Diabetic seizures or coma.

Note: The department will not reissue a license until physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065).

NEW SECTION

WAC 296-52-61045 Term of license.

• A storage license is valid for a period not to exceed two years from the date of issue, unless revoked or suspended by the department prior to the expiration date.

• All other licenses are valid for two years from the date of issue, unless revoked or suspended by the department.

NEW SECTION

WAC 296-52-61050 License renewal. An explosive license must be renewed no later than the expiration date of the license.

DEALER'S LICENSE

Note: RCW 70.74.130 and 70.74.230 apply.

NEW SECTION

WAC 296-52-62005 Responsibility to obtain a dealer's license. Explosives, including black powder, and blasting agents must not be bought for the sole purpose of resale by any person, firm, partnership, corporation, or public agency without a valid dealer's license issued by the department.

NEW SECTION

WAC 296-52-62010 Applicant information.

- The reason the applicant wants to engage in the business of dealing in explosives.
- Information required by WAC 296-52-610.
- Other pertinent information required by the department.

NEW SECTION

WAC 296-52-62020 Conditions of a dealer's license. Conditions of a dealer's license include compliance with the requirements of WAC 296-52-620.

NEW SECTION

WAC 296-52-62025 Prohibited sale/display areas. Explosives, improvised devices, or blasting agents must not be sold, displayed, or exposed for sale on any:

- Highway;
- Street;

- Sidewalk;
- Public way; or
- Public place.

NEW SECTION

WAC 296-52-62030 Container labeling. Any package, cask, or can containing any explosive, nitroglycerin, dynamite, or black and/or smokeless powder put up for sale or delivered to any warehouse worker, dock, depot, or common carrier must be properly labeled with its explosive classification.

NEW SECTION

WAC 296-52-62035 Authorized agent information.

A dealer must ensure the purchaser has provided the following information for any person listed on their authorized agent list:

- Name;
- Address;
- Driver's license number or valid identification;
- Social Security number (as required by RCW 26.23.150);
- Place of birth; and
- Date of birth.

NEW SECTION

WAC 296-52-62040 Verification of customer identity. (1) **Orders.**

(a) When an explosives order is placed:

- In person;
- By telephone; or
- In writing.

(b) The dealer must request proper authorization and identification from the person placing the order to ensure that person is either the:

- Purchaser; or
- Purchaser's authorized agent.

This requirement does not apply to licensed common carrier companies when the common carrier:

- (i) Is merely transferring explosive materials from the seller to the purchaser; and
- (ii) Transfer practices comply with current state and federal U.S. DOT regulations.

(2) **Deliveries.** The dealer must:

(a) Not distribute explosive materials to an unauthorized person.

(b) Ensure the recipient is the purchaser or the purchaser's authorized agent.

(c) Verify the recipient's identity from a photo identification card (e.g., driver's license).

(d) Obtain the:

(i) Purchaser's magazine license number when explosives are delivered to a storage magazine.

(ii) Legal signature of the purchaser or the purchaser's authorized agent on a receipt documenting explosives were received.

NEW SECTION**WAC 296-52-62045 Recordkeeping and reporting.**

(1) **Sale documentation.** A dealer must document the following information when an explosive materials order is placed. A dealer's record must include the:

- Date explosive materials were sold;
- Purchaser's name and license number;
- Name of the person authorized by the purchaser to physically receive the explosive materials;
- Kind of explosive materials sold;
- Amount of explosive materials sold; and
- Date code.

Note: Black powder sales under five pounds are not required to be reported to the department.

(2) **Retention of records and receipts.** Dealers must retain:

- Signed receipts for at least one year from the date explosives are purchased.
- Records of explosives purchased and sold (RCW 70.74.230) at least five years.

(3) Monthly report.

• Each month dealers must submit a copy of their dealer's record (RCW 70.74.230) to the department at the following address: Department of Labor and Industries, WISHA Services Division, Post Office Box 44655, Olympia, WA 98504-4655.

• Dealer records must be received by the department no later than the tenth day of each month.

PURCHASER'S LICENSE

Note: RCW 70.74.135 and 70.74.137 apply.

NEW SECTION

WAC 296-52-63005 Responsibility to obtain a purchaser's license. Explosives or blasting agents must not be purchased by any person, firm, partnership, corporation, or public agency without a valid purchaser's license issued by the department.

NEW SECTION

WAC 296-52-63010 Applicant information. Applicants must provide the following information to the department:

- The reason explosives or blasting agents will be used.
- The location where explosives or blasting agents will be used.
- The kind of explosives or blasting agents to be used.
- The amount of explosives or blasting agents to be used.
- An explosives storage plan:
 - Documented proof of ownership of a licensed storage magazine; or
 - A signed authorization to use another person's licensed magazine; or
 - A signed statement certifying that the explosives will not be stored.

• An authorized agent list, if the purchaser chooses to authorize others to order or receive explosives on their behalf.

• The identity and current license of the purchaser's blaster.

• Information required by WAC 296-52-610.

• Any other pertinent information requested by the department.

NEW SECTION

WAC 296-52-63015 Conditions of a purchaser's license. Conditions of a purchaser's license include, but are not limited to, compliance with the requirements of WAC 296-52-630.

NEW SECTION

WAC 296-52-63020 Authorized agents. (1) **Required information.** A purchaser must provide the following written information for each person on their authorized agent list:

- Legal name;
- Address;
- Driver's license number or other valid identification;
- Date of birth; and
- Place of birth.

(2) **List distribution.** The purchaser must provide a current authorized agent list to:

• The department when applying for a new or renewal license.

• Any dealer the purchaser plans to order explosive materials from, prior to ordering explosive materials.

(3) **Notification of changes.** The purchaser must ensure that the dealer's and department's authorized agent lists are updated as changes occur.

NEW SECTION

WAC 296-52-63025 Explosive order deliveries. (1) **Receiver identification.** Any person physically receiving explosives purchased from a dealer must:

- Provide proper identification and prove to the satisfaction of the dealer that they are:
 - The purchaser; or
 - An authorized agent of the purchaser.
- Sign their legal signature on the dealer's receipt.

(2) **Delivery locations.** Explosives must be delivered into:

- Authorized magazines;
- Approved temporary storage; or
- Handling areas.

NEW SECTION

WAC 296-52-63030 Notification—Blaster changes. The purchaser must:

- Notify the department whenever the blaster they are using changes; and

• Provide their current blaster's license number to the department.

BLASTER'S LICENSE

Note: RCW 70.74.020 and 70.74.142 apply.

NEW SECTION

WAC 296-52-64005 Responsibility to obtain a blaster's license. No one may conduct a blasting operation without a valid blaster's license issued by the department.

Note: A blaster's license is not required for a "hand loader."

NEW SECTION

WAC 296-52-64010 License classifications. Blaster licenses are issued for the following classifications.

Blaster License Classifications	Code
Agriculture	AG
Avalanche Control	AV
Demolition	DE
Explosives Disposal	ED
Forestry	FO
Industrial Ordinance	IO
Law Enforcement	LE

Seismographic	SE
Surface Blasting	SB
Transmission Systems	TS
Underground Blasting	UB
Underwater Blasting	UW
Unlimited	UL
Well Drilling	WD

Note: Classification information.

- Explosives disposal: Disposal of explosive materials by licensed blasters.
- Forestry: Includes logging, trail building, and tree top-ping.
- Law enforcement: Law enforcement bomb disposal and illegal fireworks and explosives disposal.
- Surface blasting: Includes construction, quarries, and surface mining.
- Unlimited: Includes all classifications except underground blasting and law enforcement.

NEW SECTION

WAC 296-52-64015 License classifications table. The following table groups the different blasting types into three categories and is used to convey the qualifications required for the type of blasting license being applying for.

License Classifications Table					
LIST A		LIST B		LIST C	
AG	Agriculture	DE	Demolition	LE	Law Enforcement
AV	Avalanche Control	SB	Surface Blasting	UL	Unlimited
ED	Explosives Disposal	UB	Underground Blasting		
FO	Forestry	UW	Underwater Blasting		
IO	Industrial Ordinance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

- Note:
- **Classification list assignment** is primarily determined by the use of single or multiple series charges; and the knowledge, training, and experience required to perform the type of blasting competently and safely.
 - **Multiple list applications.** When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:
 - All classifications must be requested on the application.
 - Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050). In some situations, training and experience may fulfill qualification requirements in multiple classifications.
 - **Request classifications not lists.** Applicants must request specific classifications (not list designations) on their blaster application. Licenses are not issued or endorsed for classification table lists (A, B, or C).
 - **License additions.** To add a classification to an existing license, see WAC 296-52-64085.

NEW SECTION

WAC 296-52-64020 General qualifications. (1) Physical condition. An applicant must be in good physical condition.

(2) Drug use.

(a) An applicant must not be addicted to narcotics, intoxicants, or similar types of drugs.

(b) This rule does not apply to physician prescribed drugs and/or narcotics when taken as directed by the physician provided their use will not endanger the blaster, workers, or other people.

(3) Knowledge, experience, and performance in transportation, storage, handling, and use of explosives. An applicant must:

- Have a working knowledge of state and local explosives laws and regulations;

PROPOSED

- Have adequate blaster training, experience, and knowledge;
- Be able to:
 - Safely perform the type of blasting to be used; and
 - Recognize hazardous conditions.
- Be competent in the use of each type of blasting method to be used; and
- Have the ability to:
 - Understand written and oral direction.
 - Give understandable written and oral direction.

NEW SECTION**WAC 296-52-64025 Classification qualifications.**

- Classification qualifications include the requirements of WAC 296-52-64030.
- Training and experience qualifications for all classifications must be accrued during the six years prior to application.

NEW SECTION

WAC 296-52-64030 List A qualifications. To be considered for a blaster's license limited to one or more List A classifications, an applicant must have a minimum of forty hours documented training accrued during the previous six years. The training must include a minimum of one of the three requirements listed below:

- Eight hours basic blaster safety classroom training and thirty-two hours classification specific field training experience under a qualified blaster;
- Sixteen hours basic blaster safety classroom training and twenty-four hours classification specific field training experience under a qualified blaster; or
- Twelve months classification specific field training experience.

NEW SECTION

WAC 296-52-64035 List B qualifications. To be considered for a blaster's license which includes one or more List B classifications, the applicant must meet one of the two requirements listed below:

- Eighteen months of documented blasting experience which includes at least twelve months of documented experience in List A and six months documented blasting experience in each classification being applied for in List B; or
- Twelve months of documented blasting experience in the last six years in the specific classification being applied for in List B.

Note: List B applicants - Up to eighty hours of classroom training may be substituted hour for hour for experience.

NEW SECTION

WAC 296-52-64040 List C qualifications. (1) Unlimited classification. To be considered for an unlimited classification, the applicant must submit a detailed resume which documents:

- Experience in the majority of the classifications in Lists A and B.
- At least five years of continuous full-time blasting experience in the explosives industry where blasting has been the applicant's primary responsibility during the previous five years.

(2) **Law enforcement.** To be considered for a law enforcement classification, the applicant must submit a certificate of graduation from the FBI Redstone Arsenal Training Center at Redstone, Alabama.

NEW SECTION**WAC 296-52-64045 Application.****NEW SECTION**

WAC 296-52-64050 Applicant information. An applicant for a blaster's license must provide the following information to the department:

- A complete and appropriately witnessed application. The application must be witnessed by the blasting course instructor and the qualified blaster the applicant trained under to gain field training experience required for the license the applicant is applying for;
- A detailed resume of blasting training and experience;
- Satisfactory evidence of competency in handling explosives; and
- Information required by WAC 296-52-610.

Note: The department may request additional information for the classification being applied for upon review of a blaster's resume.

NEW SECTION

WAC 296-52-64055 Testing. List A and B applicants must pass a written test prepared and administered by the department. List C applicants are exempt from testing.

NEW SECTION

WAC 296-52-64060 Conditions of a blaster's license. Conditions of a blaster's license include compliance with the requirements of WAC 296-52-640.

NEW SECTION

WAC 296-52-64065 License limitations. (1) A blaster's license documents:

- (a) The classifications the blaster is authorized to perform; and
 - (b) Any limitations imposed on the licensee.
- (2) The licensee must not:
- (a) Perform blasting they are not licensed for; or
 - (b) Exceed the limits specified on the license.

NEW SECTION

WAC 296-52-64070 Blaster in charge responsibilities. See WAC 296-52-67010.

NEW SECTION

WAC 296-52-64075 License disclosure. A blaster must provide their blaster's license and a valid identification card to the department or other law enforcement representatives upon request.

NEW SECTION

WAC 296-52-64080 Purchaser disclosure. A blaster may be required to verify the name of the explosives purchaser.

NEW SECTION

WAC 296-52-64085 Changes to a blaster's license classification. Additional blaster classifications may be added to a license. Applicants must:

- Submit a properly witnessed resume which documents blasting experience in the specific classification being applied for; and
- Pass a written exam prepared and administered by the department.

NEW SECTION

WAC 296-52-64090 License renewal.

- General applicant qualifications (WAC 296-52-64020) apply.
- Renewal qualifications include the requirements of WAC 296-52-64090 through 296-52-64100.
- Training, experience, and responsibility requirements must be accrued during the two years prior to application.

NEW SECTION

WAC 296-52-64095 List A and B renewal qualifications. (1) An application for a license renewal must include documentation of:

- Blasting experience by providing at least two blast records; or
- Successful completion of sixteen hours of basic blaster's classroom training. The documentation submitted must be witnessed by the blasting-course instructor.

(2) List A or B applicants who do not meet the minimum classification qualifications must pass a written department exam.

NEW SECTION

WAC 296-52-64100 List C renewal qualifications. (1) **Unlimited classification.** To be considered for a renewal of an unlimited license, an applicant must submit a detailed resume which documents:

- Experience in the majority of List A and B classifications.
- A continuation of full-time blasting experience in the explosives industry, where blasting has been the applicant's primary responsibility.

(2) **Law enforcement classification.** To be considered for a renewal of the law enforcement classification, an applicant must submit a detailed resume which documents:

- Continuous employment as a law enforcement bomb technician accrued during the previous two years;
- Successful completion of sixteen hours of bomb technician classroom training. The documentation submitted must be witnessed by the course instructor.

MANUFACTURER'S LICENSE

Note: RCW 70.74.110 and 70.74.144 apply.

NEW SECTION

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. No person, partnership, firm, company, or corporation will manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product without a manufacturer's license from the department.

NEW SECTION

WAC 296-52-65010 Applicant information. The applicant must provide the following information to the department:

- The reason the applicant wants to manufacture explosives.
- The manufacturing or processing location.
- The kind of explosives manufactured, processed, or used.
- The distance that the explosives manufacturing building is located, or intended to be located, from other buildings, magazines, inhabited buildings, railroads, highways, and public utility transmission systems.
- A site plan. The site plan must:
 - Include the distance each manufacturing building is located from:
 - ◆ Other buildings on the premises where people are employed;
 - ◆ Other occupied buildings on adjoining property;
 - ◆ Buildings where customers are served;
 - ◆ Public highways; and
 - ◆ Utility transmission systems.
 - Demonstrate compliance with:
 - ◆ Applicable requirements of the Washington State Explosives Act; and
 - ◆ The separation distance requirements of this chapter.
 - Identify and describe all natural or artificial barricades used to influence minimum required separation distances.
 - Identify the nature and kind of work being performed in each building.
 - Specify the maximum amount and kind of explosives or blasting agents to be permitted in each building or magazine at any one time.
- Information required by WAC 296-52-610.
- Other pertinent information required by the department.

NEW SECTION

WAC 296-52-65015 Application inspection. The department will:

- Inspect all manufacturing or processing locations:
 - Before they are placed in operation or service; and
 - Prior to licensing.
- Schedule inspections:
 - Once a complete application is received.
 - At the earliest available and mutually agreeable date.

NEW SECTION

WAC 296-52-65020 Conditions of a manufacturer's license. The department will issue a license to the applicant(s) provided that:

- (1) The required inspection confirms that the site plan is accurate and the facilities comply with applicable regulations of the department;
- (2) The applicant(s) or operating superintendent and employees are sufficiently trained and experienced in the manufacture of explosives.

NEW SECTION

WAC 296-52-65025 Annual inspection. The department will inspect manufacturing or processing locations annually.

NEW SECTION

WAC 296-52-65030 Site plan. (1) **Posting.** A copy of the site plan and manufacturer's license must be posted in the main office of each manufacturing plant.

(2) **Maintenance.** The site plan must be maintained and updated to reflect the current status of manufacturing facilities, occupancy changes, or other pertinent information.

- (3) **Significant changes.** The manufacturer must:
- Notify the department when a significant change occurs in the site plan.
 - Consult with the department before changing operations if the change is of such nature or magnitude that compliance with requirements of this chapter is questionable.

STORAGE LICENSE

Note: RCW 70.74.120, 70.74.140 and 70.74.150 apply.

NEW SECTION

WAC 296-52-66005 Responsibility to obtain a storage license. Explosive materials must not be stored by any person, firm, partnership, corporation, or public agency without a valid license issued by the department.

NEW SECTION

WAC 296-52-66010 Applicant information. Applicants must provide the following information to the department:

- The address or a legal description of the existing or proposed magazine or mobile storage site must be clearly identified.
- The reason explosive materials will be stored.
- The kind of explosives or blasting agents that will be stored.
- The maximum quantity of explosive materials that are or will be stored.
- Identify the total weight, in pounds, of all explosive materials to be stored on site.
- The distance that the magazine is located or intended to be located from other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways, and public utility transmission systems.
- How long the storage license is needed.
- Information required by WAC 296-52-610.
- Any other pertinent information requested by the department.

NEW SECTION

WAC 296-52-66015 Application inspection. The department will:

- Inspect magazines, mobile-storage sites, and manufacturing plants:
 - Before being placed in operation or service; and
 - Prior to licensing.
- Will schedule inspections:
 - Once a complete application is received; and
 - At the earliest available and mutually agreeable date.

Note: See WAC 296-52-66040 for mobile storage site qualifications.

NEW SECTION

WAC 296-52-66020 Demonstration of handling and storage experience. Applicants or officers, agents, or employees of the applicant, must demonstrate satisfactory experience in:

- Handling explosives.
- The storage requirements for any type of explosive materials to be stored.

NEW SECTION

WAC 296-52-66025 Conditions of a storage license. Conditions of a storage license include, but are not limited to, compliance with the requirements of WAC 296-52-660.

NEW SECTION

WAC 296-52-66030 Storage license number. The storage license number must:

- (1) Be permanently affixed on the inside and outside of each storage magazine.
- (2) Stay with each magazine during its life.

PROPOSED

PROPOSED

NEW SECTION

WAC 296-52-66035 Storage limit. A storage license documents the storage limits imposed on the licensee. Storage must not exceed the limits specified on the license.

NEW SECTION

WAC 296-52-66040 Annual storage inspection. Magazines, mobile storage sites, and manufacturing plants will be inspected annually.

NEW SECTION

WAC 296-52-66045 Mobile storage sites. Semi-trailers or other mobile facilities used to transport blasting agents on site or on highways are considered adequate for blasting-agent storage, provided they meet:

- (1) U.S. DOT requirements for transportation of blasting agents.
- (2) The requirements of Table H-20, table of distances for storage of explosives with respect to inhabited buildings, passenger railways, and public highways.
- (3) The requirements of Table H-22, separation distances of ammonium nitrate and blasting agents from explosives or blasting agents with respect to one another.

NEW SECTION

WAC 296-52-66050 Moving, altering, or destroying a licensed magazine. (1) Notification. When a magazine is moved, altered, or destroyed; the licensee must:

- (a) Notify the department;
 - (b) Provide the license number of the magazine; and
 - (c) Identify the specific alterations made to the magazine.
- (2) Reasonable distance. A magazine may be moved on a job site within a reasonable distance from the original location stated on the application without notifying the department, provided the:
- (a) New location complies with the requirements of this chapter and the Washington State Explosives Act.
 - (b) Magazine can be quickly located for an inspection.

NEW SECTION

WAC 296-52-66055 Transfer or lease of a magazine or mobile storage site. (1) Notification. When a licensed magazine or mobile storage site is leased or transferred to another person, the owner must:

- (a) Notify the department; and
 - (b) Provide the magazine license number to the department.
- (2) **New user obligations.** A new magazine or mobile storage site user:
- (a) Is responsible for the safe operation of the magazine.
 - (b) Must:
 - (i) Submit a magazine storage application to the department.
 - (ii) Pay the license fee for a minimum of one year.

(iii) Obtain a storage license prior to storing explosive materials in the magazine or at the mobile storage site.

NEW SECTION

WAC 296-52-66060 Reporting changes in conditions. Any change in conditions around a magazine, mobile storage site, or manufacturing plant that may adversely affect compliance with any requirement of this chapter must be promptly reported to the department. Examples of reportable changes could include:

- (1) Construction of occupied buildings.
- (2) Public utilities transmission systems.
- (3) Roads or railroads that have been built closer to the manufacturing plant or magazine.

**PART C
USE OF EXPLOSIVE MATERIAL**

NEW SECTION

WAC 296-52-67005 Responsible person. The blaster in charge is responsible for all aspects of explosives use.

NEW SECTION

WAC 296-52-67010 Blaster-in-charge responsibilities. Blaster-in-charge responsibilities include the items specified below. A blaster in charge must:

- (1) **License.** Carry a current license with the appropriate blaster classification for the type of blasting being performed.
- (2) **Compliance.** Comply with all federal, state, and local government regulations.
- (3) **General requirements.** Meet the general license qualifications identified in WAC 296-52-64020.
- (4) **Reasonable precautions.** Use every reasonable precaution to ensure the safety of the general public and workers. Reasonable precautions include the use of:
 - (a) Blast area surveys.
 - (b) Warning signal posters must be posted in suitable locations.

TABLE T-1

WARNING SIGNAL	A 1 minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	A prolonged blast following the inspection of the blast.

- (c) Flags and barricades.
- (d) Blasting mats or other suitable protective material.
- (5) **Professional judgment.** Exercise and apply independent professional judgment regarding blasting activities, when compliance with instructions from others could result in an illegal:
 - (a) Act; or
 - (b) Affect the outcome of blast.

(6) **Blast operation activities.** The blaster in charge must:

- (a) Have authority:
 - (i) To take prompt corrective action in all areas of the blast operation.
 - (ii) Over all other blasters at the blast area.
- (b) Manage the blast operation regardless of the type of blasting being performed.
- (c) Control blast activities associated with a blast.
- (d) Supervise explosive-material activities.
 - (i) Keep a running inventory of all explosives and blasting agents stored at the blast area.
 - (ii) Supervise all on site transportation, storage, loading, and firing of explosives.
- (e) Notify local jurisdictions when blasting may impact those jurisdictions.
- (f) Personnel and observers.
 - (i) Designate safe locations for personnel during actual blasting.
 - (ii) Designate a method to determine when all personnel are accounted for in designated safe locations.
 - (iii) Ensure blast observers are able to communicate with the blaster in charge.
- (g) Ensure all potential blast site area means of egress are under observation immediately prior to each blast.
- (h) Loading and detonation.
 - (i) Distribute explosives in the shot.
 - (ii) Be present when a charge is detonated.
 - (iii) Personally detonate the charge or give an order to a designated blaster to detonate the charge.
- (7) **Notification—Blast incidents.** Notify the department within twenty-four hours when:
 - (a) A misfire is not cleared.
 - (b) Vibration and air blast limits cause injury or property damage.
 - (c) Flyrock causes injury or property damage.
- (8) **Blast records.**
 - (a) Keep a record of each blast.
 - (b) Keep an accurate inventory of all explosives and blasting agents stored at the blast operation.
 - (c) Document the following minimum information on each blast record:
 - (i) Name of the company or contractor.
 - (ii) Exact location of the blast.
 - (iii) Date and time of detonation.
 - (iv) Name, signature, and license number of the blaster in charge.
 - (v) Type of material blasted.
 - (vi) Type of explosives used.
 - (vii) Number of holes, burden, and spacing.
 - (viii) Diameter and depth of holes.
 - (ix) Total amount of each type of explosives used.
 - (x) Maximum amount of explosives per delay period within eight milliseconds.
 - (xi) Maximum number of holes per delay period within eight milliseconds.
 - (xii) Method of firing.
 - (xiii) Type of circuit.

- (xiv) Direction, distance in feet, and identification of the nearest dwelling, house, public building, school, church, or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting.

- (xv) Weather conditions.
- (xvi) Type and height (or length) of stemming.
- (xvii) A statement indicating whether blast mats or other flyrock protection were used.
- (xviii) Type of initiation system used.
- (xix) Type of delay periods used.
- (xx) Seismograph records and readings, if required or used, must accurately identify the:
 - (A) Name of the person and business analyzing the seismograph record.
 - (B) Exact location of the seismograph.
 - (C) Distance of the seismograph from the blast.
- (xxi) Sketch of the blast pattern. The sketch must include the:
 - (A) Number of holes.
 - (B) Burden.
 - (C) Spacing distance delay pattern.
- (xxii) Sketch of the hole profile if decking was used.
- (xxiii) General comments which include:
 - (A) Unusual conditions/situations during the blast.
 - (B) The calculated scale distance number.
 - (C) Misfires.
- (d) Complete and sign each blast record.
- (e) Retain blast records for at least three years.
- (f) Ensure blast records are available for department inspection.

Note: Sample formatting for a blast record is provided for reference in WAC 296-52-67250, sample format for a blast record, nonmandatory. The blast record format is nonmandatory. However, the information shown on the record sample is required.

NEW SECTION

WAC 296-52-67015 General.

NEW SECTION

WAC 296-52-67020 Black powder. Black powder, including black powder manufactured for muzzleloading firearms, must not be used for blasting.

NEW SECTION

WAC 296-52-67025 Age of explosives. The oldest explosive of the type needed must be used first.

NEW SECTION

WAC 296-52-67030 Blast site storage. Explosive materials at blast sites must either be:

- (1) Attended; or
- (2) Stored in a day box that is attended.

NEW SECTION

WAC 296-52-67035 Day box storage. A day box may be used for temporary storage of explosive materials during working hours at a job site, provided the day box is:

- (1) Constructed in accordance with WAC 296-52-70065 through 296-52-70070;
- (2) Fire resistant, weather resistant, and theft resistant;
- (3) Marked with the word "explosives";
- (4) Used in a manner that safely separates detonators from other explosives;
- (5) Guarded at all times against theft; and
- (6) Surrounded by ground which slopes away from the day box for drainage.

NEW SECTION

WAC 296-52-67040 Attendant. An authorized attendant must be:

- (1) Physically present;
- (2) Awake;
- (3) Alert;
- (4) Able to see the explosives being monitored at all times; and
- (5) Able to reach the explosives being monitored quickly and without interference at all times.

NEW SECTION

WAC 296-52-67045 Handling. Explosives must be:

- Handled by competent and authorized personnel only;
- Delivered and issued to a purchaser or a purchaser's authorized agent only;
- Delivered into authorized magazines, approved temporary storage, or handling areas;
- Carried to the blast site from the main storage magazines by the blaster or blaster's helper in special insulated containers, day boxes, or original U.S. DOT shipping containers; and
- Detonators must never be carried in pockets or clothing.

NEW SECTION

WAC 296-52-67050 Supervision of trainees. Trainees and inexperienced personnel must work under the direct supervision of a fully qualified licensed blaster knowledgeable of the site:

- Blasting method;
- Safety procedures; and
- Blasting signals.

NEW SECTION

WAC 296-52-67055 Storms. (1) **Dust storms.** During the approach and progress of heavy dust storms, which may cause static lightning:

- (a) Blasting operations must be completely suspended.
- (b) All personnel must be removed from the blast area.

(2) **Thunderstorms.** All blasting operations shall stop during the approach and progress of a thunderstorm, regardless of the type of initiation system used, and all personnel must be removed from the blast area.

NEW SECTION

WAC 296-52-67060 Extraneous electricity and radio frequency (RF) transmitters. Precautions must be taken to prevent unintended electric detonator discharge from extraneous electricity and RF transmitters.

(1) **Sources.**

(a) **Extraneous electricity.** Common hazard sources of extraneous electricity include:

- Adjacent power lines;
- Dust storms; and
- Lightning storms.

(b) **RF transmission sources.** Common hazard sources of RF transmissions include:

• **Mobile transmitters.**

- Citizen band (CB);
- Side band radio;
- VHF (FM) radio;
- UHF cellular telephones; and
- Radar.

• **Fixed location transmitters.**

- Base stations for CB;
- Side band or FM radio communications;
- UHF cellular telephone transmitters and service extension repeater-systems;
- AM and FM (commercial) radio broadcast transmitters;
- TV broadcast transmitters and repeater system transmitters;
- Surface scan and radio navigation beacons.

• **Low flying aircraft** (in particular military aircraft) create the most common serious RF exposures.

- These highly unpredictable mobile transmitters are very powerful and transmit on a broad spectrum of frequencies which include, but are not limited to:

- ◆ Radar;
 - ◆ Laser; and
 - ◆ All common communications bands.
- The two most dangerous examples are:

◆ Low flying automatic terrain following guidance systems; and

◆ Airplanes which are equipped to jam all common radar and communications frequencies for a distance of several miles around the airborne transmitters.

(2) **Transportation.**

• **Public highways.** The Washington utilities and transportation commission and Washington state department of transportation require compliance with ANSI D6.1-1988, Uniform Traffic Control Devices.

• **Private roads.** Strict compliance with ANSI is not required on private roads under department jurisdiction, provided warning signs are maintained where required while electric detonators are present.

(3) **Site survey.**

- **Survey responsibility.** The blaster in charge must conduct or assign a designated appointee to conduct an accurate survey of the entire intended blast area.
- **Road clearance points.** The survey must determine the clearance points where roads or right of ways enter and exit the required clearance zone.
- **Blast area changes.** If the blast area moves along as the job progresses, the 1,000 foot clearance zone must be

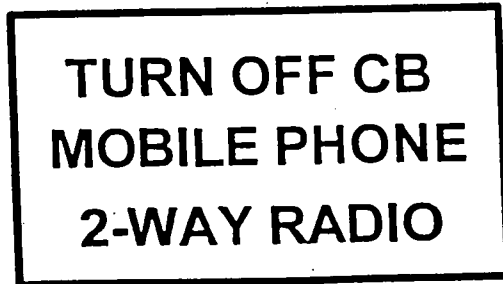
adjusted to correctly maintain the permissible clearance zone at all times.

- (4) **Clearance zones.** The required clearance zone for a:
 - Construction operation is 1,000 feet.
 - Demolition operation is 1,000 feet.
 - General industry operation, not subject to construction requirements, is 350 feet.
- (5) **RF-transmitter warning signs.**

RF-TRANSMITTER WARNING SIGNS



W22-1
48" X 48"



42" X 36"



W22-3
42" X 36"

(a) **Warning-sign specifications.** Signs must:

- Be "construction" orange;
- Have black letters and borders;
- Use all upper case letters; and
- Use letters at least the size shown above.

Note: Larger signs may be required where the highway speed limit is more than 55 miles per hour.

(b) **Posting.** Warning signs must:

- (i) Be adequately placed to warn:
 - (A) Transmitter users.
 - (B) All routes into the electric detonator clearance zone.
- (ii) Be posted prohibiting the use of:
 - (A) Radio frequency transmitters;
 - (B) CBs;
 - (C) Mobile phones; and
 - (D) Two-way radios.
- (iii) Be prominently displayed at all times when an electric detonator initiation system is being used during blasting operations, including all times that electric detonators:
 - (A) Are present during blasting operations; and
 - (B) Have been removed from the original U.S. DOT approved shipping container.
- (iv) "TURN OFF CB, MOBILE PHONE, 2-WAY RADIO" sign must be posted at the beginning of the blast zone minimum clearance point.
- (v) Blast zone signs.

(A) The "BLAST ZONE 1,000 FEET" sign must be posted 1,000 feet before the "TURN OFF CB, MOBILE PHONE, 2-WAY RADIO" sign.

(B) The 1,000 foot separation-distance limit in (A) may be reduced (but must not be less than 300 feet) in very slow vehicle travel zones (such as off-road construction right of ways, rock pits, or quarries).

(vi) "END BLAST ZONE" sign must be posted outside the blasting zone clearance limits.

(vii) Be covered or removed when blasting operations are not being conducted.

(6) **Voltage identification.** Electrical transmission and distribution line voltage must be accurately identified.

(7) **System clearance identification.** The required clearance for each system must be accurately identified.

(8) **RF transmitters.**

• **Mobile RF transmitters** which are less than 100 feet away from electric detonators must be deenergized or disconnected when the detonators are not fully contained in their original U.S. DOT shipping containers.

• **Fixed location RF transmitters** represent a higher level of hazard to both storage and/or blasting operations involving electric detonators because the transmitters are more powerful and transmit dangerous levels of RF exposure over much greater distances.

(9) **Institute of makers of explosives (IME) distance requirements.**

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(a) Electric detonators in storage or at blasting operations must meet the appropriate distance tables requirements published in the IME Publication Number 20, 1988, "Safety Guide for the Prevention of Radio Frequency Hazards in the Use of Commercial Electric Detonators (Blasting Caps)."

(b) When it is necessary to conduct blasting operations within the required separation distances specified in IME Pamphlet Number 20, 1988:

- Storage and use of electric detonators is prohibited on the site; and
- Only detonating cord, safety fuse, shock tube, or other approved nonelectric systems will be used.

NEW SECTION

WAC 296-52-67065 Vibration and damage control.

(1) **Ground vibration—Maximum limits.** At all blasting operations, except as otherwise authorized or restricted by the department, the maximum ground vibration at any dwelling, public building, school, church, commercial, cofferdams, piers, underwater structures, or institutional building adjacent to the blasting site must not exceed the limits listed in Table 8-A.

Table 8-A

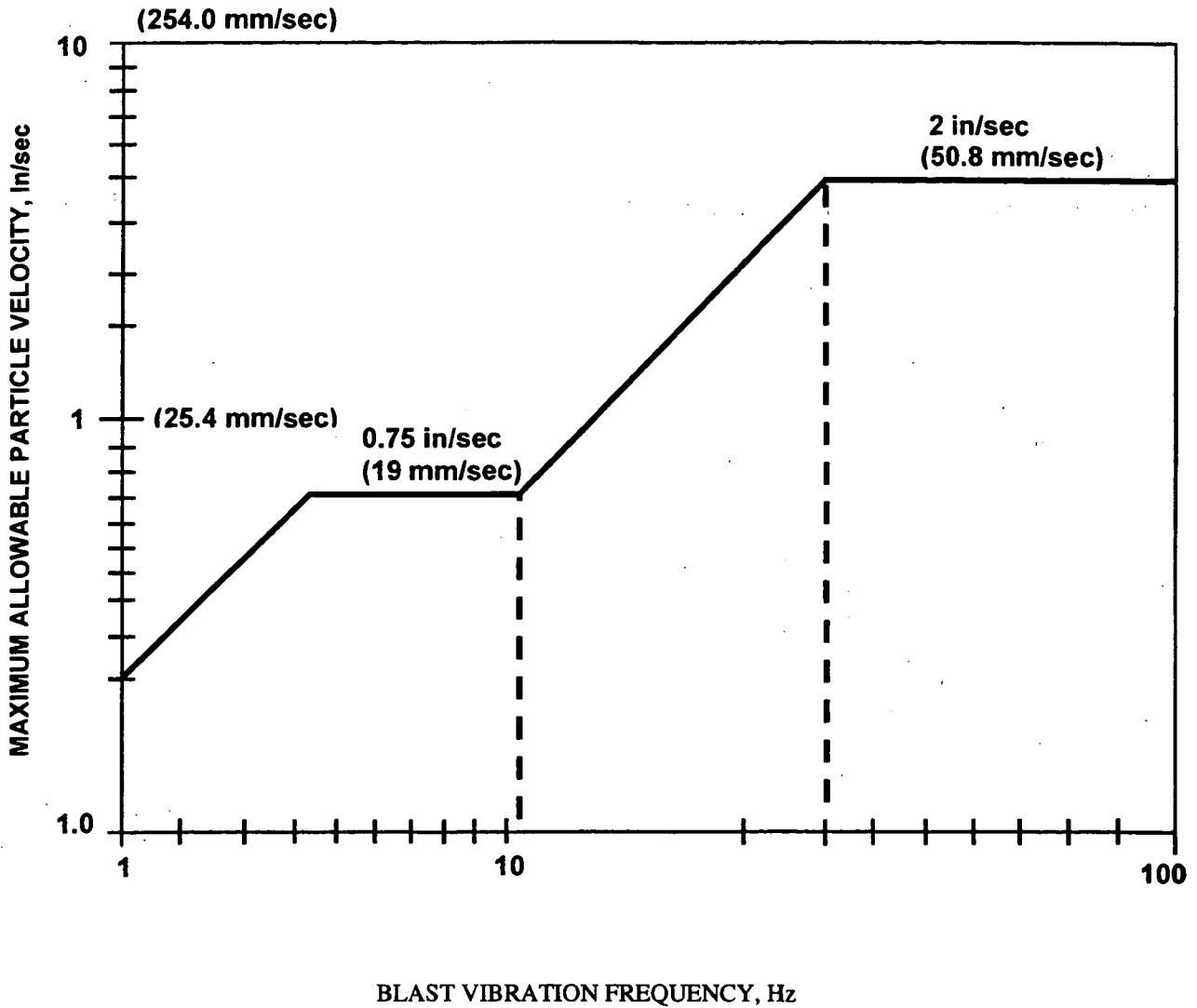
PEAK PARTICLE VELOCITY LIMITS

Distance from blasting site	Maximum allowable peak particle velocity ¹
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)

¹ Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

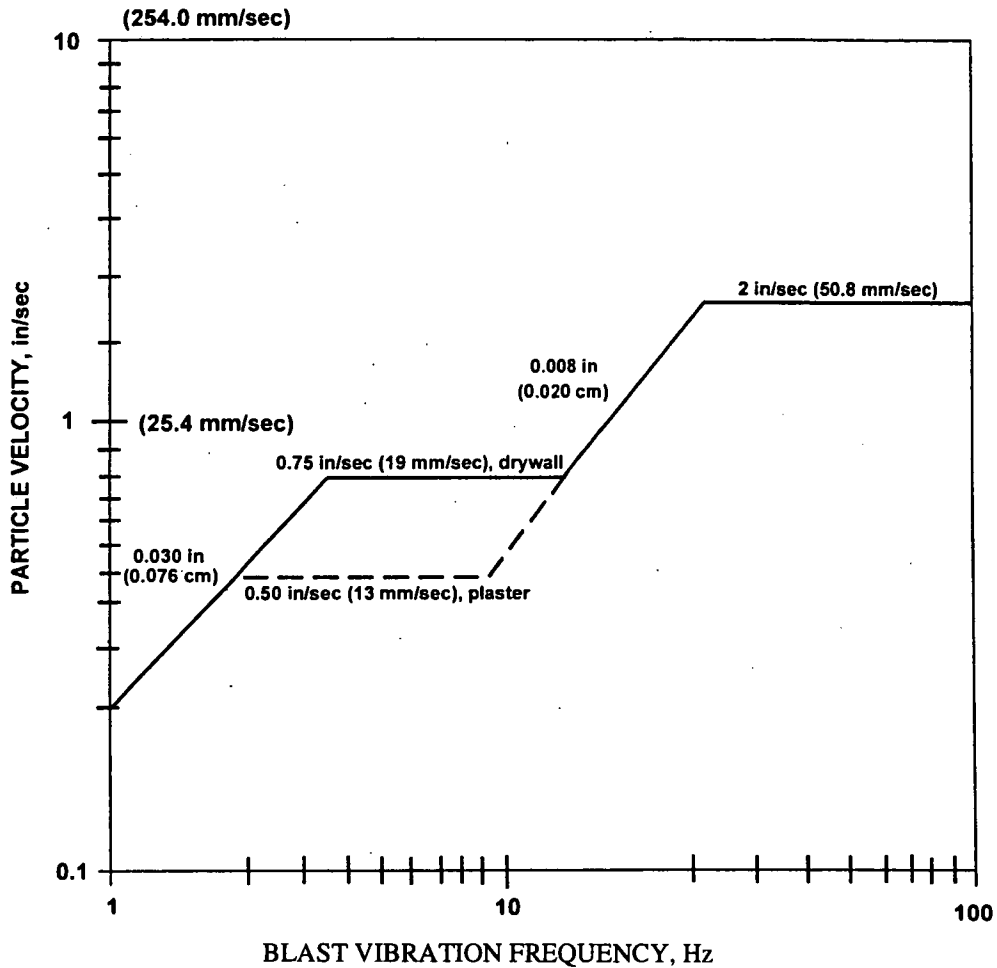
(a) **Frequency versus particle velocity graphs.** In lieu of Table 8-A, a blasting operation has the option to use the graphs shown in Figure 8a or 8b to limit peak particle velocity based upon the frequency of the blast vibration. If either of the graphs in Figure 8a or 8b is used to limit vibration levels, the methods used for monitoring vibration and calculating frequency must be included in the blast plan.

Alternative Blasting Level Criteria



PROPOSED

Alternative Blasting Level Criteria



(b) **Scaled distance equations.** Unless a blasting operation uses a seismograph to monitor a blast to assure compliance with Table 8-A or Figures 8a or 8b, the operation must comply with the scaled distance equations shown in Table 8-B.

Table 8-B
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	$W \text{ (lbs)} = (d \text{ (ft)}/50)^2$ or $W \text{ (kg)} = (d \text{ (m)}/22.6)^2$
301 to 5000 ft (92 m to 1524 m)	$W \text{ (lbs)} = (d \text{ (ft)}/55)^Z$ or $W \text{ (kg)} = (d \text{ (m)}/24.9)^Z$
5001 ft (1524 m) and beyond	$W \text{ (lbs)} = (d \text{ (ft)}/65)$ or $W \text{ (k)} = (d \text{ (m)}/29.4)^Z$

Where:

- W** = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.
- D** = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property on which the owner has not given a written waiver to the blasting operation.

To convert English Units of scaled distances (ft/lb²) to metric units (m/kg²) divide by a factor of 2.21.

(2) **Air blast—Maximum limits.** Air blast must not exceed the maximum limits listed in Table 8-C at the location of any dwelling, public building, school, church, commercial, or institutional building, not:

- Owned;

- Leased;
- Contracted by the blasting operation; or
- On property that the owner has not given a written waiver to the blasting operation.

Table 8-C
AIR-BLAST LIMITS

Lower Frequency of Measuring System in Hz (+ or - 3 decibels)		Measurement Level in Decibels
0.1 Hz or Lower	Flat Response	134 Peak
2 Hz or Lower	Flat Response	133 Peak
6 Hz or Lower	Flat Response	129 Peak
C-Weighted	Slow Response	105 Peak dBC

(3) Flyrock.

(a) **Uncontrolled flyrock.** Flyrock traveling in the air or along the ground must not be cast from the blast area in an uncontrolled manner, which could result in personal injury or property damage.

(b) **Contract or written waiver.** Flyrock must not be propelled from the blast area onto property the blasting operation has not:

- Contracted; or
- Obtained a written waiver for from the owner.

(c) **Use of protective material.** When blasting in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast must be covered before firing with a mat or other suitable protective material that is capable of preventing fragments from being thrown.

NEW SECTION

WAC 296-52-67070 Storage at blast sites. (1) Packaging materials. Empty boxes, paper, and fiber packing materials which have previously contained explosive materials must be:

- Disposed of in a safe manner; or
- Reused in accordance with U.S. DOT hazardous materials regulations.

(2) **Opening fiberboard cases.** Nonsparking metallic slitters may be used for opening fiberboard cases.

(3) **Deteriorating explosives.** Deteriorating explosives must be carefully set aside and disposed of in accordance with the manufacturer's specifications.

NEW SECTION

WAC 296-52-67075 Blast area precautions. (1) Warning signs.

(a) Blast area warning signs must be maintained at all approaches to the blast area.

(b) Warning sign lettering must be at least four inches in height and be on a contrasting background.

(2) **Loaded stumps.** All loaded stumps must be marked for identification.

(3) **Lock out.** Cables in the proximity of the blast area must be deenergized and locked out by the blaster in charge.

NEW SECTION

WAC 296-52-67080 Drilling. (1) Unexploded charges.

(a) Drilling must not begin:

(i) When there is danger of intersecting a charged or mis-fired hole.

(ii) Until all remaining butts of old holes are examined for unexploded charges.

(b) **Unexploded charges must be refired before work proceeds.** (2) **Distance limits during drilling.** Blasters must not load or use explosives closer than:

- (a) The length of the steel being used for drilling; and
- (b) No closer than fifty feet of drilling operations.

(3) **Prior to loading drill holes.**

(a) Holes must be checked prior to loading to determine depth and conditions.

(b) Drill holes which have contained explosives or blasting agents must not be deepened.

(c) Drill holes must be large enough to allow unhindered insertion of explosive cartridges.

(4) **Enlarging or springing a drill hole.**

(a) A drill hole must never be sprung when it is adjacent to or near a loaded hole.

(b) At least two hours must lapse after a charge has exploded in a drill hole that has been enlarged or "sprung" before loading another charge of explosives into the hole.

Note: An exception may be made to this rule provided the sprung hole is thoroughly wetted down with water before it is loaded.

(c) Flashlight batteries must not be used as a power source for springing holes.

NEW SECTION

WAC 296-52-67085 Loading blast holes. (1) Powerlines and portable electric cables. Powerlines and portable electric cables being used for equipment must be kept at a safe distance from explosives or blasting agents being loaded into drill holes.

(2) **Equipment, machinery, and tools.**

- Any machine or tool not being used to load holes must be removed from the immediate loading area.

- Equipment must not be operated within fifty feet of loaded holes except when:

- It is needed to add burden or mats.
- Tracking drills out of the loading area.

(3) **Holes that may be loaded.**

(a) Only holes being fired in the next blasting round may be loaded.

(b) An interval of at least two hours must lapse after a charge has exploded in a drill hole that has been enlarged or "sprung" before loading another charge of explosives into the hole.

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Note: An exception may be made to this rule provided the sprung hole is thoroughly wetted down with water before it is loaded.

(4) Tamping.

(a) A primer must never be tamped.

(b) Tamping must only be done with wood rods or approved plastic tamping poles that do not have exposed metal parts.

(c) Nonsparking metal connectors may be used for jointed poles.

(d) Violent tamping must be avoided.

(5) Pneumatic loading. When loading blasting agents pneumatically over primed boosters:

- Semiconductive delivery hose must be used.
- Equipment must be bonded and grounded.

(6) Stemming. All blast holes in open work must be stemmed to:

(a) The collar; or

(b) A point which will confine the charge.

(7) Attendance of holes. Loaded holes must be attended or protected.

(8) After loading, all remaining explosives and detonators must be immediately returned to an authorized magazine or day box.

NEW SECTION

WAC 296-52-67090 Initiation systems. (1) General.

(a) Training and supervision.

(i) The blaster in charge must provide adequate on-the-job training and supervision in the safe use of initiation systems to be used.

(ii) All members of the blasting crew must be instructed in the safe use of the initiation system to be used and its components.

(b) Manufacturer recommendations. All initiation systems and system components must be used in accordance with manufacturer recommendations and instructions.

(c) Vehicle use precautions.

(i) An explosives bulk truck or other vehicle operated on a blast site must not tread on:

(A) Tubing;

(B) Connectors; or

(C) Any surface delay component.

(ii) If a vehicle operated on a blast site must pass over loaded blast holes, precautions must be made to consolidate tubing, connectors, or any surface delay component at the collar of the hole to prevent vehicle contact.

(d) Connecting the firing line. Firing lines must not be connected to the blast initiating device until all personnel are:

(i) Accounted for; and

(ii) Removed from the blast danger area or are in a blast shelter or other location which provides equivalent protection.

(e) Visual inspection. Before firing the shot, the blaster in charge must make a visual inspection to ensure that the initiation system is hooked up in accordance with the manufacturer's recommendations.

(f) Explosives not used:

(i) Unused detonators or short capped fuses must not be placed in any hole to be blasted.

(ii) Unused detonators must be removed from the working place; and

(A) Disposed of or stored in a licensed magazine; and

(B) Loose cartridges of explosives, detonators, primers, and capped fuses not used by the end of the shift must be returned to their respective magazines and locked up.

(2) Nonelectric initiation systems.

(a) Shock tube lines. When a nonelectric shock tube initiation system is used:

(i) Spools of shock tube lines must not be spooled from trucks or equipment.

(ii) The shock tube line must be:

(A) Free of knots and tight kinks.

(B) Free of cuts or abrasions that could expose the core to moisture.

(C) Not be stretched.

(D) Be neat and orderly.

(iii) Tie ins must be kept neat and clean.

(iv) Unused lead line must be sealed to prevent moisture and dirt from entering the tube.

(v) Care must be taken to avoid hitting the tube with a shovel when the shock tube is being covered.

(vi) The end of the detonator must be pointed toward the front of the shot to minimize the chance of shrapnel flying to the rear of the blast where the shock tube will be lit.

(b) Surface connector blocks. Nonelectrical tubes must:

(i) Be secured properly in surface connector blocks.

(ii) Never exceed the rated capacity of tubes in surface connector blocks.

(c) Splicing line. A knot must be tied in the tubes to take strain off of the splice.

(d) Detonator cord. If a detonator cord is used for surface tie in:

(i) All lines must be kept taut.

(ii) Connections to nonelectrical units must be at ninety degree angles.

(e) Equipment and personnel.

(i) Equipment must not roll over shock tubes.

(ii) All unnecessary equipment and personnel must be removed from the blast area during loading.

(3) Electric initiating systems.

(a) Survey of extraneous currents.

(i) Before adopting any system of electrical firing, the blaster must conduct a thorough survey for extraneous currents.

(ii) All dangerous currents must be eliminated before any holes are loaded.

(b) Detonator compatibility, style, function, and manufacture. In any single blast using electric detonators, all detonators must be:

(i) Compatible with each other;

(ii) Of the same style or function; and

(iii) Of the same manufacture.

(c) Wire capacity and gauge.

(i) Connecting wires and lead wires must:

(A) Be insulated single solid wires of sufficient current carrying capacity; and

(B) Not be less than twenty gauge (American wire gauge) solid core insulated wire.

(ii) Firing line or lead wires must be:

(A) Solid single wires of sufficient current carrying capacity; and

(B) Not less than fourteen gauge (American wire gauge) solid core insulated wire. The gauge of bus wires depends on the size of the blast. Fourteen gauge (American wire gauge) copper is recommended.

(d) **Lead wires.**

(i) **Shunting.** The ends of lead wires to be connected to a firing device must be shunted by twisting them together or shunting them before they are connected to leg or connecting wires.

(ii) **Control.** Shunted lead wires must be kept in the control of blaster in charge until:

(A) Loading is completed; and

(B) The leg wires are attached.

(iii) **Attachment.** Lead wires must:

(A) Be attached by the blaster; and

(B) Not be attached to the firing device until the blaster is ready to fire the shot.

(e) **Detonator leg wires.** Electric detonator leg wires must:

(i) Be shunted as discussed above;

(ii) Be kept short circuited (shunted) until they are connected into the circuit for firing; and

(iii) Not be separated (except for testing) until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(f) **Circuits.**

(i) Blasting circuits or power circuits must be used in electric blasting and must be used in accordance with the electric detonator manufacturer's recommendations.

(ii) When firing a circuit of electric detonators, care must be exercised to ensure that an adequate quantity of delivered current is available in accordance with the manufacturer's recommendations.

(iii) A power circuit used for firing electric detonators must not be grounded.

(iv) The firing switch must be designed so the firing lines to the detonator circuit are automatically short circuited when the switch is in the "off" position.

(v) When firing from a power circuit, the firing switch must be locked in the "open" or "off" position at all times, except when firing.

(g) **Firing line insulation.** When firing electrically, the insulation on all firing lines must be adequate and in good condition.

Note: A hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(h) **Testing.**

(i) The firing line must be checked at the terminals with an approved testing device before being connected to the blasting machine or other power source.

(ii) The circuit, including all detonators, must be tested with an approved testing device before being connected to the firing line.

(i) **Switch keys.** Firing switch keys must be entrusted to the blaster in charge only.

(j) **Blasting machines.** A nonelectric system must be used if the requirements below cannot be satisfied.

(i) **Condition.** Blasting machines must be in good condition.

(ii) **Machine efficiency.** The efficiency of the blasting machine must be tested periodically to ensure it can deliver power at its rated capacity.

(iii) **Responsible person.**

(A) The blaster in charge must be in charge of blasting machines.

(B) Only the blaster in charge will connect the lead wires to the blasting machine.

(C) Only the person making lead wire connections must fire the shot.

(iv) **Connections.**

(A) When firing with blasting machines, connections must be made as recommended by the manufacturer of the electric detonators used.

(B) All connections must be made from the drill hole back to the source of firing current.

(C) Lead wires must remain shunted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(D) The number of electric detonators connected to a blasting machine must not exceed the blasting machine's rated capacity.

(v) **Series circuit.** In primary blasting, a series circuit must contain no more detonators than the limits recommended by the manufacturer of the electric detonators in use.

(vi) **Circuit testing.** A blaster must use blasting testers specifically designed to test circuits to charged holes.

(vii) **Blasting near power lines.** Whenever the possibility exists that a lead line or blasting wire could be thrown over live overhead power lines, communication lines, utility services, or other services or structures by the force of an explosion, care must be taken to ensure:

(A) The total length of wires is kept too short to hit the lines;

(B) The wires are securely anchored to the ground; and

(C) The owners or operators are notified.

(viii) **Disconnecting lead wires.** Lead wires must be immediately disconnected from the machine and short circuited after firing an electric blast from a blasting machine.

NEW SECTION

WAC 296-52-67095 Use of safety fuse with detonators. (1) Restricted or prohibited use.

(a) **Conventional blasting.** Safety fuse and detonators must only be used for conventional blasting:

(i) When extraneous electricity or radio frequency transmissions make the use of electric detonator and wire systems dangerous.

(ii) When overhead electric transmission lines cannot be deenergized and there is danger that blasting wires may be thrown into the overhead lines during a blast.

(iii) For avalanche control hand charges.

(iv) For specialized applications where detonator and fuse is more suitable than electric or other nonelectric initiation systems.

(b) **Mudcap charges.** A detonator and fuse must not be used for firing mudcap charges unless the charges are sufficiently separated to prevent one charge from dislodging other charges in the blast.

(c) **Drop fuse method.** The "drop fuse" method, dropping or pushing a primer or any explosive with a lighted fuse attached, is prohibited.

(d) **Damaged fuses.**

(i) A fuse that is deteriorated or damaged in any way must not be used.

(ii) Hanging fuses on nails or other projections, which will cause a sharp bend in the fuse, is prohibited.

(2) **Fuse length.** Fuses:

(a) Must be cut long enough to reach beyond the collar of the drill hole.

(b) Must be three feet or longer.

(c) When used for shooting choker holes, must be three feet or longer.

(3) **Fuse burning rate.**

(a) The burning rate of any safety fuse in use must be:

(i) Measured;

(ii) Posted in conspicuous locations; and

(iii) Brought to the attention of all workers concerned with blasting.

(b) A fuse must not be used if it burns:

(i) Faster than one foot in forty seconds; or

(ii) Slower than one foot in fifty-five seconds.

(4) **Blaster safety.** When blasting with safety fuses, the length and burning rate of the fuse must allow sufficient time, with a margin of safety, for the blaster to reach a place of safety.

(5) **Fuse capping.**

(a) **Capping location.** Fuses must:

(i) Not be capped in any magazine or near any possible source of ignition.

(ii) Capped at least one hundred feet from any storage magazine.

(iii) Only be capped in a place selected for fuse capping.

(b) **Fuse ends.** Before capping a safety fuse, a short length must be cut from the end of the supply reel to ensure a fresh cut end in each detonator.

(6) **Crimpers.**

(a) **Design.** Detonator crimpers used for attaching detonators to safety fuse must be of an approved design.

(b) **Condition.** Crimpers must be kept in good repair.

(c) **Accessibility.** Crimpers must be accessible for use.

(7) **Waterproofing.** The joint between the detonator and fuse must be waterproofed with a compound prepared for use in wet locations.

(8) **Primers.**

(a) **Site selection.** Primers must:

(i) Not be made in any magazine or near any possible source of ignition.

(ii) Be made in a place selected for this purpose.

(iii) Be made in a location which is at least one hundred feet from any storage magazine.

(b) **Making primers.** When making primers:

(i) Only enough primers for one day's use will be made at one time.

(ii) Only nonsparking skewers will be used for punching the hole in the cartridge to insert the capped fuse.

(iii) A detonator must not be inserted in explosives without first making a hole in the cartridge of proper size or using a standard detonator crimper.

(c) **Storage.** Primers must:

(i) Be stored in a box-type magazine.

(ii) Not be stored in magazines where other explosives are stored.

(9) **Hand lighting.**

(a) No more than twelve fuses may be lit by any blaster when hand lighting devices are used.

(b) Two fuses may be considered one fuse when two or more safety fuses in a group are lit as a single fuse by means of an:

(i) Igniter cord; or

(ii) Other similar fuse lighting devices.

(c) At least two persons must be present when multiple detonator and fuse blasting is being accomplished by hand lighting methods.

NEW SECTION

WAC 296-52-67100 Use of detonating cord. (1) **Cord selection.** Care must be taken to select a detonating cord consistent with the:

- Type and physical condition of the drill hole;
- Stemming; and
- Type of explosives used.

(2) **Handling.** Detonating cord must be handled and used with:

- The same respect and care given other explosives; and
- Care to avoid damaging or severing the cord during and after loading and hooking up.

(3) **Calculating quantity and distance.**

• For quantity and distance purposes, detonating fuse (up to sixty grains per foot) should be calculated as equivalent to nine pounds of high explosives per one thousand feet.

• Heavier cord loads should be rated proportionately.

(4) **Trunk lines.**

• Detonators for firing the trunk line must not be brought to the loading area or attached to the detonating cord until everything else is in readiness for the blast.

• All detonating cord trunk lines and branch lines must be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

• Trunk lines in multiple row blasts must make one or more complete loops, with cross ties between loops at intervals of not over two hundred feet.

(5) **Connections.**

- (a) **Detonating cord.** All detonating cord must be:
 - (i) Competent and positive in accordance with recommended manufacturer's specifications.
 - (ii) Kept at right angles to the trunk lines.
 - (iii) Inspected before firing the blast.
- (b) **Knots.**
 - (i) Knot or other cord-to-cord connections must be made with detonating cord in which the explosive core is dry.
 - (ii) All detonator cord knots must be tight.
- (c) **Connecting detonators.**
 - (i) Connecting blasting detonators. A detonator or electric detonator must be taped or otherwise attached securely along the side or the end of the detonating cord. The end of the detonator containing the explosive charge must be pointed in the direction detonation is designed to proceed.
 - (ii) Short interval delay electric detonators. Manufacturer's recommendations must be strictly complied with when short interval delay electric detonators are used with detonating cord.
 - (iii) Millisecond delay connectors. Manufacturer's recommendations must be strictly complied with when detonating cord millisecond delay connectors are used with detonating cord.
 - (iv) Cutting the detonating cord line. The line of detonating cord extending out of a drill hole or a charge must be cut from the supply spool before loading the remainder of the drill hole or placing additional charges.

NEW SECTION

- WAC 296-52-67105 Firing the blast.** (1) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Warning signs shall be placed at suitable locations.
- (2) All charges shall be covered with blasting mats or other protective material before firing, where blasting may cause injury or damage by flying rock or debris.
 - (3) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.
 - (4) Flaggers shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.
 - (5) It shall be the duty of the blaster to fix the time of blasting. The blaster shall conduct all blasting operations and no shot shall be fired without the blaster's approval.

TABLE T-1

WARNING SIGNAL	A 1 minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	A prolonged blast following the inspection of the blast.

NEW SECTION

WAC 296-52-67110 Precautions after firing. (1) Immediately after firing.

- (a) The firing line must be disconnected from the blasting machine.
- (b) Power switches must be locked in the "open" or "off" position.
- (c) All wires must be carefully traced and a search made for unexploded charges.
- (2) **Post blast inspection.** An inspection of the area and surrounding rubble must be made by the blaster in charge to determine if all charges have been exploded before employees are allowed to return to the operation.
- (3) **Misfires.**
 - (a) **Misfire found.** If a misfire is found, the misfire must be:
 - (i) Reported immediately to the immediate supervisor.
 - (ii) Noted on blast record.
 - (iii) Reported to the department within twenty-four hours if not cleared.
 - (b) **Responsible person.** A blaster in charge must be present and direct the handling of all misfires.
 - (c) **Termination of work.**
 - (i) All work must stop, except work necessary to remove the misfire hazard.
 - (ii) Drilling, digging, or picking must not be permitted until:
 - (A) All misfired holes have been detonated; or
 - (B) The blaster in charge has approved that work can proceed.
 - (d) **Evacuation precautions.**
 - (i) If a misfire is found, the blaster in charge must provide proper safeguards to exclude all employees or other personnel from the danger zone, except those employees necessary to remove the misfire hazard.
 - (ii) Workers must not return to misfired holes for at least:
 - (A) Thirty minutes when electric blasting caps are used.
 - (B) An hour when detonator and fuse are used.
 - (e) **Charged or misfired holes.**
 - (i) Attempts to extract explosives from any charged or misfired hole must not be made.
 - (ii) A new primer must be connected and the hole reblasted.
 - (f) **Refiring hazard.** If refiring a misfired hole presents a hazard, explosives may be:
 - (i) Removed by washing the explosives out with water; or
 - (ii) Blown out with air if the misfire is under water.
- (4) **Burning holes.**
 - (a) Everyone in the endangered area must move to a safe location when explosives are suspected of burning in a hole.
 - (b) No one, under any circumstances, may return to the hole:
 - (i) Until the danger has passed; or
 - (ii) For at least one hour.

PROPOSED

NEW SECTION

WAC 296-52-67115 Excavation work in pressurized air locks. (1) **Receiving, handling, storing, and transportation.**

(a) The blaster in charge or powder person must be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(b) Explosives in transit must not be left unattended.

(c) Detonators and explosives for each round must be taken directly from the magazines to the blasting zone and immediately loaded.

(2) **Wet holes.** The explosives suitable for use in wet holes must be:

(a) Water resistant; and

(b) Fume Class 1 or other approved explosives.

(3) **Bonding.** All metal pipes, rails, air locks, and steel tunnel linings must be:

(a) Electrically bonded together and grounded at or near the portal or shaft.

(b) Cross bonded together at not less than one thousand-foot intervals throughout the length of the tunnel.

(4) **Air locks.**

(a) When detonators or explosives are brought into the air lock, no one must be permitted to enter the air lock except:

(i) The blaster in charge;

(ii) The powder person;

(iii) The lock tender; and

(iv) Employees necessary for carrying explosive materials are permitted in the air lock.

(b) Primers, detonators, and explosives must be taken separately into pressure working locks.

(c) Material, supplies, or equipment must not be brought into air locks with explosive materials.

(d) Detonators and explosives not used after loading must be removed from the working chamber before the connecting wires are connected.

(5) **Grounding.** Each air supply pipe must be grounded at its delivery end.

(6) **Mixed face.**

(a) Light charges and light burdens must be used for each hole when tunnel excavation in rock face is approaching or is in mixed face.

(b) Advance drilling must be performed when tunnel excavation in rock face approaches mixed face to determine the:

(i) General nature and extent of rock cover; and

(ii) Distance to soft ground as excavation advances.

NEW SECTION

WAC 296-52-67120 Blasting agents.

NEW SECTION

WAC 296-52-67125 Transportation, storage, and use. (1) Blasting agents must be used in compliance with applicable requirements of WAC 296-52-67120 through 296-52-67145.

(2) Unless otherwise specified in WAC 296-52-67120 through 296-52-67145, blasting agents must be transported, stored, and used in the same manner as explosives.

Note: Water-gels are covered in WAC 296-52-67150 through 296-52-67170.

NEW SECTION

WAC 296-52-67130 Fixed location mixing. (1) **Build- ing location.** Buildings or other facilities used for manufacturing blasting agents must meet the separation distance requirements of Table H-21 to inhabited buildings, passenger railroads, and public highways.

(2) **Determining distance.** When determining the distances separating highways, railroads, and inhabited buildings from potential explosions (Table H-20), the sum of all masses that may propagate (i.e., lie at distances less than specified in Table H-22) from either individual or combined donor masses are included in the sum. However, when the ammonium nitrate must be included, only fifty percent of its weight must be used because of its reduced blast effects.

(3) **Building construction.** Buildings used for mixing blasting agents must:

(a) Meet the requirements of this section.

(b) Be constructed of noncombustible material or sheet metal on wood studs.

(c) Be well ventilated.

(4) **Heat sources.**

(a) **Internal heating units.** Properly designed and located heating units which do not depend on combustion processes may be used in the building.

(b) **External heating units.** All direct sources of heat must be located outside the mixing building.

(5) **Floors.** Floors in a mixing plant must be made of nonabsorbent materials such as concrete.

(6) **Electrical equipment.**

(a) Electrical switches, controls, motors, and lights located in the mixing room must:

(i) Comply with the requirements of WAC 296-800-280;

or

(ii) Be located outside the mixing room.

(b) The frame of the mixer and all other equipment that may be used must be:

(i) Electrically bonded;

(ii) Provided with a continuous path to the ground.

(7) **Internal combustion engines.**

(a) **Location.** All internal combustion engines used for electric power generation must be located:

(i) Outside the mixing plant building; or

(ii) Be properly ventilated and isolated by a firewall.

(b) **Exhaust systems.** Engine exhaust systems must be located to prevent any spark emission from becoming a hazard to any materials in or adjacent to the plant.

(8) **Mixing equipment.** Equipment used for mixing blasting agents must comply with the following:

(a) **Design.**

(i) The design of the mixer must minimize the possibility of frictional heating, compaction, and confinement.

(ii) Bearings and drive assemblies must be mounted outside the mixer and protected against the accumulation of dust.

(iii) Surfaces must be accessible for cleaning.

(b) **Construction.** Mixing and packaging equipment must be constructed of materials compatible with the fuel ammonium nitrate composition.

(c) **Fire precautions.**

(i) Mixer fuel oil flow. In case of fire:

(A) Suitable means to prevent the flow of fuel oil to the mixer must be provided.

(B) An automatic spring-loaded shutoff valve with fusible link must be installed in gravity flow systems.

(ii) Flame/spark producing devices. Smoking, matches, open flames, spark-producing devices, and firearms, except firearms carried by law enforcement bomb squad members or qualified guards, must not be permitted inside of or within fifty feet of any building or facility used for mixing blasting agents.

(9) **Blasting agent compositions.** The provisions of (a) through (c) of this subsection must be considered when determining blasting agent compositions.

(a) **Determining sensitivity.** The sensitivity of the blasting agent must be determined by means of a number 8 test detonator at regular intervals and after every change in formulation.

(b) **Handling precautions.**

(i) Oxidizers. Small particle oxidizers, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and must be handled with greater care.

(ii) Solid fuels. Solid fuels must be used in a manner which minimizes dust-explosion hazards.

(iii) Metal powders. Metal powders, such as aluminum must be:

(A) Kept dry; or

(B) Stored in moisture resistant or weather tight containers or bins.

(c) **Use restrictions.** The following must not be used:

(i) Crude oil and crankcase oil;

(ii) Hydrocarbon liquid fuel with a flash point lower than the 125°F minimum for number 2 diesel fuel oil; or

(iii) Peroxides and chlorates.

(10) **Fuel oil storage.**

(a) **Facilities.** Fuel oil storage facilities must be:

(i) Independent structures; or

(ii) Located at a site distant from the manufacturing building.

(b) **Surrounding area.** In the event of a tank rupture, the grounds surrounding a fuel oil storage facility must slope away from the manufacturing building to prevent oil from draining toward the manufacturing building.

(11) **Safety precautions.** Safety precautions at mixing plants must include the following requirements:

(a) **Floor construction.** Floors must be constructed to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(b) **Mixing/packaging room.** The floors and equipment of the mixing and packaging room must be cleaned regularly

and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(c) **Housekeeping.**

(i) **Mixing plant.**

(A) Dust. The entire mixing and packaging plant must be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(B) Ammonium nitrate bags. Empty ammonium nitrate bags must be disposed of daily in a safe manner.

(ii) **Surrounding area.** The land surrounding the mixing plant must be kept clear of brush, dried grass, leaves, and other materials for a distance of at least twenty-five feet.

(d) **Welding.**

(i) Welding or open flames must not be permitted or used in or around the mixing or storage area of the plant unless:

(A) The equipment or area has been completely washed down; and (B) All oxidizer material has been removed.

(ii) Before welding or repairing hollow shafts:

(A) Oxidizer materials must be removed from the inside and outside of the shaft; and

(B) The shaft must be vented with a minimum one-half inch diameter opening.

(e) **Explosives.** Explosives must not be permitted inside or within fifty feet of any building or facility used for mixing blasting agents.

NEW SECTION

WAC 296-52-67135 Bulk delivery/mixing vehicles.

This section applies to both off highway operations and public highway transportation.

(1) **Vehicles.**

(a) **Strength.** A bulk delivery vehicle must be strong enough to carry a load without difficulty.

(b) **Mechanical condition.** A bulk delivery vehicle must be in good mechanical condition.

(c) **Body.** A bulk vehicle body for delivering and mixing blasting agents must:

(i) Be constructed of noncombustible materials.

(ii) Have closed bodies if they are used to transport bulk premixed blasting agents.

(d) **Mixing system parts.**

(i) All moving parts of the mixing system must be designed to prevent heat buildup.

(ii) Shafts or axles which contact the product must have outboard bearings with one inch minimum clearance between the bearings and the outside of the product container. Particular attention must be given to the clearances on all moving parts.

(e) **Repairs.** Bulk delivery vehicle repair activities must comply with the requirements of this section.

(2) **Vehicle operations.** Operation of bulk delivery and mixing vehicles must comply with (a) through (c) of this subsection, WAC 296-52-680 and U.S. DOT placard requirements.

(a) **Driver training.** The vehicle driver must be:

(i) Trained in the safe operation of the vehicle and mixing, conveying, and related equipment; and

(ii) Familiar with the commodities being delivered and the general procedures for handling emergency situations.

(b) **Cargo and containers.**

(i) Hauling either detonators or other explosives, but not both, is permitted on bulk trucks provided a special wood or nonferrous lined container is installed for explosives; and

(ii) Detonators and explosives must be in U.S. DOT specified shipping containers, 49 CFR, chapter I.

(c) **Moving a vehicle in the blast area.** When moving a vehicle in the blasting area:

(i) The driver must exercise caution to avoid driving the vehicle onto or dragging hoses over firing lines, cap wires, or explosive materials; and

(ii) A second person must be provided to assist the vehicle driver to guide the driver's movements.

(3) **Pneumatic loading.** Pneumatic loading from bulk delivery vehicles into blast holes primed with electric detonators or other static sensitive systems must comply with the requirements of (a) through (c) of this subsection.

(a) A positive grounding device must be used to prevent accumulation of static electricity.

(b) A discharge hose must:

(i) Have a resistance range that will prevent conducting stray currents; or

(ii) Be conductive enough to bleed off static buildup.

(c) A qualified person must evaluate all static sensitive systems to determine if they will adequately dissipate static under potential field conditions.

(4) **Welding.**

(a) Welding or open flames must not be permitted or be used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(b) Before welding or repairing hollow shafts:

(i) All oxidizer material must be removed from the inside and outside of the shaft; and

(ii) The shaft must be vented with a minimum one-half inch diameter opening.

(5) **Prohibited activities.**

(a) Intransit mixing of materials is prohibited.

(b) The following activities are prohibited while in or about bulk vehicles in the process of the mixing, transferring, or down the hole loading of water-gels at or near the blasting site:

(i) Smoking; and

(ii) Carrying flame producing devices, including matches and firearms.

NEW SECTION

WAC 296-52-67140 Bulk storage bins. (1) **Construction.** A bin, including supports, must be:

(a) Waterproof;

(b) Constructed of compatible materials; and

(c) Adequately supported and braced to withstand the combined impact force of all loads, including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(2) **Discharge gates.** A bin discharge gate must be designed to:

(a) Provide a closure tight enough to prevent leakage of the stored product; and

(b) Permit locking.

(3) **Loading manways.** Bin loading manways or access hatches must be:

(a) Hinged or otherwise attached to the bin; and

(b) Designed to permit locking.

(4) **Electric conveyors.** An electrically driven conveyor used for loading or unloading bins must:

(a) Comply with the requirements of WAC 296-800-280.

(b) Be designed to minimize corrosion damage.

(5) **Separation distances.**

(a) **Blasting agent bins.** Bins containing blasting agents must meet the distance requirements of:

(i) Table H-20 with respect to separation from inhabited buildings, passenger railroads, and public highways; or

(ii) Table H-22 with respect to separation from other explosives and blasting-agent storage facilities.

(b) **Ammonium nitrate bins.** Bins containing ammonium nitrate must meet the distance requirements of Table H-22 with respect to separation from blasting agent and explosives storage.

NEW SECTION

WAC 296-52-67145 Transportation of blasting agents. (1) **Public highways.**

(a) **Packaging, marking, and labeling.** When offering blasting agents for transportation on public highways, the packaging, marking, and labeling of containers of blasting agents must comply with the requirements of U.S. DOT.

(b) **Placards.** Vehicles used for transporting blasting agents on public highways must comply with U.S. DOT placard regulations.

(2) **Transporting blasting agents and explosives together.** Transportation of blasting agents with explosives in the same vehicle must meet the requirements of WAC 296-52-68060.

(3) **Vehicles.**

(a) **Condition.** Vehicles transporting blasting agents must be in safe operating condition at all times.

(b) **Driver.** See WAC 296-52-68060(2).

(4) **Prohibited activities.** The following activities are prohibited:

(a) Carrying matches, firearms, and acids, or other corrosive liquids, in the bed or body of any vehicle containing blasting agents.

(b) Anyone smoking or under the influence of intoxicants, narcotics, or other dangerous drugs must not be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents.

(c) Transporting or carrying blasting agents on any public vehicle carrying passengers for hire.

NEW SECTION

WAC 296-52-67150 Water-gel and emulsion explosives and blasting agents.

NEW SECTION

WAC 296-52-67155 General. Water-gels and emulsions must be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product unless otherwise specified in WAC 296-52-67150 through 296-52-67170.

NEW SECTION

WAC 296-52-67160 Types and classifications. (1) Contains explosive substance. Water-gel and emulsion explosive materials which contain a substance that is, in itself, classified as an explosive must:

- (a) Be classified as an explosive; and
- (b) Comply with the manufacturing, transportation, storage, and use requirements for explosives in WAC 296-52-67150 through 296-52-67170.

(2) Contains no explosive substance. Water-gel and emulsion explosive materials which do not contain any substance classified as an explosive and as cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130) must be:

- (a) Classified as an explosive; and
- (b) Comply with the manufacturing, transportation, storage, and use requirements for explosives in WAC 296-52-67150 through 296-52-67170.

Note: Water-gel formulas which are tested and classified as a U.S. DOT Class B explosives do not require bullet resistant magazines.

(3) Contains blasting agent substance. Water-gel and emulsion explosive materials which do not contain any substance classified as an explosive and not cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130) must be:

- (a) Classified as blasting agents; and
- (b) Manufactured, transported, stored, and used as required for "blasting agents" in WAC 296-52-67150 through 296-52-67170.

NEW SECTION

WAC 296-52-67165 Fixed location mixing. (1) Buildings.

(a) **Applicable rules.** Buildings used for the manufacture of water-gels or emulsions must meet the requirements of WAC 296-52-67150 through 296-52-67170.

(b) **Locations.**

(i) **Separation distance tables.** Buildings or other facilities used for manufacturing emulsions and water-gels must meet the separation distance requirements of Table H-21 to:

- (A) Inhabited buildings;
- (B) Passenger railroads; and
- (C) Public highways.

(ii) **Determining distance.** When determining the distances separating highways, railroads, and inhabited buildings from potential explosions (Table H-20), the sum of all masses that may propagate (i.e., lie at distances less than specified in Table H-22) from either individual or combined donor masses are included in the sum. However, when the ammonium nitrate must be included, only fifty percent of its weight must be used because of its reduced blast effects.

(c) **Construction.** Buildings used for the manufacture of water-gels or emulsions must:

(i) **Materials.** Buildings must be constructed with non-combustible material or sheet metal on wood studs.

(ii) **Floors.** Mixing plant floors must be made of nonabsorbent materials such as concrete.

(iii) **Ventilation.** Buildings must be well ventilated.

(d) **Heat sources.** Heating units that are properly designed to be independent of the combustion process within the heating unit may be used within the confines of processing buildings or compartments if they:

- (i) Have temperature and safety controls; and
- (ii) Are located away from combustible materials and the finished product.

(e) **Internal combustion engines.**

(i) **Location.** All internal combustion engines used for electric power generation must be located:

- (A) Outside the mixing plant building; or
- (B) Be properly ventilated and isolated by a firewall.

(ii) **Exhaust systems.** Engine exhaust systems must be located to prevent any spark emission from becoming a hazard to any materials in or adjacent to the plant.

(f) **Fuel oil storage.**

(i) **Facilities.** Fuel oil storage facilities must be:

- (A) Independent structures.
 - (B) Located at a site distant from the manufacturing building.
- (ii) **Surrounding area.** In the event of a tank rupture, the grounds surrounding a fuel oil storage facility must slope away from the manufacturing building to prevent oil from draining toward the manufacturing building.

(2) **Storage of water-gel and emulsion ingredients.**

(a) **Explosive ingredients.**

(i) Ingredients classified as Class A or B explosives must be stored as required by WAC 296-52-69010; and

(ii) Ingredients must not be stored with incompatible materials.

(b) **Nitrate water solutions.**

(i) Nitrate water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations; and

(ii) Spills or leaks which may contaminate combustible materials must be cleaned up immediately.

(c) **Metal powders.**

(i) Metal powders, such as aluminum, must be kept dry; and

(ii) Metal powders must be stored in containers or bins which are moisture resistant or weather tight.

(d) **Solid fuels.** Solid fuels must be used in a manner which minimizes dust explosion hazards.

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(e) **Peroxides and chlorates.** Peroxides and chlorates must not be used.

(3) **Mixing equipment.** Mixing equipment must comply with the requirements of (a) through (d) of this subsection.

(a) **Design.** The design of processing equipment, including mixers, pumps, valves, conveying, and other related equipment, must:

(i) Meet the requirements of WAC 296-52-67165;

(ii) Be compatible with the relative sensitivity of the materials being handled;

(iii) Minimize the possibility of frictional heating, compaction, overloading, and confinement;

(iv) Prevent the introduction of foreign objects or materials; and

(v) Be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(b) **Handling procedures.** Processing equipment handling procedures must be designed to prevent the introduction of foreign objects or materials.

(c) **Housekeeping.**

(i) A cleaning and collection system for dangerous residues must be provided; and

(ii) The mixing, loading, and ingredient transfer areas, where residues or spilled materials may accumulate, must be cleaned periodically.

(d) **Electrical equipment.**

(i) All electrical equipment, including wiring, switches, controls, motors, and lights, must comply with the requirements of WAC 296-800-280;

(ii) All electric motors and generators must have suitable overload-protection devices;

(iii) Electrical generators, motors, proportioning devices, and all other electrical enclosures must be electrically bonded; and

(iv) The grounding conductor to electrical equipment in (d) (ii) and (iii) of this subsection must be effectively bonded to:

(A) The service entrance ground connection; or

(B) All equipment ground connections in a manner to provide a continuous path to ground.

(4) **Mixing facility fire prevention.** Mixing facilities must comply with the fire prevention requirements of (a) through (c) of this subsection.

(a) **Heat sources.** All direct sources of heat must be provided exclusively from units located outside of the mixing building.

(b) **Visual inspection.** A daily visual inspection must be made of the mixing, conveying, and electrical equipment to ensure their good operating condition.

(c) **Facility maintenance.** A program of systematic maintenance must be regularly conducted on regular schedule.

NEW SECTION

WAC 296-52-67170 Bulk delivery/mixing vehicles.

(1) **Vehicle design.** The design of bulk delivery/mixing vehicles must comply with the requirements of (a) through (c) of this subsection.

(a) **Public highways.** Vehicles used over public highways for the bulk transportation of emulsion, water-gels or ingredients classified as dangerous commodities must meet the following transportation requirements:

(i) U.S. DOT regulations, including placard requirements; and

(ii) WAC 296-52-680.

(b) **Power supply.** When electric power is supplied by a self contained motor generator located on the vehicle, the generator must be at a point separate from where the water-gel is discharged.

(c) **Parking brakes and chocks.**

(i) A positive action parking brake, which will set the wheel brakes on at least one axle, must be:

(A) Provided on vehicles equipped with air brakes; and

(B) Used during bulk delivery operations.

(ii) Wheel chocks must supplement parking brakes whenever conditions require.

(2) **Vehicle operation.** Operation of bulk delivery and mixing vehicles must comply with the requirements of (a) through (e) of this subsection.

(a) **Driver training.** The vehicle driver must be:

(i) Trained in the safe operation of the vehicle and mixing, conveying, and related equipment; and

(ii) Familiar with the commodities being delivered and the general procedures for handling emergency situations.

(b) **Cargo and containers.**

(i) Hauling either detonators or other explosives, but not both, is permitted on bulk trucks provided a special wood or nonferrous lined container is installed for explosives; and

(ii) Detonators and explosives must be in U.S. DOT specified shipping containers, 49 CFR Chapter I.

(c) **Moving a vehicle in the blast area.** When moving a vehicle in the blasting area:

(i) The driver must exercise caution to avoid driving the vehicle onto or dragging hoses over firing lines, cap wires, or explosive materials; and

(ii) A second person must be provided to assist the vehicle driver to guide the driver's movements.

(d) **Transfer locations.** The location chosen for water-gel or ingredient transfer from a support vehicle to the drill hole loading vehicle must be away from the blast hole site when the drill holes are loaded or in the process of being loaded.

(e) **Prohibited activities.**

(i) Intransit mixing of materials is prohibited; and

(ii) The following activities are prohibited while in or about bulk vehicles effecting the mixing, transfer, or down the hole loading of water-gels at or near the blasting site:

(A) Smoking.

(B) Carrying flame producing devices, including matches and firearms.

NEW SECTION

WAC 296-52-67175 Underwater blasting operations.

Note: Other chapter requirements, such as licensing, magazine construction, storage, and use of explosives, are applicable to underwater explosives.

NEW SECTION

WAC 296-52-67180 Separation distance from vessels and people. (1) A blast must not be fired while any vessel underway is closer than one thousand five hundred feet to the blasting area.

(2) People on board vessels or crafts moored or anchored within one thousand five hundred feet must be notified before a blast is fired.

NEW SECTION

WAC 296-52-67185 Swimming and diving activities.

(1) A blast must not be fired while:

(a) Swimming or diving activities are in progress in the vicinity of the blasting area; and
(b) Any person is in the water.

(2) If swimming and diving activities are in progress, signaling arrangements must be made and agreed upon to communicate blast warnings.

NEW SECTION

WAC 296-52-67190 Initiation systems. Only water resistant initiation systems will be used for underwater blasting.

NEW SECTION

WAC 296-52-67195 Loading tubes and casings. (1) Loading must be done through a nonsparking loading tube when a tube is necessary.

(2) Loading tubes and casings must be made of the same type of metal to prevent electric transient currents from occurring as a result of a galvanic reaction of the metals and water.

NEW SECTION

WAC 296-52-67200 Multiple charges. (1) When more than one charge is placed underwater, a float device must be attached to an element of each charge in a manner that ensures it will be released when the charge is fired.

(2) Blasting flags must be displayed.

(3) Misfires must be handled in accordance with the requirements of WAC 296-52-67110(3).

NEW SECTION

WAC 296-52-67205 Underground blasting operations.

NEW SECTION

WAC 296-52-67210 Storage. (1) **Permanent storage.**

(a) Explosives or blasting agents must not be permanently stored in an underground operation until at least two modes of exit have been developed.

(b) Permanent underground storage magazines:

(i) Must be at least three hundred feet from any shaft, adit, or active underground working area; and

(ii) Containing detonators must be at least fifty feet away from any magazine containing other explosives or blasting agents.

(2) **Tunnels, shafts, or caissons.** Detonators and explosives must not be stored or kept in tunnels, shafts, or caissons.

NEW SECTION

WAC 296-52-67215 Separation distance—Electrical storms. Upon the approach of an electrical storm, explosives at the adit, or the top of any shaft leading to where persons are working, must be moved to a distance equal to the distance required for inhabited buildings (Table H-20), unless this action would create a greater hazard.

NEW SECTION

WAC 296-52-67220 Proper fume class use. (1) **Fume Class 1.** Fume Class 1 explosives must be used for underground operations, as specified by the IME.

(2) **Fume Classes 2 and 3.** Explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

NEW SECTION

WAC 296-52-67225 Combustible gases or dusts. Explosives must not be loaded or used underground where combustible gases or combustible dusts exist unless approved by Mine Safety and Health Administration (MSHA).

NEW SECTION

WAC 296-52-67230 Initiating systems. (1) Electric systems.

(a) **Safety switch.** A safety switch must be:

(i) Placed at intervals in the permanent firing line when firing from a power circuit.

(ii) Made:

(A) So it can only be locked in the "off position"; or

(B) With a short circuiting arrangement of the firing lines to the detonator circuit.

(b) **Lightning gap.**

(i) There must be a "lightning" gap of at least five feet in the firing system ahead of the main firing switch, between the switch and power source.

(ii) The lightning gap must be bridged by a flexible jumper cord just before firing the blast.

(2) Nonelectric systems. Nonelectric systems must be in accordance with the requirements of WAC 296-52-67090(2).

NEW SECTION

WAC 296-52-67235 Firing the blast. (1) **Employee evacuation.** The blaster must make sure all employees are out of the blast area before firing a blast.

(2) **Guarding entrances.**

(a) All possible entries into the blasting area must be carefully guarded.

(b) Any entrance to any working place where a drift, raise, or other opening is about to hole through must be carefully guarded.

(3) **Warning signals.** Warning must be given before firing an underground blast.

TABLE T-1

WARNING SIGNAL	A 1 minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	A prolonged blast following the inspection of the blast.

NEW SECTION

WAC 296-52-67240 Returning to the blast. (1) **Smoke and fumes.** Sufficient time, at least fifteen minutes, must be allowed for smoke and fumes to leave the blasted area before the blaster in charge returns to the shot.

(2) **Muck pile.** Workers must not be allowed to return to work until after the muck pile has been watered down.

NEW SECTION

WAC 296-52-67245 High speed tunneling—Central primer house. When primers are made up at a central primer house for use in high speed tunneling, subsections (1) and (2) of this section apply:

(1) **Primers.**

(a) Only enough primers must be made up for each round of blasting.

(b) Primers must be:

(i) Placed in separate containers or bins; and

(ii) Categorized by degree of delay in a manner to prevent physical impact.

(2) **Separation of explosives in magazines.** Explosives carried in the same magazine must be separated by:

(a) One-quarter-inch steel; and

(b) Covered on each side by four inches of hardwood planking or equivalent protection.

NEW SECTION

WAC 296-52-67250 Sample format for a blast record, nonmandatory.

Note: The sample blast record format is nonmandatory, but the information shown in the sample is required per WAC 296-52-67010(8).

SAMPLE FORMAT FOR A BLAST RECORD

(Minimum Record Requirements)

Blast/Record Date _____ Blast # _____ Time of Blast: _____ AM PM

Employer: _____

Blast-Site Location: _____

Blast Crew Members:

General Weather Conditions (Clouds & Ceiling, Humidity, Wind Speed/Direction, Temperature, etc.):

Type & Condition of Rock Blasted:

Number of Boreholes _____ Diameter _____ in. Depth _____ ft. Backfill _____
 Borehole Water Depth _____ Burden _____ ft. Spacing _____
 Number of Rows _____ Stemming _____ ft. Stemming Material _____
 Non-Standard Pattern Details: _____

**MAKE, TYPE, and AMOUNT
Of Explosives Used**

_____ lb
 _____ lb
 _____ lb
 _____ lb
 _____ lb
 _____ lb
Total Pounds in Blast = _____ lb

DETONATORS

Electric None
 Manufacturer _____
 Length _____
 Delay Periods _____
 # of Units _____
 Cord _____

Maximum boreholes per delay _____ Maximum loaded pounds per delay _____

Number of decks per borehole _____ Weight of explosives per deck _____

Distance, direction, and address of closest structure from blast site _____ ft.

Distance: _____ ft. Direction: _____ Address: _____

Calculated scaled distance $W = (D/(55/60/65))^2 =$ _____ maximum lb. Per delayed allowed in (USBM)

Distance, direction, and address of seismographs from the blast site.

Distance: _____ ft. Direction: _____ Address: _____

Calibration dates of seismographs used:

Number _____ Date _____ Number _____ Date _____

Method used to measure distances (Laser RF, Optical RF, GPS, Tape, Wheel, Map)?

_____ Other Method: _____

PROPOSED

PROPOSED

BLASTING RECORD

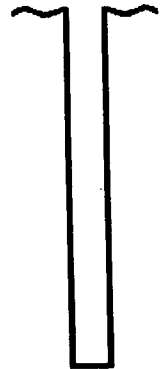
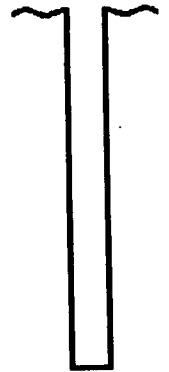
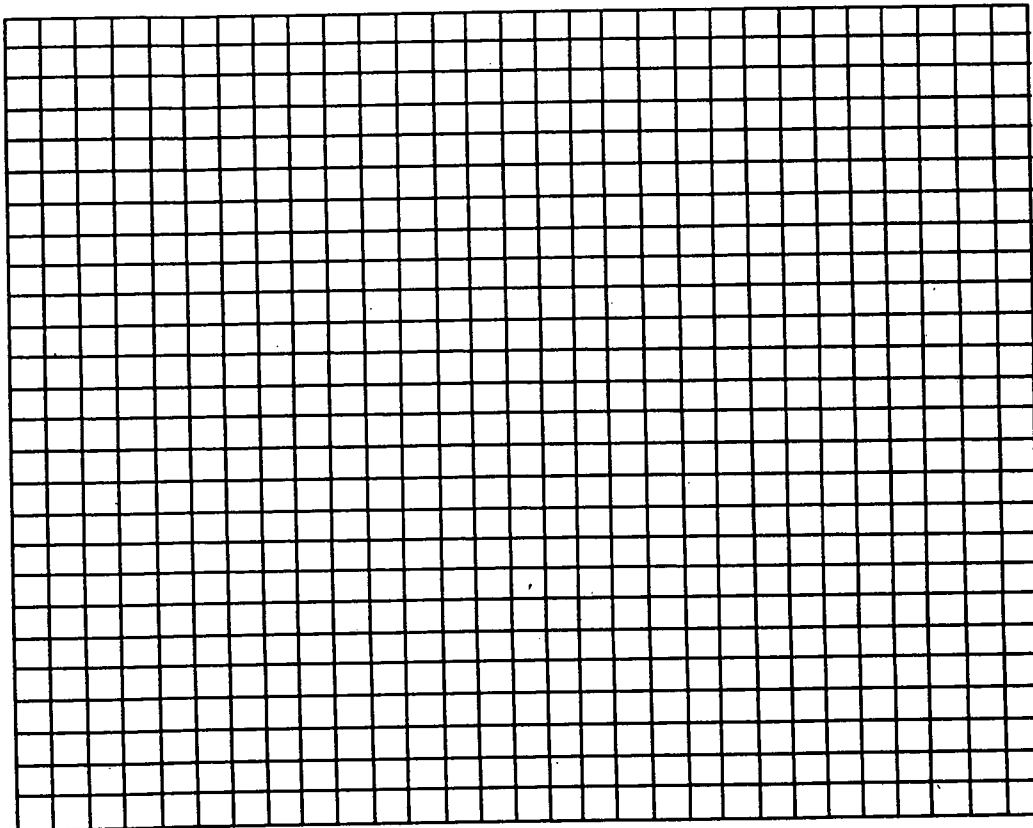
SKETCH OF BLAST LAYOUT

IDENTIFY SHOT LOCATION BY STATION OR BY DIRECTION AND DISTANCE TO KNOWN STRUCTURE OR OBJECT.
SHOW NORTH ARROW. SHOW DELAY NUMBER BY HOLE AND WIRING/CORD/TUBING HOOKUP.

BLAST LOCATION &
BLAST NUMBER _____

DATE: ___/___/___

TYPICAL HOLES



SHOW: Depth, Stemming, Decks, Water, Primer Locations, Subdrilling, etc.

BLAST COMMENTS including fragmentation, muckpile configuration, and flyrock (use additional paper if needed)

SIGNATURE (Blaster in charge): _____ Date _____

PART D**TRANSPORTATION OF EXPLOSIVE MATERIALS**

Note: Blasting agents. Requirements for transportation of blasting agents are located at WAC 296-52-67145.

NEW SECTION**WAC 296-52-68005 Scope.**NEW SECTION

WAC 296-52-68010 Public highways. Transportation of explosives on public highways are:

- Regulated by:
 - U.S. DOT (49 CFR, Parts 100 - 199); and
 - The Washington utilities and transportation commission; and
- Administered and enforced by the Washington state patrol.

NEW SECTION

WAC 296-52-68015 Job sites and off highway roads. The transportation regulations in this part are applicable:

- In and on job sites and off highway roads; and
- To privately financed, constructed, or maintained roads.

Note: These regulations are not applicable to state or interstate highway systems.

NEW SECTION

WAC 296-52-68020 Safety precautions. No one may:

- Smoke or carry matches, or any other flame producing device, while in or near a vehicle transporting explosives;
- Carry any firearms or loaded cartridges while in or near a vehicle transporting explosives, except guards or commissioned law enforcement officers; and
- Drive, load, or unload a vehicle transporting explosives in a careless or reckless manner.

NEW SECTION

WAC 296-52-68025 Transportation of workers. Explosives must not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two people.

NEW SECTION

WAC 296-52-68030 Cargo. Materials and supplies must not be placed in the cargo space of a conveyance containing:

- Explosives;
- Detonating cord; or
- Detonators.

except:

- Safety fuse; and
- Properly secured nonsparking equipment, which is necessary to handle the explosive materials being transported.

NEW SECTION**WAC 296-52-68035 Transportation vehicles.**NEW SECTION**WAC 296-52-68040 Vehicle strength and condition.**

All vehicles used for transporting explosives must:

- Be strong enough to carry the load without difficulty;
- Be in good mechanical condition;
- Have a tight floor in the cargo compartment(s); and
- Not have any exposed spark producing metal inside which could come into contact with the explosives cargo.

NEW SECTION**WAC 296-52-68045 Open top vehicles.**

• **Locations of use.** While loaded with explosives, open top vehicles must be used on:

- The job site; or
- Roads which are not open to public travel.

• **Containers.** Explosives being transported in open top vehicles or trailers must be transported in:

- The original U.S. DOT approved shipping container or box; or

– A daybox or portable magazine which complies with the requirements of this chapter.

• **Securing containers.** Explosive containers, boxes, dayboxes, or portable magazines must be secured to the bed of the vehicle or trailer.

• **Loading.** Packages of explosives must not be loaded above the sides on open sided vehicles.

• **Tarpaulins.**

– Nonsparking interiors. If an explosives transportation vehicle or trailer does not have a fully enclosed cargo area with nonsparking interior, the cargo bed and all explosive cargo must be covered with a flameproof and moisture proof tarpaulin or other effective protection against moisture and sparks.

– Securing. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container must be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs.

NEW SECTION

WAC 296-52-68050 Vehicle placards. All vehicles transporting explosives material must:

- Be placarded.
- Placards must be displayed as specified by U.S. DOT (CFR 49-1981, Parts 100 through 199).
- Placards must remain on the vehicle until all explosives have been removed from the vehicle.

NEW SECTION

WAC 296-52-68055 Vehicle fire protection. (1) Fire extinguishers.

• **Driver training.** The driver must be trained in the use of the extinguishers on the vehicle.

PROPOSED

• **Equipment specifications.** Vehicles used for transporting explosive materials must be equipped with fire extinguishers according to the following schedule. Vehicle gross vehicle weight:

– Less than 14,000: At least two multipurpose dry-chemical extinguishers having a combined capacity of not less than 4-A:20-B:C.

– 14,000 pounds or greater: At least two multipurpose dry-chemical extinguishers having a combined capacity of not less than 4-A:70-B:C.

• **Laboratory approval.** Only extinguishers listed or approved by a nationally recognized testing laboratory are considered suitable for use on explosives carrying vehicles.

Notes: • See the definition in WAC 296-24-58501(19).
• See 29 CFR 1910.7 for nationally recognized testing laboratories.

• **Condition and location.** Extinguishers must be filled, ready for immediate use, and readily available.

• **Inspection.** Extinguishers must be examined periodically by a competent person. You must comply with the requirements of WAC 296-800-30020.

(2) **Vehicle inspection.** A motor vehicle used for transporting explosives must be inspected to determine that it is in proper condition for safe transportation of explosives. The inspection must include:

- Fire extinguishers must be filled and in working order.
- All electrical wiring must be completely protected and securely fastened to prevent short circuiting.
- Chassis, motor, pan, and underside of body must be reasonably clean and free of excess oil and grease.
- Fuel tank and feedline must be secure and have no leaks.
- Tires must be checked for proper inflation and defects.
- Brakes, lights, horn, windshield wipers, and steering apparatus must function properly.
- The vehicle must be in proper condition in every other respect and acceptable for handling explosives.

(3) **Vehicle repair/servicing.** Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies must not be taken inside a garage or shop for repairs or servicing.

NEW SECTION

WAC 296-52-68060 Operation of vehicles transporting explosives. (1) **Authorized explosives transportation.** Explosives may only be transported by a:

- Licensed manufacturer;
- Blaster;
- Purchaser or seller, or their designated agent or representative; or
- Contract carrier for hire who complies with all requirements for transportation of hazardous materials.

(2) **Driver qualifications.**

- (a) Vehicles transporting explosives must only be driven by and be in the charge of a licensed driver who is:
- At least twenty-one years old;
 - Physically fit;
 - Careful;

- Capable;
- Reliable;
- Able to read and write the English language; and
- Not addicted to or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician provided use of the prescription drug does not endanger the worker or others.

(b) An explosives vehicle driver must be:

- Familiar with all:
 - Traffic regulations;
 - State laws regarding department of transportation and explosives and hazardous material; and
 - Provisions of WAC 296-52-680.
- Aware of:
 - The nature of the cargo; and
 - Pertinent safety precautions relating to the particular explosives being transported.

(3) **Parking—Class A or B explosives.** A vehicle which contains Class A or B explosives must not be parked:

- On or within five feet of the traveled portion of a public street or highway;
- On private property, including the premises of a fueling or eating facility, without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or
- Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

EXCEPTION: – When the necessities of operation require the vehicle be parked for a brief period of time; and
– It is impractical to park the vehicle in any other place.

(4) **Vehicle attendance.** A vehicle transporting any quantity of Class A or B explosives must be attended at all times by a driver or other representative of the vehicle carrier, except as provided in subsection (5) of this section.

(5) **Authorized nonattendance.**

(a) An explosive laden vehicle may be left unattended for a period not to exceed forty-eight hours, provided:

- (i) The vehicle is parked in a designated parking lot, which complies with:
- (A) NFPA Std. 498; and
 - (B) The appropriate distance table for the type and quantity of explosives carried.
- (ii) The designated parking lot is correctly bermed and walled or fenced and gated to prevent unauthorized entry.
- (iii) The designated lot is:
- (A) Inspected and approved by the department; and
 - (B) Provided with a full-time security patrol at all times when explosives are present.

(b) An explosive delivery truck does not need to be attended when it contains blasting agents only, International Class 1.5 D, and no high explosives provided the:

- (i) Vehicle is locked to prevent movement of the vehicle;
- (ii) Cargo compartments are locked to prevent theft;
- (iii) Vehicle is parked according to all applicable storage distance requirements; and
- (iv) Vehicle is located in a secured area which restricts entry to the area by unauthorized personnel.

(6) Attendant:

(a) An authorized attendant must be physically present within the field of vision of explosives.

(b) In an emergency, the attendant must be able to get to explosives quickly and without interference, except for brief periods of necessary absence, during which, theft of explosives is not ordinarily possible.

(c) The attendant must be:

- Awake;
- Alert;
- Not engaged in activities which may divert the attendant's attention from monitoring explosives;
- Aware of:
 - The class of the explosive material in the vehicle; and
 - The explosive material's inherent dangers;
- Instructed in the measures and procedures to be followed to protect the public;
- Familiar with the vehicle assigned;
- Trained;
- Authorized to move the vehicle when required; and
- Supplied with the necessary means to move the vehicle when required.

(7) **Loading precautions.** A vehicle must not transport explosives in the same vehicle body with the following types of items unless loading complies with U.S. DOT regulations:

- Spark producing metal;
- Spark producing tools;
- Oils;
- Matches;
- Firearms;
- Electric storage batteries;
- Flammable substances;
- Acids;
- Oxidizing materials; or
- Corrosive compounds.

(8) **Congested areas.** Vehicles transporting explosives must avoid congested areas and heavy traffic.

(9) Disabled vehicles.

• **Supervision.** Proper and qualified supervision must be provided before explosives may be transferred from a disabled vehicle to another vehicle.

• **Local authority notification.**

- Congested areas. Local fire and police departments must be promptly notified.
- Remote areas. Local fire and police departments must be notified if appropriate.

(10) **Explosives delivery and issue.** Delivery and issue of explosives must only be made:

- By and to authorized persons; and
- Into authorized magazines or authorized temporary storage or handling areas.

NEW SECTION

WAC 296-52-68065 Transporting detonators and explosives in the same vehicle. (1) The following types of detonators, fuse type detonators, detonators with safety fuse, or detonators with metal clad mild detonating fuse, must not be transported on the same vehicle or trailer with other explo-

sives, unless they comply with U.S. DOT hazardous material regulations for:

- Packaging;
- Separation; and
- Transportation.

(2) Detonators rated as nonmass detonating by U.S. DOT may be transported in the same vehicle or trailer with other explosives when the:

- Detonators are carried in U.S. DOT approved shipping containers; or
- Truck or trailer complies with the requirements of IME Safety Library Publication Number 22, May 1993.

NEW SECTION

WAC 296-52-68070 Underground blasting operations.

NEW SECTION

WAC 296-52-68075 Powder cars, vehicles, and conveyances. Explosives and blasting agents must be hoisted, lowered, or conveyed in a powder car:

(1) **State approval.** A state approved powder car or conveyance must be used underground.

(2) **Two unit compartments.** Compartments, for transporting detonators and explosives together on the same conveyance, must be physically separated by a:

- Distance of twenty-four inches; or
- Solid partition at least six inches thick.

(3) **Auxiliary lights prohibited.** Auxiliary lights which are powered by an electrical system on truck beds is prohibited.

(4) **Daily inspection.** The powder car or conveyance must be inspected daily for:

- Properly working lights;
- Properly working brakes; and
- External damage to electrical circuitry.

(5) Weekly inspection.

• The electrical system must be inspected weekly to detect any failures that may constitute an electrical hazard; and

- A written inspection certification record must:

– Contain the date of inspection, the serial number, or other positive identification, of the unit being inspected, and the signature of the person performing the inspection.

- Be kept on file for the duration of the job.

(6) **Explosives warning sign.** The powder car or conveyance built for the purpose of transporting explosives or blasting agents must have a sign on each side of the car with:

- The word "explosives";
- Letters at least four inches in height; and
- A background of sharply contrasting color.

NEW SECTION

WAC 296-52-68080 Notification—Hoist operator. Hoist operators must be notified before explosives or blasting agents are transported in a shaft conveyance.

NEW SECTION

WAC 296-52-68085 Underground transportation.

(1) Explosives and blasting agents.

• **Companion items.**

– Explosives or blasting agents must not be transported in the same conveyance at the same time with other materials, supplies, or equipment; and

– Detonators and other explosives must not be transported at the same time in any shaft conveyance.

– Explosive and blasting agents shall be hoisted, lowered, or conveyed in a powder car.

• **Manual transportation.** Explosives or blasting agents that are not in their original containers must be placed in a suitable container when transported manually.

• **Car or conveyance.** Whenever possible, the car or conveyance containing explosives or blasting agents must be pulled and not be pushed.

• **Locomotives.** Explosives or blasting agents must:

– Not be transported on any locomotive; and

– Be separated by at least two car lengths from the locomotive.

• **Riding on a conveyance.** When transporting explosives or blasting agents, no one must be permitted to ride on a:

– Shaft conveyance; or

– Other conveyance, except the operator, helper, or powder person.

• **Crew haul trips.** Explosives or blasting agents must not be transported on a crew haul trip.

• **Disposition at arrival.** All explosives or blasting agents in transit underground must be taken to the place of use or storage without delay.

(2) Quantity limit. The quantity of explosives or blasting agents taken to an underground loading area must not exceed the amount estimated to be necessary for the blast.

(3) Unloading primers at the blast site.

• Primers must not be unloaded until after:

– Drilling has been completed; and

– The holes in the round are ready for loading.

• Primers must be unloaded from the powder car at the face or heading.

• Only the number of primers being used for the round must be removed from the powder car; and

• The powder car must be removed from the tunnel after the charge has been loaded.

(4) Electric detonators. Wires on electric detonators must be kept shunted until wired to the bus wires.

PART E

STORAGE OF EXPLOSIVE MATERIALS

NEW SECTION

WAC 296-52-69005 Detonators. Detonators, of any kind, must not be stored in any magazine where other explosives are stored.

NEW SECTION

WAC 296-52-69010 Explosives. All Class A, B, and C explosives; special industrial explosives; and any newly developed unclassified explosives must be kept in magazines which meet the requirements of chapter 70.74 RCW and this chapter, unless they are:

• In the process of manufacture;

• Being physically handled;

• Being used at the blast site; or

• Being transported to a place of storage or use.

NEW SECTION

WAC 296-52-69015 Exempt explosives.

Type of Explosive	Amount Not Applicable
Stocks of:	
• small arms ammunition,	Quantities less than 750,000
• propellant-actuated power cartridges, and	
• small arms ammunition primers	
Smokeless propellants	Quantities less than 150 pounds
Black powder (as used in muzzleloading firearms)	Quantities less than 5 pounds
Explosive-actuated power devices	Quantities less than 50 pounds net weight of explosives
Fuse lighters and igniters	(not applicable)
Safety fuses (except cordeau detonant fuses)	(not applicable)

NEW SECTION

WAC 296-52-69020 Storage facilities. Explosives, except as specified in WAC 296-52-69015, and detonators in quantities of more than one thousand must not be stored in any building or structure except:

• A permanent Class 1 magazine; or

• An approved and licensed magazine.

Note 1: **Components capable of detonation.** Any two components which, when mixed, become capable of detonation by a number 6 detonator must be stored in separate locked containers or a licensed approved magazine.

PROPOSED

- Note 2: **Electro magnetic radiation precautions.** Blasting operations or storage of electrical detonators must be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances (WAC 296-52-67060) can be observed.
- Note 3: **Detonators, detonating primers, and primed cartridges.** Detonators, electric detonators, detonating primers, and primed cartridges must not be stored together or in the same magazine with other explosives.
- Note 4: **Ammonium perchlorate rocket motors.** Ammonium perchlorate rocket motors in 62.5 gram amounts or greater, not to exceed fifty pounds in total weight of explosives, may be stored in an attached garage of a single family residence provided that the living area is separated from the garage by at least one-hour fire wall.

NEW SECTION

WAC 296-52-69025 Quantity and distance tables. All explosive manufacturing buildings and magazines that store explosives or blasting agents, except small arms ammunition and smokeless powder, must be in compliance, as required by RCW 70.74.120, with the quantity and distance requirements specified in:

- Table H-20;
- Table H-21; and
- Table H-22.

NEW SECTION

WAC 296-52-69030 Storage within magazines. (1) Storage materials. Magazines must not be used for storage of metal tools or any commodity other than:

- Explosives;
- Blasting agents; and
- Blasting supplies.

(2) **Black powder.** Black powder:

- (a) Must be stored separately from other explosives in a magazine.
- (b) Kegs must be stored on ends, bungs down, or sides, seams down.

(3) **Age date mark.** Explosives which are not conspicuously age date marked by the manufacturer must be marked with the manufacturing date before being stored in the magazine.

Note: Unidentified explosives confiscated by law enforcement may be marked with the confiscation date if the manufacturer's date is unknown.

(4) **Grades and brands.**

- (a) Identical grades and brands of explosives must be stored together and with the brands and grade marks showing.
- (b) All stocks must be stored so they may be easily checked and counted.

(5) **Package placement.** Explosive packages must be:

- Placed top side up; and
- Stacked in a stable manner.

(6) **Ventilation.** Explosive materials must not be:

- Stored where they could interfere with ventilation; or
- Placed within two inches of interior walls.

(7) **Contact with interior walls.** Nonsparking lattice or other nonsparking material may be used to prevent contact of stored explosive materials with interior walls.

(8) **Housekeeping.**

(a) Magazine floors must be:

- Regularly swept, sweepings must be properly disposed of, and
- Kept clean, dry, and free of grit, paper, and used packages and rubbish.

(b) Brooms and other cleaning utensils must not have any spark producing metal parts.

(c) Floors stained with nitroglycerin must be cleaned according to manufacturer's instructions.

(9) **Unpacking or repacking explosives.**

(a) Containers of explosives, except fiberboard or other nonmetal containers, must not be unpacked or repacked:

- In a magazine;
- Within fifty feet of a magazine; or
- In close proximity to other explosives.

(b) Opened packages of explosives must be securely closed before being returned to a magazine.

(c) Tools used for opening packages of explosives must be constructed of nonsparking materials.

(d) A wood wedge and a fiber, rubber, or wood mallet must be used for opening or closing wood packages of explosives.

NEW SECTION

WAC 296-52-69035 Storage limits. Explosive materials in excess of three hundred thousand pounds or detonators in excess of twenty million must not be stored in one storage magazine.

NEW SECTION

WAC 296-52-69040 Notification of fire safety authority. Any person storing explosive materials must notify the local fire safety authority having jurisdiction over the area where the explosive materials are being stored.

(a) Notification must include the following information for each site where explosive materials are being stored:

- Type of explosives;
- Magazine capacity; and
- Location.

(b) Notification must be made:

- Orally on the first day explosive materials are stored; and
- In writing within forty-eight hours from the time explosive material storage began.

NEW SECTION

WAC 296-52-69045 Magazine repairs. Before beginning repair activities that could cause sparks or fire:

- All explosives must be removed from the magazine;
- The floor must be cleaned before beginning repairs inside a magazine;

- Explosives removed from a magazine under repair must be placed:
 - In another magazine; or
 - A safe distance from the magazine; and
- Explosives must be properly attended until they are returned to the magazine.

NEW SECTION

WAC 296-52-69050 Inventory. (1) **Responsible person.** A qualified person must be:

- Responsible for the magazine at all times;
- At least twenty-one years of age; and
- Held responsible for the enforcement of all safety precautions.

(2) **Security and access.** Explosives must:

- Be accounted for at all times;
- Be kept in a locked magazine when not in use; and
- Not be accessible to unauthorized persons.

(3) **Recordkeeping.** Inventory and use records must be maintained for all explosives.

NEW SECTION

WAC 296-52-69055 Inspection. (1) **Weekly inspection.**

(a) A magazine must be inspected at least every seven days by the person or company responsible for the contents of the magazine to determine whether there has been an unauthorized:

- Attempted entry into the magazine; or
- Removal of the contents of the magazine.

(b) The person conducting the inspection must be familiar with the magazine and the contents being inspected.

Note: This inspection is not required to be an inventory.

(2) **Inspection documentation.**

(a) The person conducting the inspection must sign one of the following documents upon completion of the inspection:

- A weekly inspection log;
- An inventory sheet; or
- Other record.

(b) Weekly inspection records must be retained for at least one year.

NEW SECTION

WAC 296-52-69060 Surrounding area precautions.

(1) **Firearms.** Firearms, except firearms carried by qualified guards and qualified law enforcement officers, must not be permitted inside of or within fifty feet of a magazine.

(2) **Area maintenance.** The area surrounding magazines must:

- Be kept clear of rubbish, brush, dry grass, or trees, except live trees more than ten feet tall, for at least twenty-five feet in all directions;
- Volatile materials must be at least fifty feet from outdoor magazines; and

• Living foliage used to stabilize earthen coverings of a magazine does not need to be removed.

• Ground around storage facilities must slope away for drainage.

(3) **Fire sources.** Smoking, matches, open flames, and spark producing devices are not permitted:

- In any magazine;
- Within fifty feet of an outdoor magazine; or
- In any room containing an indoor magazine.

(4) **Warning signs.**

(a) **Access routes.** All normal access routes to explosive materials storage facilities, except Class 3 (1.3) magazines, must be posted with warning signs that read:

DANGER
NEVER FIGHT EXPLOSIVE FIRES
EXPLOSIVES ARE STORED ON THIS SITE
CALL _____

(b) **Sign specifications and placement.** These signs must:

- (i) Be in contrasting colors;
- (ii) Have letters a minimum three inches (75 mm) high and 1/2 inch (12.5 mm) wide;
- (iii) Be placed so a bullet passing through the sign will not strike a magazine; and
- (iv) Not be attached to magazines.

(c) **Transportation placards.** Placards required by U.S. DOT (49 CFR) for blasting agent transportation must be displayed on all Class 5 magazines where blasting agents are being stored.

NEW SECTION

WAC 296-52-69065 Deteriorated explosives.

• When any explosive is suspected of being deteriorated to the extent that it is unstable or dangerous, or if nitroglycerin leaks from any explosives, the explosive must be immediately destroyed in the manner recommended by the manufacturer.

- Only a licensed blaster may destroy explosives.

NEW SECTION

WAC 296-52-69070 Explosives recovered from misfires. • **Storage.** Explosives recovered from misfires must be placed in a separate licensed magazine until they can be disposed of as required below.

• **Detonator use.** Detonators suspected of being defective must not be reused.

• **Disposal.** Explosives and detonators must be disposed of by a blaster in charge in the manner recommended by the manufacturer.

NEW SECTION

WAC 296-52-69075 Theft or loss. (1) **Responsible person.** Any person responsible for explosives that knows of a theft or loss of explosives must report it:

- To the local law enforcement agency; and

- Within twenty-four hours of discovery.

(2) **Law enforcement.** Local law enforcement agencies must report a theft or loss of explosives to the department immediately.

(3) **Other persons.** Other individuals that know of an unauthorized or attempted magazine entry should report this information to the local law enforcement agency.

NEW SECTION

WAC 296-52-69080 Blast site storage. (1) **Location.** Temporary explosives storage at blast sites must be located away from:

- Inhabited buildings;
- Railways;
- Highways; and
- Other magazines.

(2) **Separation distance.** A distance must be maintained between magazines and the work in progress. This distance must be at least:

- One hundred fifty feet when the quantity of explosives kept is in excess of twenty-five pounds; and
- Fifty feet when the quantity of explosives kept is twenty-five pounds or less.

NEW SECTION

WAC 296-52-69085 Multiple magazines. (1) **Separation distance.** When two or more storage magazines are located on the same property, each magazine must comply with the minimum quantity and separation distance requirements for:

- Magazines (Table H-21); and
- Inhabited buildings, railways, and highways (Table H-20).

(2) **Distance less than required.** If the separation distance between two or more magazines is less than the distance required (Table H-21), the magazine group must be:

- Considered one magazine; and
- Comply with the minimum distance requirements for inhabited buildings, railways, and highways (Table H-20).

(3) **Distance of group magazines to other magazines.** Each magazine of a group must comply with minimum magazine distance requirements (Table H-21) in relation to other magazines not considered part of the group.

(4) **Quantity of explosives.**

(a) **Magazine group.** The total quantity of explosives stored in a magazine group must:

- Be considered one magazine; and
- Not exceed the requirements of Table H-21 for one magazine.

(b) **Detonator magazine.** The quantity of explosives contained in a detonator magazine takes precedence over the minimum magazine distance requirements (Table H-21) when determining the separation distance required between a detonator magazine and magazines that contain other types of explosives.

(c) **Detonator strength.** Strengths of blasting and electric detonators:

- Through number eight must be rated as one and one-half pounds of explosives per one thousand detonators; or
- Higher than number eight must be computed on the combined weight of explosives.

NEW SECTION

WAC 296-52-69090 Blasting agents and supplies. (1) **Storage.**

(a) When stored with explosives, blasting agents or ammonium nitrate must be stored as required in WAC 296-52-70005 through 296-52-70025.

(b) When computing the total quantity of explosives for determining the distance requirements, the mass of blasting agents and one-half the mass of ammonium nitrate must be included.

(c) When stored separately from explosives, they may be stored as required in WAC 296-52-70045 through 296-52-70050, WAC 296-52-70055 through 296-52-70060, or in warehouses which are:

- One story without basements;
- Noncombustible or fire resistant;
- Constructed to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire; • Weather resistant, well ventilated; and
- Equipped with a strong door kept securely locked except when open for business.

(d) Semi-trailer or full trailer vans used for highway or on site transportation of blasting agents are satisfactory for temporarily storing these materials provided:

- They are located in accordance with Table H-20 with respect to inhabited buildings, passenger railways and public highways; and
- According to Table H-22 with respect to one another. Trailers must be provided with substantial means for locking and the trailer doors must be kept locked except during the time of placement or removal of blasting agents.

(e) Warehouses used for storage of blasting agents must be located in accordance with:

- The provisions of Table H-20 with respect to inhabited buildings, passenger railways, and public highways; and
- According to Table H-22 with respect to one another.

(f) Combustible materials, flammable liquids, corrosive acids, chlorates or nitrates must not be stored in any warehouse used for blasting agents unless separated by a fire resistant separation of not less than one-hour resistance;

(g) The storage of blasting agents with nonexplosive blasting supplies is not prohibited;

(h) Every warehouse used for the storage of blasting agents must be under the supervision of a competent person who is at least twenty-one years old.

(2) **Combustible materials.** The following are prohibited inside of or within fifty feet (15.2 m) of any warehouse used for storing blasting agents:

- Smoking;
- Matches;
- Open flames;
- Spark producing devices; and
- Firearms.

(3) **Housekeeping.** The interior of warehouses used for the storage of blasting agents must:

- Be kept clean and free from debris and empty containers; and
- Cleaned up promptly and safely remove all spilled materials.

NEW SECTION

WAC 296-52-69095 Ammonium nitrate. (1) Storage:

(a) Storage requirements do not apply to:

• The transportation of ammonium nitrates while under jurisdiction of and in compliance with U.S. DOT regulations (see 49 CFR, Part 173).

• The storage of ammonium nitrates while under the jurisdiction of and in compliance with U.S. Coast Guard (see 49 CFR, Parts 146-149).

• The storage of ammonium nitrate and ammonium nitrate mixtures, which are more sensitive than allowed by the bulletin "Definition and Test Procedures for Ammonium Nitrate Fertilizers" from the Fertilizer Institute, 501 2nd St. N.E., Washington, D.C. 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

• The production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no undue hazard to employees or the public is created.

• The standards for ammonium nitrate (nitrous oxide grade) that are found in the "specifications, properties and recommendations for packaging, transportation, storage and use of ammonium nitrate," from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(b) Storage requirements do apply to:

• Anyone storing, having or keeping ammonium nitrate and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of one thousand pounds (425 kg) or more.

• Ammonium nitrate in the form of crystals, flakes, grains or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade and other mixtures containing sixty percent or more ammonium nitrate by weight.

• Approval of large quantity storage is based on fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings must:

• Not have basements unless the basements are open on at least one side;

• Not be over one story in height;

• Have adequate ventilation or be of a construction that will be self-ventilating in the event of a fire;

• Have walls of fire resistant construction when the exposed side of a storage building is within fifty feet (15.2 m) of a combustible building, forest, piles of combustible materials and similar exposure hazards. In lieu of the fire resistant wall, other suitable means of exposure protection such as a freestanding wall may be used;

• Have roof coverings that are Class C or better as defined in Roof Coverings, NFPA 203M-1970;

• Have flooring of noncombustible material or protected against impregnation by ammonium nitrate and must be without open drains, traps, tunnels, pits or pockets into which any molten ammonium nitrate could flow and be confined in the event of a fire.

• The continued use of an existing storage building or structure not in strict conformity with this section may be approved in cases where such continued use will not constitute a hazard to life or adjoining property;

• Be dry and free from water seepage through the roof, walls and floors.

(d) Storage in bags, drums or other containers must:

• Comply with specifications and standards required for use in interstate commerce (see 49 CFR, chapter 1). Containers used on the premises in the actual manufacturing or processing need not comply.

• Not be accepted for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C).

• Not be stored within thirty inches (76 cm) of the storage building walls and partitions.

• Not have piles exceed twenty feet (6.1 m) in height, twenty feet (6.1 m) in width, and fifty feet (15.2 m) in length, except where the building is of noncombustible construction or is protected by automatic sprinklers, then the length of piles need not be limited.

• Never be stacked closer than thirty-six inches (.09 m) below the roof or supporting and spreader beams overhead.

• Have aisles provided to separate piles by a clear space of not less than three feet (.09 m) in width. One main aisle in the storage area must not be less than four feet (1.2 m) in width.

(e) Storage of bulk ammonium nitrate must:

• Have warehouses with adequate ventilation or be capable of adequate ventilation in case of fire.

• Have structures that do not exceed forty feet (12.2 m) in height, unless constructed of noncombustible material or have adequate facilities for fighting a roof fire.

• Have bins that are clean and free of materials, which may contaminate ammonium nitrate.

• Have bins or piles that are clearly identified by signs reading "ammonium nitrate" in letters at least two inches (5 cm) high.

• Have bins or piles sized and arranged so that all material in the pile is moved out periodically in order to minimize the possible caking of the stored ammonium nitrate.

• Be adequately separated from readily combustible fuels. Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead and zinc must not be used in bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible.

• Have partitions dividing the ammonium nitrate storage from other products, which would contaminate the ammonium nitrate and be of tight construction.

• Not be accepted for storage when the temperature of the product exceeds 130°F (54.4°C).

• Not be piled higher than thirty-six inches (0.9 m) below the roof or supporting and spreader beams overhead. The

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pressure setting tendency of the product must limit height or depth of piles.

- Not use dynamite, other explosives and blasting agents to break up or loosen caked ammonium nitrate.

- Not store flammable liquids, such as gasoline, kerosene, solvents and light fuel oils on the premises except when such storage conforms to WAC 296-24-330 and when walls and sills or curbs are provided in accordance with WAC 296-52-69095.

- Not store LP gas on the premises except when such storage conforms to WAC 296-24-475.

- Not store sulfur and finely divided metals in the same building with ammonium nitrate except when such storage conforms to chapter 296-52 WAC and NFPA standard 495, Explosives Materials Code.

- Not store explosives and blasting agents in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents. When explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user compounders, they must be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 or by at least fifty feet (15.2 m).

- Have storage and/or operations on the premises of makers, distributors, and user-compounders that are in conformity with chapter 296-52 WAC.

(2) **Contaminants must** be in a separate building or be separated by an approved firewall of not less than one hour of fire resistance rating from storage of ammonium nitrate. The contaminants are:

- Organic chemicals;
- Acids;
- Other corrosive materials;
- Materials that may require blasting during processing or handling;
- Compressed flammable gases;
- Flammable and combustible materials;

- Other contaminating substances, including animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils; and

- Have separation spaces of at least thirty feet (9.1 m), in lieu of separation walls, which need to extend only to the underside of the roof.

(3) Housekeeping requirements must have the following:

- Electrical installations, which conform to the requirements of chapter 296-24 WAC, Part L, for ordinary locations and be designed to minimize damage from corrosion.

- Adequate lightning protections in areas where lightning storms are prevalent. (See NFPA 78-1992, Lightning Protection Code.)

- Provisions to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(4) **Fire protection must provide:**

- Water supplies and fire hydrants in accordance with recognized good practices.

- Suitable fire control devices such as a small hose or portable fire extinguishers throughout the warehouse and in the loading and unloading areas. Suitable fire control devices must comply with the requirements of WAC 296-800-300 and 296-24-602.

- Sprinkler systems of the approved type and installed in accordance with WAC 296-24-607. No more than two thousand five hundred tons (2,270 metric) of bagged ammonium nitrate may be stored in a building or structure that is not equipped with an automatic sprinkler system.

NEW SECTION

WAC 296-52-69100 Quantity and distance tables.

NEW SECTION

WAC 296-52-69105 Table H-20—Table of distances for storage of explosives.

Table H-20

Table of Distances for Storage of Explosives

Quantity of Explosive (In Pounds)		Distances (in Feet)					
		Inhabited Buildings		Public Highways With Traffic Volume 3,000 or Less Vehicles Per Day		Passenger Railways and Public Highways: With Traffic Volume of More Than 3,000 Vehicles Per Day	
Over		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
0	5	70	140	30	60	51	102
5	10	90	180	35	70	64	128
10	20	110	220	45	90	81	162
20	30	125	250	50	100	93	186
30	40	140	280	55	110	103	206
40	50	150	300	60	120	110	220
50	75	170	340	70	140	127	254
75	100	190	380	75	150	139	278
100	125	200	400	80	160	150	300
125	150	215	430	85	170	159	318

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Quantity of Explosive		Distances (in Feet)					
(In Pounds)		Inhabited Buildings		Public Highways With Traffic Volume 3,000 or Less Vehicles Per Day		Passenger Railways and Public Highways: With Traffic Volume of More Than 3,000 Vehicles Per Day	
Over		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
150	200	235	470	95	190	175	350
200	250	255	510	105	210	189	378
250	300	270	540	110	220	201	402
300	400	295	599	120	240	221	442
400	500	320	640	130	260	238	476
500	600	340	680	135	270	253	506
600	700	355	710	145	290	266	532
700	800	375	750	150	300	278	556
800	900	390	780	155	310	289	578
900	1,000	400	800	160	320	300	600
1,000	1,200	425	850	165	330	318	636
1,200	1,400	450	900	170	340	336	672
1,400	1,600	470	940	175	350	351	702
1,600	1,800	490	980	180	360	366	732
1,800	2,000	505	1,010	185	370	378	756
2,000	2,500	545	1,090	190	380	408	816
2,500	3,000	580	1,160	195	390	432	864
3,000	4,000	635	1,270	210	420	474	948
4,000	5,000	685	1,370	225	450	513	1,026
5,000	6,000	730	1,460	235	470	546	1,092
6,000	7,000	770	1,540	245	490	573	1,146
7,000	8,000	800	1,600	250	500	600	1,200
8,000	9,000	835	1,670	255	510	624	1,248
9,000	10,000	865	1,730	260	520	645	1,290
10,000	12,000	875	1,750	270	540	687	1,374
12,000	14,000	885	1,770	275	550	723	1,446
14,000	16,000	900	1,800	280	560	756	1,512
16,000	18,000	940	1,880	285	570	786	1,572
18,000	20,000	975	1,950	290	580	813	1,626
20,000	25,000	1,055	2,000	315	630	876	1,752
25,000	30,000	1,130	2,000	340	680	933	1,866
30,000	35,000	1,205	2,000	360	720	931	1,962
35,000	40,000	1,275	2,000	380	760	1,026	2,000
40,000	45,000	1,340	2,000	400	800	1,068	2,000
45,000	50,000	1,400	2,000	420	840	1,104	2,000
50,000	55,000	1,460	2,000	440	880	1,140	2,000
55,000	60,000	1,515	2,000	455	910	1,173	2,000
60,000	65,000	1,565	2,000	470	940	1,206	2,000
65,000	70,000	1,610	2,000	485	970	1,236	2,000
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000

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Quantity of Explosive (In Pounds)		Distances (in Feet)					
		Inhabited Buildings		Public Highways With Traffic Volume 3,000 or Less Vehicles Per Day		Passenger Railways and Public Highways: With Traffic Volume of More Than 3,000 Vehicles Per Day	
Over		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000

Note 1: Terms used in Table H-20 are found in WAC 296-52-60130.
 Note 2: Source of table data is BATF (6/90) 55.218.

Table H-21

NEW SECTION

WAC 296-52-69110 Table H-21—Quantity and distance table for separation between magazines.

Note: This table applies to the permanent storage of commercial explosives only. It does not apply to explosives:

- Handling;
- Transportation;
- Temporary storage of explosives;
- Bombs, projectiles, or other heavily encased explosives.

(1) **Magazines** containing detonators and electric detonators must be separated from:

- (a) Other magazines containing similar contents; or
- (b) Magazines containing explosives by distances in the following table.

(2) **Barricade** means effective screening of a building containing explosives by means of a natural or artificial barrier from:

- A magazine.
- Another building.
- A railway.
- A highway.

Note: For this type of barrier, a straight line passes from the top of any side wall of a building containing explosives to:

- The eave line of any magazine; or
- Another building; or
- A point twelve feet above the center of a railway or highway.

(3) **Artificial barricade** means:

- An artificial mound or properly revetted wall of earth with a minimum thickness of at least three feet; or
- Any other artificial barricade approved by the department.

(4) **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

Note: With site specific department approval, a stand of mature timber could qualify as a natural barricade. To qualify, the timber must be dense enough so the area requiring protection cannot be seen from the magazine when the trees in the stand are bare of leaves.

QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES		Separation Distance in Feet Between Magazines	
Pounds Over	Pounds Not Over	Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12
40	50	28	14
50	75	30	15
75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65

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QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES		Separation Distance in Feet Between Magazines	
Pounds Over	Pounds Not Over	Not Barricaded	Barricaded
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105
25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170

QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES		Separation Distance in Feet Between Magazines	
Pounds Over	Pounds Not Over	Not Barricaded	Barricaded
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385

NEW SECTION

WAC 296-52-69115 Table H-22—Separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Table H-22

TABLE OF SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS¹

Donor weight		Minimum separation distance of receptor when barricaded ² (ft.)		Minimum thickness of artificial barricades ³ (in.)
Pounds over	Pounds not over	Ammonium nitrate ³	Blasting agent ⁴	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25

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16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Note 1: These distances apply to the separation of stores only. Table H-20 must be used in determining separation distances from inhabited buildings, passenger railways, and public highways.

Note 2: When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table must be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet resistant wall, distances, and barricade thickness in excess of those prescribed in Table H-20 are not required.

Note 3: The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the Fertilizer Institute*, and ammonium nitrate failing to pass said test must be stored at separation distances determined by competent persons. *(Definition and Test Procedures for Ammonium Nitrate Fertilizer, the Fertilizer Institute, formerly the National Plant Food Institute, November 1964).

Note 4: These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. DOT regulations.

Note 5: Acceptable barricades include either natural or artificial barricades as defined in WAC 296-52-60130.

Note 6: When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

Note 7: Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

(a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of deto-

nating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)

(b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance, distances measured between nearest edges, the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors must be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors must be computed as a weighted distance from the combined masses:

(i) Calculation of weighted distance from combined masses:

Let M_2, M_3, \dots, M_n be donor masses to be combined.

M_1 is a potential acceptor mass.

D_{12} is distance from M_1 to M_2 (edge to edge).

D_{13} is distance from M_1 to M_3 (edge to edge), etc.

To find weighted distance

$D_{1(2,3, \dots, n)}$ from combined masses to M_1 , add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{1(2,3, \dots, n)} = \frac{M_2 \times D_{12} + M_3 \times D_{13} + \dots + M_n \times D_{1n}}{M_2 + M_3 + \dots + M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

(c) When determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-20), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the table) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight must be used because of its reduced blast effects. In applying Table H-21 to distances from highways, railroads, and inhabited build-

ings, distances are measured from the nearest edge of potentially explodable material.

(d) When all or part of a potential acceptor comprises explosives Class A as defined in U.S. DOT regulations, storage in bullet resistant magazines is required. Safe distances to stores in bullet resistant magazines may be obtained from the intermagazine distances prescribed in Table H-21.

(e) Barricades must not have line of sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.

(f) Good housekeeping practices must be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within twenty-five feet of such bin. Accumulation of spilled product on the ground must be prevented.

PROPOSED

NEW SECTION

WAC 296-52-69120 Table H-23—Quantity and distance tables for manufacturing buildings. Buildings and magazines, on explosives manufacturing plants where workers are regularly employed, must meet the quantity and separation distance requirements of Table H-23, intraexplosives plant quantity and distance table, below.

(1) **Explosives manufacturing buildings.** Explosives manufacturing buildings must be located away from manufacturing and nonmanufacturing buildings as required by Table H-23.

(2) **Magazines.** Magazines must be located away from manufacturing and nonmanufacturing buildings as required by Table H-23.

Table H-23

EXPLOSIVES		Distance Feet
Pounds Over	Pounds Not Over	Separate Building or Within Substantial Dividing Walls
....	10	
10	25	40
25	50	60
50	100	80
100	200	100
200	300	120
300	400	130
400	500	140
500	750	160
750	1,000	180
1,000	1,500	210
1,500	2,000	230
2,000	3,000	260
3,000	4,000	280
4,000	5,000	300
5,000	6,000	320
6,000	7,000	340
7,000	8,000	360
8,000	9,000	380

EXPLOSIVES		Distance Feet
Pounds Over	Pounds Not Over	Separate Building or Within Substantial Dividing Walls
9,000	10,000	400
10,000	12,500	420
12,500	15,000	450
15,000	17,500	470
17,500	20,000	490
20,000	25,000	530
25,000	30,000	560
30,000	35,000	590
35,000	40,000	620
40,000	45,000	640
45,000	50,000	660
50,000	55,000	680
55,000	60,000	700
60,000	65,000	720
65,000	70,000	740
70,000	75,000	770
75,000	80,000	780
80,000	85,000	790
85,000	90,000	800
90,000	95,000	820
95,000	100,000	830
100,000	125,000	900
125,000	150,000	950
150,000	175,000	1,000
175,000	200,000	1,050
200,000	225,000	1,100
225,000	250,000	1,150
250,000	275,000	1,200
275,000	300,000	1,250

When a building or magazine containing explosives is barricaded, the distance shown in the table may be reduced by half.

NEW SECTION

WAC 296-52-69125 Table H-24—Low explosives. (1) Magazines which are restricted to the storage of Class C, low explosives only, as defined in this chapter or classified as low explosives by BATF, may be located in accordance with Table H-24.

(2) Detonators must not be stored with low explosives.

Table H-24

TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

Pounds		From inhab- ited building distance (feet)	From pub- lic railroad and high- way distance (feet)	From above ground mag- azine distance (feet)
Over	Not Over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

**PART F
MAGAZINE CONSTRUCTION**

NEW SECTION

WAC 296-52-700 Magazine construction. Construc-
tion of explosive storage magazines must comply with the
requirements of:

- This chapter; and
- Bureau of Alcohol, Tobacco, and Firearms (BATF)
regulations.

Note 1: Bulk storage bin construction. Construction requirements
for blasting agent bulk storage bins are located at WAC
296-52-67140.

Note 2: Alternative construction for magazine exteriors (nonman-
datory). The alternatives listed below may be used for mag-
azine exteriors. All steel and wood dimensions shown are
actual thickness. To meet the concrete block and brick
dimensions indicated, the manufacturer's represented thick-
ness may be used.

- 5/8-inch steel lined with an interior of any type of non-
sparking material.
- 1/2-inch steel lined with an interior of at least 3/8-inch
plywood.
- 3/8-inch steel lined with an interior of two inches of hard-
wood.
- 3/8-inch steel lined with an interior of:
 - Three inches softwood; or
 - 2 1/4-inches of plywood.
- 1 1/4-inch steel lined with:
 - An interior of five inches of softwood; or
 - 5 1/4-inches of plywood.
- 3/16-inch steel lined with an interior of four inches of
hardwood.
- 3/16-inch steel lined with:
 - An interior of seven inches of softwood; or
 - 6-3/4-inches of plywood.
- 3/16-inch steel lined with:
 - An intermediate layer of three inches of hardwood; and
 - An interior lining of 3/4-inch plywood.
- 1/8-inch steel lined with an interior of five inches of hard-
wood.

- 1/8-inch steel lined with an interior of nine inches of soft-
wood.
- 1/8-inch steel lined with:
 - An intermediate layer of four inches of hardwood; and
 - An interior lining of 3/4-inch plywood.
- Any type of structurally sound fire resistant material lined
with:
 - An intermediate layer of four inches solid concrete block;
or
 - Four inches solid brick or four inches of solid concrete;
and
 - An interior lining of 1/2-inch plywood placed securely
against the masonry lining.
- Standard eight-inch concrete block with voids filled with
well-tamped sand/cement mixture.
- Standard eight-inch solid brick.
- Any type of structurally sound fire resistant material lined
with an intermediate six-inch space filled with:
 - Well-tamped dry sand; or
 - Well-tamped sand/cement mixture.
- 1/8-inch steel lined with:
 - A first intermediate layer of 3/4-inch plywood;
 - A second intermediate layer of 3 5/8-inches well-tamped
dry sand or sand/cement mixture;
 - An interior lining of 3/4-inch plywood.
- Any type of fire resistant material lined with:
 - A first intermediate layer of 3/4-inch plywood;
 - A second intermediate layer of 3 5/8-inch well-tamped
dry sand or sand/cement mixture;
 - A third intermediate layer of 3/4-inch plywood; and
 - A fourth intermediate layer of two inches of hardwood or
14-gauge steel and an interior lining of 3/4-inch plywood.
- Eight-inch thick solid concrete.

NEW SECTION

**WAC 296-52-70005 Class 1 magazines—Permanent
storage facilities.** A Class 1 storage facility must be:

- A permanent structure such as:
 - A building;
 - An igloo;
 - Army type structure;
 - A tunnel; or
 - A dugout.
- Bullet resistant, fire resistant, weather resistant, theft
resistant, and well ventilated.

NEW SECTION

WAC 296-52-70010 Building construction. All build-
ing type storage facilities must:

- Be constructed of masonry, wood, metal, or a combina-
tion of these materials;
 - Have no openings except for entrances and ventilation;
and
 - Have the ground around the facility slope away for
drainage.
- (1) **Wall construction.**
- (a) **Masonry wall construction.** Masonry wall con-
struction must:
- Consist of brick, concrete, tile, cement block, or cinder
block; and
 - Be at least six inches in thickness.
- (b) **Hollow masonry construction.** Hollow masonry
construction must:

PROPOSED

- Have all hollow spaces filled with well-tamped coarse dry sand; or
- Weak concrete, a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place; and
- Have interior walls covered with a nonsparking material.

(c) Fabricated metal wall construction.

(i) Metal wall construction must consist of one of the following types of metal securely fastened to a metal framework:

- Sectional sheets of steel (at least number 14 gauge); or
- Aluminum (at least number 14 gauge).

(ii) Metal wall construction must:

- Be lined inside with brick, solid cement blocks, and hardwood at least four inches in thickness.
- Material of equivalent strength.
- Have at least a six-inch sand fill between interior and exterior walls.
- Have interior walls constructed of or covered with a nonsparking material.

(d) Wood frame wall construction.

(i) The exterior of outer wood walls must be covered with iron or aluminum at least number 26 gauge.

(ii) An inner wall of nonsparking materials must be constructed with a space:

- At least six inches between the outer and inner walls, and
 - Filled with coarse dry sand or weak concrete.
- (2) Floors.** Floors must be:
- Constructed of a nonsparking material; and
 - Strong enough to bear the weight of the maximum quantity to be stored.

(3) Foundations.

(a) Foundations must be constructed of brick, concrete, cement block, stone, or wood posts.

(b) If piers or posts are used in lieu of a continuous foundation, the space under the buildings must be enclosed with metal.

(4) Roofs.

(a) Except for buildings with fabricated metal roofs, the outer roof must be covered with no less than number 26-gauge iron or aluminum fastened to a 7/8-inch sheathing.

(b) When it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities must be protected by one of the following methods:

- **A sand tray** must be:
 - Located at the tops of inner walls covering the entire ceiling area, except the area necessary for ventilation.
 - Lined with a layer of building paper.
 - Filled with at least four inches of coarse dry sand.
- **A fabricated metal roof** must be constructed of:
 - 3/16-inch plate steel lined with four inches of hardwood; or
 - Material of equivalent strength, for each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) Doors and hinges.

(a) All doors must be constructed of:

- 1/4-inch plate steel and lined with two inches of hardwood; or

- Material of equivalent strength.

(b) Hinges and hasps must be:

- Attached to the doors by welding, riveting or bolting, nuts on inside of door; and

- Installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(6) Locks.

(a) Each door must be equipped with:

- Two mortise locks;
- Two padlocks fastened in separate hasps and staples;
- A combination of a mortise lock and a padlock;
- A mortise lock that requires two keys to open; or
- A three point lock.

(b) Padlocks must have:

- At least five tumblers;
- A case hardened shackle at least 3/8-inches in diameter; and

- Be protected with at least 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) Ventilation.

- Except at doorways, a two-inch air space must be left around ceilings and the perimeter of floors;

- Foundation ventilators must at least four by six inches; and

- Vents in the foundation, roof, or gables must be screened and offset.

(8) Exposed metal.

- Sparking metal construction must not be exposed below the top of walls in interior storage facilities; and

- All nails must be blind nailed, countersunk, or nonsparking.

NEW SECTION

WAC 296-52-70015 Igloos and army type structures, tunnels, and dugouts. These storage facilities must:

- Be constructed of reinforced concrete, masonry, metal, or a combination of these materials;

- Have an earth mound covering of at least twenty-four inches on the top, sides and rear unless the magazine meets the requirements of WAC 296-52-70010(4)(b);

- Have interior walls and floors covered with a nonsparking material; and

- Be constructed in accordance to the requirements of WAC 296-52-70005 through 296-52-70060.

NEW SECTION

WAC 296-52-70020 Class 2 magazines—Portable field storage. A Class 2 storage facility must:

- Be a box, trailer, semi-trailer, or other mobile facility.

- Be bullet resistant, fire resistant, weather resistant, theft resistant, and well ventilated.
- Be at least one cubic yard in size.
- Shall be supported to prevent direct contact with the ground.
- The ground around the magazine slope away for drainage or other adequate drainage.
- When unattended vehicular magazines must have wheels removed or be effectively immobilized by kingpin locking devices or other methods approved by the department.

NEW SECTION

WAC 296-52-70025 Construction. (1) Exterior, doors, and top openings.

(a) Exterior and doors. The exterior and doors must be constructed of at least 1/4-inch steel and lined with at least two inches of hardwood.

(b) Top openings. Magazines with top openings must have lids with water resistant seals or lids that overlap the sides by at least one inch when closed.

(2) Hinges and hasps. Hinges and hasps must be:

- Attached to doors by welding, riveting, or bolting nuts on inside of door.
- Installed so they cannot be removed when the doors are closed and locked.

(3) Locks.

(a) Each door must be equipped with:

- Two mortise locks;
- Two padlocks fastened in separate hasps and staples;
- A combination of mortise lock and a padlock;
- A mortise lock that requires two keys to open; or
- A three point lock.

(b) Padlocks must have:

- At least five tumblers and a case hardened shackle of at least 3/8-inch diameter.
- Be protected with at least 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(4) Ventilation.

- Except at doorways, a two-inch air space must be left around ceilings and the perimeter of floors;
- Foundation ventilators must be at least four by six inches; and
- Vents in the foundation, roof, or gables must be screened and offset.

(5) Exposed metal.

- Sparking metal construction must not be exposed below the top of walls in the interior of storage facilities; and
- All nails must be blind nailed, countersunk, or nonsparking.

NEW SECTION

WAC 296-52-70030 Class 3 magazines—Indoor storage facilities.

- For detonators in quantities of one thousand or less;
- For ammonium perchlorate rocket motors in 62.5 ram amounts or greater, not to exceed fifty pounds in total weight of explosives; or
- For diversionary devices intended for law enforcement use only, not to exceed fifty pounds in total weight of explosives.

NEW SECTION

WAC 296-52-70035 Storage facilities for detonators.

(1) Storage facilities for detonators in quantities of one thousand or less:

- Must be fire resistant and theft resistant.
- Need not be bullet resistant and weather resistant if the locked uninhabited building the storage facility is stored in does not provide protection from the weather and bullet penetration.

(2) A magazine for indoor detonator storage may be less than one cubic yard in size, provided it is constructed in compliance with the other requirements of this section.

NEW SECTION

WAC 296-52-70040 Construction. (1) Sides, bottoms, and covers must be constructed of at least number 12-gauge metal and lined with a nonsparking material.

(2) Hinges and hasps must be attached so they cannot be removed from the outside.

(3) One steel padlock, which does not need not be protected by a steel hood, having at least five tumblers and a case hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes.

(4) When magazines are located indoors, they must be:

- Painted red; and
- Appropriately labeled for ready identification in case of fire.

NEW SECTION

WAC 296-52-70045 Class 4 magazines—Blasting agent, low explosive, or electric detonator storage facilities. A Class 4 storage facility must:

- Be a building, an igloo, an army type structure, a tunnel, a dugout, a box, a trailer, semi-trailer, or other mobile facility.
- Be fire resistant, weather resistant, and theft resistant.
- Have the ground around the facility slope away for drainage.
- When unattended vehicular magazines must have wheels removed or be effectively immobilized by kingpin locking devices or other methods approved by the department.

Note: Test results have determined that electric detonators are not affected by sympathetic detonation. Therefore, a Class 4 storage facility meets the necessary requirements for storage of electric detonators.

NEW SECTION

WAC 296-52-70050 Construction. (1) **Magazine materials.** These magazines must be constructed of:

- Masonry;
- Metal covered wood;
- Fabricated metal; or
- A combination of these materials.

(2) **Foundations.** Foundations must be constructed of:

- Brick;
- Concrete;
- Cement block;
- Stone;
- Metal; or
- Wood posts.

(3) **Piers or posts.** If piers or posts are used in lieu of a continuous foundation, the space under the building must be enclosed with fire resistant material.

(4) **Walls and floors.** The walls and floors must be constructed of, or covered with, a nonsparking material or lattice work.

(5) **Doors.** Doors must be metal or solid wood covered with metal.

(6) **Hinges and hasps.** Hinges and hasps must be:

- Attached to doors by welding, riveting, or bolting nuts on inside of the door; and
- Installed so they cannot be removed when the doors are closed and locked.

(7) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks;
- Two padlocks fastened in separate hasps and staples;
- A combination of a mortise lock and a padlock;
- A mortise lock that requires two keys to open; or
- A three point lock.

(b) Padlocks must:

- Have at least five tumblers;
- Have a case hardened shackle of at least 3/8-inch diameter; and
- Be protected with at least 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

NEW SECTION

WAC 296-52-70055 Class 5 magazines—Blasting agent storage facilities. A Class 5 storage facility must:

- Be a building, igloo, army type structure, a tunnel, a dugout, a box, or a trailer, semi-trailer, or other mobile facility;
- Be weather resistant and theft resistant;
- Have the ground around the facility slope away for drainage; and
- When unattended vehicular magazines must have wheels removed or be effectively immobilized by kingpin locking devices or other methods approved by the department.

NEW SECTION

WAC 296-52-70060 Construction. (1) **Doors.** Doors must be constructed of solid wood or metal.

(2) **Hinges and hasps.** Hinges and hasps must be:

- Attached to doors by welding, riveting, or bolting nuts on inside of door; and
- Installed so that they cannot be removed when the doors are closed and locked.

(3) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks;
- Two padlocks fastened in separate hasps and staples;
- A combination of a mortise lock and a padlock;
- A mortise lock that requires two keys to open; or
- A three point lock.

(b) Padlocks must have:

- At least five tumblers; and
- A case hardened shackle of at least 3/8-inch diameter.
- Padlocks must be protected with at least 1/4-inch steel hoods constructed to prevent sawing or lever action on the locks, hasps, and staples.

Note: Trailers, semi-trailers, and similar vehicular magazines. Each door may be locked with one 3/8-inch diameter steel padlock, which does not need to be protected by a steel hood, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

NEW SECTION

WAC 296-52-70065 Explosives day box. (1) A day box for explosives must:

- Be fire resistant, weather resistant, and theft resistant;
- Be used in a manner that safely separates detonators from other explosives;
- Be constructed of at least number 12-gauge (.1046 inches) steel;
- Be lined with at least either 1/2-inch plywood or 1/2-inch masonite type hardboard;
- Have doors that overlap the sides by at least one inch; and
- Ground must slope away for drainage.

(2) **Hinges and hasps.** Hinges and hasps must be attached by welding, riveting, or bolting nuts on the inside.

(3) **Locks.** One steel padlock, which does not need to be protected by a steel hood, having at least five tumblers and a case hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes.

NEW SECTION

WAC 296-52-70070 Detonator day box. A detonator day box is a temporary storage facility for detonators in quantities of one thousand or less.

(1) **Construction materials.** Sides, bottoms, and covers must be:

- Constructed of number 12-gauge metal; and
- Lined with a nonsparking material.

(2) **Hinges and hasps.** Hinges and hasps must be attached by welding.

(3) **Locks.** A single five tumbler-proof lock must be used for locking purposes.

NEW SECTION

WAC 296-52-70075 Heating systems.

NEW SECTION

WAC 296-52-70080 NFPA heating system requirements. Magazine heating system requirements (NFPA Code Number 495, "Manufacture, Transportation, Storage and Use of Explosive Materials," 1992) and the following apply:

(1) **Heat sources.** Magazines requiring heat must be:

- Heated by either hot water radiant heating within the magazine building; or
- Air directed into the magazine building over either hot water or low pressure steam (15 psig) coils located outside the magazine building.

(2) **Heating systems.** Magazine heating systems must meet the following requirements:

(a) **Radiant heating coils.** The radiant heating coils within the building must be installed in such a manner that the explosive materials or their containers cannot contact the coils and air is free to circulate between the coils and the explosive materials or their containers.

(b) **Heating ducts.** The heating ducts must be installed so the hot air discharge from the duct is not directed against the explosive materials or their containers.

(c) **Heating device.** The heating device used in connection with a magazine must have controls which prevent the ambient building temperature from exceeding 130°F.

(d) **Electric fan or pump.** The electric fan or pump used in the heating system for a magazine must be:

- Mounted outside;
- Separate from the wall of the magazine; and
- Be grounded.

(e) **Electric motor, device controls, and switch gear.**

(i) **Electric motor and device controls.** The electric fan motor and the controls for electrical heating devices used in heating water or steam must have overloads and disconnects which comply with the National Electrical Code (National Fire Protection Association, NFPA Number 70-1992).

(ii) **Electric switch gear.** All electrical switch gear must be located a minimum distance of twenty-five feet from the magazine.

(f) **Water or steam heating source.**

(i) **Distance requirement.** A heating source for water or steam must be separated from a magazine by a distance of at least:

- Twenty-five feet when the heating source is electrical.
- Fifty feet when the heating source is fuel fired.

(ii) **Combustible materials.** The area between a heating unit and a magazine must not contain combustible materials.

(g) **Uniform temperature and air circulation.** The storage of explosive materials and their containers in the

magazine must allow uniform air circulation so temperature uniformity can be maintained throughout the explosive materials.

NEW SECTION

WAC 296-52-70085 Lighting. (1) **Safety lights or lanterns.** Battery activated safety lights or lanterns may be used in explosive storage magazines.

(2) **National Fire Protection Association (NFPA) standards.**

(a) **Electric lighting.** Electric lighting used in any explosive storage magazine must meet National Electric Code (NEC) standards (NFPA, NFPA 70-1992) for the conditions present in the magazine at any time.

(b) **Electric switches.** All electrical switches must:

- Be located outside the magazine.
- Meet NEC standards.

PART G MISCELLANEOUS

NEW SECTION

WAC 296-52-71005 Exemptions. This does not apply to in-process storage and intraplant transportation during manufacture of:

- Small arms ammunition;
- Small arms primers; and
- Smokeless propellants.

NEW SECTION

WAC 296-52-71010 Ammunition.

NEW SECTION

WAC 296-52-71015 Quantity limits. Quantity limitations are not imposed on the storage of small arms ammunition in warehouses, retail stores, and other general occupancy facilities, except those imposed by the limitations of the storage facility.

NEW SECTION

WAC 296-52-71020 Storage with Class A or B explosives. Small arms ammunition must not be stored with Class A or Class B explosives, unless the storage facility is adequate for Class A or Class B storage, respectively.

NEW SECTION

WAC 296-52-71025 Separation from flammable materials. Small arms ammunition must be separated from flammable liquids, flammable solids (as classified in 49 CFR Part 172), and oxidizing materials by a:

- Fire resistant wall of one-hour rating; or
- Distance of twenty-five feet.

PROPOSED

NEW SECTION

WAC 296-52-71030 Small arms smokeless propellants.

NEW SECTION

WAC 296-52-71035 Transportation. Quantities in excess of fifty pounds must be transported in accordance with federal Department of Transportation regulations.

NEW SECTION

WAC 296-52-71040 Shipping containers.

- Small arms smokeless propellants (Class B) must be packed, stored, and transported in U.S. DOT approved shipping containers.
- All smokeless propellants must be stored in shipping containers for smokeless propellants (as required by 49 CFR 173.93).

NEW SECTION

WAC 296-52-71045 Storage. (1) Private residence or car.

- Twenty-five pounds or less: No special restrictions apply.
 - Twenty-five to fifty pounds must be stored in a strong box or cabinet constructed of 3/4-inch plywood minimum or equivalent, on all sides, top and bottom.
- (2) **Commercial stocks.** Commercial stocks:
- Over twenty pounds but not more than one hundred pounds must be stored in portable wooden boxes having walls of at least one inch nominal thickness.
 - In quantities not to exceed one hundred fifty pounds must be stored in nonportable storage cabinets having wooden walls of at least one inch nominal thickness.

(3) **Dealer's warehouse.**

- The maximum pounds permitted is one hundred fifty pounds.
 - Twenty to one hundred pounds must be stored in portable or fixed wooden boxes having walls at least one inch nominal thickness.
- (4) **Dealer's display.**
- The maximum pounds permitted is seventy-five pounds.
 - These smokeless propellants must be stored in one pound containers.

(5) **Magazines.** Quantities in excess of one hundred fifty pounds must be stored in approved licensed magazines. See storage licensing, WAC 296-52-660, magazine construction, WAC 296-52-700, and storage of explosive materials, WAC 296-52-690.

NEW SECTION

WAC 296-52-71050 Small arms ammunition primers.

NEW SECTION

WAC 296-52-71055 Shipping containers. Small arms ammunition primers must be packed, stored, and transported in U.S. DOT approved shipping containers.

NEW SECTION

WAC 296-52-71060 Separation from flammable materials. Primers must be separate from flammable liquids, flammable solids, and oxidizing materials by a:

- Fire resistant wall of one-hour rating; or
- Distance of twenty-five feet.

NEW SECTION

WAC 296-52-71065 Storage. (1) Private residence. The maximum permitted is ten thousand primers. No special restrictions apply.

(2) **Private car.** The maximum permitted is twenty-five thousand primers. No special restrictions apply.

(3) **Dealer's display.** The maximum permitted is ten thousand primers. No special restrictions apply.

(4) **Dealer's warehouse.**

- The maximum permitted is seven hundred fifty thousand primers.
- No more than one hundred thousand must be stored in pile and piles must be separated by at least fifteen feet.

(5) **Magazines.** Quantities in excess of seven hundred fifty thousand must be stored in approved licensed magazines (see storage licensing (WAC 296-52-660), magazine construction (WAC 296-52-700), and storage of explosive materials (WAC 296-52-690)).

NEW SECTION

WAC 296-52-71070 Black powder.

NEW SECTION

WAC 296-52-71075 Shipping containers. Black powder, as used in muzzleloading firearms, must be packed, stored, and transported in U.S. DOT approved shipping containers.

NEW SECTION

WAC 296-52-71080 Storage. (1) Private residence. The maximum pounds permitted is five pounds. No special restrictions apply.

(2) **Private car.** The maximum pounds permitted is five pounds. No special restrictions apply.

(3) **Dealer's warehouse.** The maximum pounds permitted is twenty-five pounds. Black powder must be stored in an appropriate container or cabinet which is securely locked.

(4) **Magazine.** Quantities of black powder, as used in muzzle loading firearms, in excess of twenty-five pounds must be stored in licensed magazines (see storage licensing WAC 296-52-660, magazine construction Part C, and storage of explosive materials Part E).

NEW SECTION

WAC 296-52-71085 Explosives at piers, railway stations, railway cars, and vessels not otherwise specified in this chapter.

NEW SECTION

WAC 296-52-71090 Delivery to carriers. Explosives must not be delivered to any carrier unless the explosives are in compliance with U.S. DOT regulations in all respects.

NEW SECTION

WAC 296-52-71095 Hours of transfer. Explosives must not be received between the hours of sunset and sunrise from any:

- Railway station;
- Truck terminal;
- Pier;
- Wharf;
- Harbor facility; or
- Airport terminal.

NEW SECTION

WAC 296-52-71100 Storage in route. Explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, in anticipation of delivery or further transit, must be:

- Stored in a safe place; and
- Isolated as much as practical; and
- In a manner which allows easy and quick removal.

NEW SECTION

WAC 296-52-71105 Railway cars. (1) **Use of railway cars.** Explosives must not be kept in a railway car unless:

- An emergency exists;
- Permission has been granted by the local authority; and
- The railway car, its contents, and method of loading are in compliance with U.S. DOT regulations (49 CFR Chapter I).

(2) **Warning signs—Railway cars not in transit.**

- Any railway car containing explosives must have warning signs attached to each side and end of the car when it is:
 - Stopped in transit or at its designation; and
 - No longer considered in interstate commerce.
- Warning signs must read "explosives — handle carefully — keep fire away." The letters must be:
 - Red;
 - At least 1 1/2 inches high; and
 - On a white background.

NEW SECTION

WAC 296-52-720 Appendix A, Sample Explosives-Blasting Ordinance for Local Jurisdictions, Non-mandatory.

Explosives-Blasting Ordinance for Local Jurisdictions

Be it ordained by the _____ (Jurisdiction Name).

Section 1: Permit Required

(1) No company or individual must be in possession of explosive materials (as defined by chapter 296-52 WAC, Safety Standards for Possession and Handling of Explosives); or conduct an operation or activity requiring the use of explosive materials; or perform, order, or supervise the loading and firing of high explosive materials without a current and valid blasting permit issued by _____ (Jurisdiction Name).

(2) Explosive materials must not be transported, sold, given, delivered, or transferred to anyone in _____ (Jurisdiction Name) not in possession of a valid blasting permit.

(3) A blasting permit is required for every individual project requiring explosives blasting.

(4) A permit issued under this ordinance to any person, company or corporation is non-transferable to any other person, company, or corporation.

(5) All federal, state, county and city laws and regulations applicable to obtaining, owning, transporting, sorting, handling, and using explosive materials must be followed and be a condition of all blasting permits issued by _____ (Jurisdiction Name).

Section 2: Application - Contents

(1) The _____ (Name of the Proper Administrative Authority) or his designee must have power and authority to issue a permit for blasting but before doing so must require the person, company, or corporation to whom the permit is to be issued to file an application which must include:

(a) A completed application form provided by _____ (Jurisdiction Name) specifying the name and address of the person, company or corporation applying for the permit, and the name and address of the blasting or of the person who will actually supervise the blasting.

(b) A current and valid Explosives License issued by the State of Washington Department of Labor and Industries to one or more individuals employed in the work for which the blasting permit is sought.

(c) A transportation plan pursuant to Section 8.

(d) A blasting plan pursuant to Section 10(1).

(e) A traffic control plan pursuant to Section 10(2).

(f) A pre-blast notification plan pursuant to Section 10(3).

(g) Proof of insurance must be provided pursuant to Section 4.

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(2) _____ (Jurisdiction Name) will issue a permit within 14 days of receiving an application that includes acceptable documentation of the above items 1 through 7. If the permit is denied, it must be done within 14 days of receipt and must include a list of reasons for denial as well as instructions for re-application.

Section 3: Fee

A permit fee valid for a maximum 12 month period, in the amount of, amount per local fee schedules, will be assessed for each permit issued. The permit must be renewable upon payment of the fee amount shown above.

Section 4: Liability Insurance Required

(1) The _____ (Name of the Proper Administrative Authority), before issuing a permit for blasting, must require the person, company or corporation to whom the permit is issued to execute and deliver a certificate of liability insurance to include X, C, U coverage in a form to be approved by _____ (Jurisdiction Name) in an amount not less than five hundred thousand dollars (\$500,000).

Unless _____ (Jurisdiction Name) design require approval is required, then coverage in the amount of not less than one million dollars (\$1,000,000).

Will _____ be required, or in such additional amount as may be reasonable under all of the circumstances then existing as determined by the _____ (Name of the Proper Administrative Authority).

(2) The certificate must also state that the insurance company must give _____ (Jurisdiction Name) a minimum of 10 days notice of cancellation of the required liability insurance coverage.

(3) The _____ (Name of the Proper Administrative Authority) must have the power and authority to limit the level of blasting and if it is deemed to be in the public interest, after examining all of the pertinent circumstances surrounding the proposed blasting, may then refuse to issue such permit or in the case of a previously issued permit may suspend or revoke said permit.

Section 5: Revocation

The _____ (Name of the Proper Administrative Authority) must have the power to revoke any permit heretofore or hereafter issued under the provisions of this section for failure to comply with any of the provisions of this section. Permittee must arrange for removal of all explosive materials within 24 hours of notification of permit revocation.

Section 6: Denial or Revocation - Appeal

Any person, company, or corporation who makes application for a permit to blast under the terms of this chapter and whose application is denied by the _____ (Name of the Proper Administrative Authority), or whose permit is suspended or revoked by _____ (Name of the Proper Administrative Authority) under the terms of this section may, within ten (10) days thereafter, file notice of appeal to the _____ (Legislative

Body having jurisdiction over the Administrator) who must within fourteen (14) days thereafter grant a hearing to the appealing party.

Section 7: _____ (Jurisdiction Name) Not to Assume Liability

By the passage of the ordinance codified in this section or the issuance of any permit under this section, _____ (Jurisdiction Name) assumes no responsibility for any damage caused by the person, company or corporation blasting with _____ (Jurisdiction Name).

Section 8: Transportation of Explosives (Transportation Plan)

(1) A plan that addresses the transportation of explosive materials within _____ (Jurisdiction Name) must be included with the application for a blasting permit.

(2) The transportation plan must detail the following information:

- (a) Route used for deliveries and returns;
- (b) Hours of transportation;
- (c) Maximum quantities of explosives being transported;
- (d) Types of vehicles being used. Vehicles must be in compliance with federal and state transportation regulations for motor transport of explosive materials.

Section 9: Storage of Explosives

(1) No overnight storage of explosive materials is permitted with the limits of _____ (Jurisdiction Name) without specific amendments to the permit allowing such storage. Blast holes loaded with explosives are to be shot on the day they are loaded.

(2) The required method of handling explosives in _____ (Jurisdiction Name) is as follows:

(unless storage is allowed above):

- (a) Delivery.
- (b) Stand by during loading.
- (c) Return of all unused explosive materials used in blasting.

Section 10: Use of Explosives

(1) **Blasting Plan.** A blasting plan for each discrete project requiring the use of explosives must be submitted to _____ and approved by the _____ (Name of the Proper Administrative Authority) or his designee prior to the issuance of a blasting permit. The plan must be accompanied by additional documentation (e.g. maps, site plans and excavation drawings) in order to detail the proposed blasting operation. The plan must include:

- (a) The location where the blasting is to occur;
- (b) The approximate total volume of material to be blasted;
- (c) The incremental volumes, per blast, of material to be blasted;
- (d) The types and packaging of explosive materials to be used;
- (e) The drill hole diameters, depths, patterns, sub-drilling depths and drill hole orientation to be used;

(f) The initiation system, the incremental delay times and the location of the primers in the explosive column;

(g) The stemming depths and stemming material for the various estimated depths of drill holes to be blasted;

(h) The approximate powder factors anticipated;

(i) The fly rock control procedures and equipment, if any, to be used;

(j) The maximum number of blasts to be made in any one day;

(k) The blast warning sound system and equipment to be used;

(l) The scheduled start date and finish date of blasting operations;

(m) Additional requirements as needed.

(2) **Traffic Control Plan.** A traffic control plan acceptable to _____ (Jurisdiction Name) detailing signing, flagging, temporary road closures and detour routes for blasting operations must be filed prior to the issuance of a blasting permit.

(3) **Pre-Blast Notification Plan.** A plan outlining a program of pre-blast public notifications, structural inspections, and blast effect monitoring within a specified distance of the blasting is required prior to the issuance of a blasting permit.

(a) **Separation Distance.** The distances from the blasting within which the notification, pre-blast structural inspection and blast monitoring are required must be determined by the scaled distance formulas set forth below. No blasting will be permitted until the notification and inspection requirements are completed.

(b) **Scaled Distance Formulas.**

(i) The distance from the blast within which:

• Notification of all occupied structures is required:

$D_a=90w$

• Inspection of all occupied structures is required:

$D_b=75w$

• Monitoring of selected structures is required: $D_c=60w$

(ii) In the above formulas:

• D_a , D_b , and D_c are the actual distances in feet from the closest point in the blast.

• w is the square root of the maximum weight of the explosives in pounds detonated with a minimum 8 millisecond from another detonation event.

(c) **Notification Letter.** The pre-blast notification must consist of a letter advising all residents with the distance (specified in (a)(i) above) of the blasts of the character and intent of the blasting program, its anticipated impact on local residents, the proposed duration of blasting activities and providing telephone numbers for public contact. Distribution of this notification must be made a minimum of seven days prior to the start of blasting.

(d) **Pre-Blast Inspection.** A pre-blast inspection of resident's property must be offered to all residents within the distance (specified in (a)(ii) above) of the blasting at no cost to the resident and done by a qualified third party who is not an employee of the contractor. A copy of the individual inspection reports and a log of all photos taken are to be provided to _____ (Jurisdiction Name). Where inspections are disallowed by the resident or not possible for other reasons, a certified letter must be sent to the occupant/owner

at the unsurveyed address advising them of their right to a pre-blast inspection and the possible consequences of denying an inspection. The pre-blast inspection program for residences within the specified distance must be complete two days prior to the start of blasting and the _____ (Name of the Proper Administrative Authority) notified.

(4) **Blast-Plan Compliance Inspections.** Blast plan compliance inspections may be required for every blast until the operator can demonstrate an ability to safely blast in conformance to the blast plan and control the extraneous effects of blasting such as flyrock, noise/air blast, and ground vibration. If more than two blasting inspections are required, an additional fee of _____ (insert dollar amount) per blast inspection will be assessed.

(5) **Monitoring.** All blasts which require monitoring by Section 19(3)(iii) above are to be monitored using blast monitoring equipment designed for the purpose and carrying a certificate of calibration dated within the previous 12 months. The blast monitors must record peak particle velocity and frequency in three orthogonal directions and air over pressure. Monitored shots in which the pounds detonated per an eight millisecond time increment is less than ten pounds, one blast monitor is required. When ten or more pounds is detonated per an eight millisecond time interval, two or more blast monitors are required. All blast monitoring records are to be signed and submitted to _____ (Jurisdiction Name) within 24 hours of each blast.

(6) **Maximum Peak Particle Velocity.** The maximum peak particle velocity in any seismic trace at the dominant frequency to be allowed on any residential, business or public structure designed for human occupancy is to be determined by the following chart taken from WAC 296-52-67070, Safety Standards for Possession and Handling of Explosives:

Place Illustration here.

(7) **Air Blast.** The maximum air blast over pressure permitted at the closest residential, business or public structure designed for human occupancy is not to exceed 133 dBL @ 2.0 Hz hi pass system per WAC 296-52-67070, Safety Standards for Possession and Handling of Explosives.

(8) **Utilities.** Whenever blasting is being conducted in close proximity to or under existing utilities, the utility owner must be notified a minimum of 24 hours in advance of blasting.

(9) **Blast Report.** A signed blast report on a form approved by the _____ (Name of the Proper Administrative Authority) or his designee is to be filed with _____ (Jurisdiction Name) within 24 hours of making the blast. The report must include the following blast information:

- (a) Date, time, and location of the blast,
- (b) Number of drill holes,
- (c) Maximum, minimum and average drill hole depth,
- (d) Drill hole diameter,
- (e) Sub-drill depth,
- (f) Total pounds of each type of explosive used,
- (g) A drill hole section schematic showing the loading of a typical hole,
- (h) Amount and type of stemming material,

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- (i) Schematic showing the drill hole pattern,
 - (j) Initiated delayed sequence,
 - (k) Maximum pounds of explosives detonated in any eight millisecond time interval,
 - (l) Type and size of any flyrock protection devices used if any,
 - (m) Comment regarding the outcomes of the blast.
- (10) _____ (Jurisdiction Name) must be notified immediately of any unplanned or unusual events that resulted from the blast and within 24 hours by the permittee of any incident, damage claim or neighbor annoyance report brought to the permittee's attention.

Section 11: Inasmuch as it is necessary for the preservation of the health, peace, and safety of the citizens of _____ (Jurisdiction Name), this Ordinance will be in full force and effect on the date of its passage.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-52-401 Scope and application.
- WAC 296-52-405 Incorporation of standards of national organizations and federal agencies.
- WAC 296-52-409 Variance and procedure.
- WAC 296-52-413 Equipment approval by non-state agency or organization.
- WAC 296-52-417 Definitions.
- WAC 296-52-419 Basic legal obligations.
- WAC 296-52-421 Licenses—Information verification.
- WAC 296-52-423 Revoking or suspending licenses.
- WAC 296-52-425 Dealer's license.
- WAC 296-52-429 License for manufacturing.
- WAC 296-52-433 Purchaser's license.
- WAC 296-52-437 User's (blaster's) license.
- WAC 296-52-441 Storage magazine license requirements.
- WAC 296-52-445 Licenses and inspections.
- WAC 296-52-449 Storage magazine license fees.
- WAC 296-52-453 Construction of magazines.
- WAC 296-52-457 Storage of caps with other explosives prohibited.
- WAC 296-52-461 Storage of explosives.
- WAC 296-52-465 Storage of ammonium nitrate.

- WAC 296-52-469 Storage of blasting agents and supplies.
- WAC 296-52-477 Quantity and distance table for separation between magazines.
- WAC 296-52-481 Recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.
- WAC 296-52-485 Quantity and distance tables for manufacturing buildings.
- WAC 296-52-487 Low explosives.
- WAC 296-52-489 Transportation.
- WAC 296-52-493 Use of explosives and blasting agents.
- WAC 296-52-497 Blasting agents.
- WAC 296-52-501 Water gel (slurry) explosives and blasting agents.
- WAC 296-52-505 Coal mining code unaffected.
- WAC 296-52-509 Small arms ammunition, primers, propellants and black powder.
- WAC 296-52-510 Explosives at piers, railway stations, and cars or vessels not otherwise specified in this standard.
- WAC 296-52-550 Appendix I—IME two-compartment transportation units (mandatory).
- WAC 296-52-552 Appendix II—Radio frequency warning signs (mandatory).
- WAC 296-52-555 Appendix III—ATF regulations.

**WSR 01-17-010
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 2, 2001, 10:16 a.m.]**

Original Notice.
 Preproposal statement of inquiry was filed as WSR 00-08-62 [00-08-062].
 Title of Rule: Chapter 308-77 WAC, Special fuel tax rules and regulations.
 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 82.38.260.

Summary: New WAC 308-77-005 Definitions, 308-77-015 Incidental use/exemptions, 308-77-025 Issuance of license, 308-77-035 Cancellation or revocation of special fuel license(s), 308-77-075 Payment due dates for special fuel taxes, 308-77-085 Minimum tax payment/refund, 308-77-092 Refund for bad debt loss (other than a special fuel supplier), [no further information supplied by agency].

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

Name of Agency Personnel Responsible for Drafting: Art Farley, 2424 Bristol Court S.W., Olympia, (360) 664-1820; Implementation and Enforcement: Jeff Beach, 2424 Bristol Court S.W., Olympia, (360) 664-1844.

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 current special fuel tax rules and a new format to enhance readability and understanding.

Proposal Changes the Following Existing Rules: Rules were repealed, clarified, consolidated and changed to a question and answer format for ease in understanding and centralization of subject matter.

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: Prorate and Fuel Tax Services, 3rd Floor Conference Room, 2424 Bristol court S.W., Olympia, WA 98507, on September 26, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Art Farley by September 25, 2001, TTY (360) 664-8885, or (360) 664-1820.

Submit Written Comments to: Art Farley, Prorate and Fuel Tax Services, P.O. Box 9036, Olympia, WA 98507-9036, fax (360) 664-2365, e-mail afarley@dol.wa.gov, by September 19, 2001.

Date of Intended Adoption: October 30, 2001.

July 31, 2001

Thao Manikhoth, Administrator
Prorate and Fuel Tax Services

NEW SECTION

WAC 308-77-005 Definitions. (1) "Special fuel" as defined in RCW 82.38.020(23) includes diesel fuel, propane, natural gas, kerosene and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by chapter 82.36 RCW.

(2) "Publicly owned fire fighting equipment" means equipment owned and used exclusively for fire fighting by any agency or political subdivision of the state of Washington.

(3) "Farmer" means any person engaged in the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

(4) "Logging company" means any person engaged in the business of cutting timber.

(5) "Construction company" means any person, firm, partnership or corporation who or which is engaged in the business of a contractor.

(6) "Contractor" means any person in the pursuit of an independent business that undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, improvement attached to real estate, including the installation of carpeting and/or floor covering, the erection of scaffolding, roofing and siding.

(7) "Export" means to obtain special fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the special fuel tax, special fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country and the exporter must be licensed or registered, if required, in the state, province, or country of destination.

(8) "Special fuel supplier" means a person who is licensed as a supplier under chapter 82.38 RCW and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on special fuel in the bulk transfer-terminal system.

(9) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of special fuel.

NEW SECTION

WAC 308-77-015 Incidental use/exemptions. (1) **When is fuel used during the incidental operation of a nonlicensed vehicle exempt the special fuel tax?** Fuel is exempt the special fuel tax if the vehicle is not licensed or required to be licensed under chapter 46.16 or 46.87 RCW and is operated between two pieces of private property for a distance not exceeding fifteen miles. The movement of the vehicle must be incidental to the primary use of the vehicle.

(2) **Are there any circumstances in which off highway fuel use is considered taxable?** If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of special fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions, and qualified personnel maintain tax-exempt credit card accounts. Special fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

NEW SECTION

WAC 308-77-025 Issuance of license. (1) **If I have separate businesses at difference locations or more than one fleet of vehicles, can I obtain more than one license?** Yes. Fuel tax licensees who conduct business at separate locations or operate more than one fleet of vehicles may request a license for each separate business location and/or fleet.

(2) **When is a special fuel tax trip permit required?** If you are not an International Fuel Tax Agreement licensee, a special fuel tax permit must be purchased when entering this state if the vehicle being operated has:

(a) Two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds; or

(b) Three or more axles regardless of weight; or

(c) Is a combination of vehicles, when the combined gross vehicle weight or registered gross vehicle weight exceeds twenty-six thousand pounds.

NEW SECTION

WAC 308-77-035 Cancellation or revocation of special fuel license(s). (1) **Under what circumstances will my special fuel license be canceled?** A license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee. The cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of special fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new or additional surety bond or to make deposits in accordance with RCW 82.38.130, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file a new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in chapter 82.38 RCW.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all special fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

NEW SECTION

WAC 308-77-075 Payment due dates for special fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your special fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your special fuel tax by electronic funds transfer, then payment is due on the next state business day. (For example, if the payment due date falls on Saturday, you must submit payment by Monday.)

NEW SECTION

WAC 308-77-085 Minimum tax payment/refund. **What is the minimum tax payment or refund?** Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

NEW SECTION

WAC 308-77-092 Refund for bad debt loss (other than a special fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.38.071 if you:

(a) Are a licensed special fuel importer, special fuel blender, or special fuel distributor; and

(b) Paid tax on an account found to be a worthless accounts receivable; and

(c) Charged off the amount as a bad debt on your federal income tax return; and

(d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

PROPOSED

(a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and

(b) Invoices supporting fuel sales being claimed as bad debt; and

(c) Name and address of purchaser; and

(d) Special fuel tax return; or

(e) Refund claim form.

(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

(4) **If special fuel tax previously declared as a worthless account receivable is collected, how is it remitted to the department?**

(a) A special fuel importer or special fuel blender that collects any special fuel tax previously taken as a tax credit on a worthless account receivable must remit the special fuel tax with the tax return for the reporting period the special fuel tax was collected or on forms prescribed by the department.

(b) A special fuel distributor must remit the special fuel tax collected with a form provided by the department no later than the last state business day of the month following the month of collection.

NEW SECTION

WAC 308-77-093 Delinquent account notification process. (1) **What steps must be taken when a licensed special fuel distributor does not pay a licensed special fuel supplier the special fuel tax when due?**

(a) When a licensed distributor does not pay a licensed supplier the special fuel taxes which are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the special fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of special fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

(a) Posting notification of the suspension on the department's website;

(b) Transmission of the notification via electronic mail or facsimile; and

(c) Mailing of the notification via U.S. mail.

NEW SECTION

WAC 308-77-097 IFTA recordkeeping requirements. **Are there additional recordkeeping requirements for IFTA special fuel users when leasing a vehicle?** Yes. A lessor of a vehicle who is an IFTA special fuel user shall

also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid special fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

NEW SECTION

WAC 308-77-099 Invoices issued by licensees. (1) **When is an invoice issued?** Every licensee shall issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) **What information must appear on each invoice?** Each invoice must include the following information:

(a) The name and address of the seller;

(b) The name, address, and special fuel tax license number, if applicable, of the purchaser;

(c) The date of delivery (month, day and year);

(d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;

(e) The physical address of the fuel delivery or exchange, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;

(f) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold (must indicate net or gross gallons);

(j) The price per gallon and total amount charged;

(k) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax.

(3) **What happens if a purchaser's invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) **What documentation does a licensed supplier, importer or blender need in order to support taxable special fuel consumed for their own use?** Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) **What documentation does a distributor need in order to claim a refund for nontaxable use of special fuel?** If special fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the special fuel and the type(s) of equipment it is used in.

NEW SECTION

WAC 308-77-101 Tax exempt sales. How are tax exempt sales reported to the department?

(1) Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

NEW SECTION

WAC 308-77-102 Appeals. (1) What are the appeal procedures? Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and/or penalties which you believe to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(3) **What happens if I fail to appear for my informal hearing without prior notification?** Failure to appear may result in the loss of your informal administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make a determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determi-

nation you feel are in error and set forth the reasons for believing the decision should be amended. The department will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) **When does my reassessment become final?** The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

NEW SECTION

WAC 308-77-103 Mitigation of penalties and interest. (1) Under what circumstances may a fee, penalty and/or interest be mitigated? The department, in its discretion, may mitigate, extinguish, and/or adjust fees, penalties, dyed special fuel penalties, and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, license revocation penalties, assessments, lack of complete records, and/or the unlawful use of dyed special fuel.

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department may review records, account history or other information in arriving at its decision to mitigate.

NEW SECTION

WAC 308-77-104 Filing of refund claim. (1) How do I apply for a refund? Any person claiming a refund of the special fuel tax must make application to the department and be issued a refund permit number.

(2) **When can I file a refund claim?** A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) **Do I need to send in my invoices with the refund claim request?** If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) **How shall I account for my inventory on my refund claim form?** Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) **As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund**

PROPOSED

claim request? Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) Who may sign a refund claim form? The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices be in a different name than what is on the claim form? No, invoices made out in other names will not be accepted.

(8) Can I request that my refund be assigned to another person? Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) How long will it take until I receive my refund? Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

NEW SECTION

WAC 308-77-106 Use tax. (1) **Is use tax deducted from my refund claim?** Yes, the use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) **How is use tax computed?** The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be used for each refund claim submitted during a calendar year, unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

NEW SECTION

WAC 308-77-107 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

NEW SECTION

WAC 308-77-109 Invoice requirements for refund to nonlicensees. (1) **What are the invoice requirements?** The seller of special fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a sin-

gle invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection. Provided, That each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) What information must be included on the invoice? Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;
- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) Will the department accept invoices with altered, corrected or erased information? Invoices which indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) What happens if an invoice is lost or destroyed? If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) What happens if I issued an incorrect invoice to the purchaser? Sellers of fuel must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

NEW SECTION

WAC 308-77-112 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) What is not considered auxiliary equipment? Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) What formula does the department use in determining power take-off usage? For special fuel used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%

Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

NEW SECTION

WAC 308-77-114 Unauthorized use of dyed diesel.

(1) **Is there any dye concentration in diesel fuel for which the department cannot assess penalties for unlawful use?** No. The department may assess on any dyed diesel fuel found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

(2) **Who may the department assess a penalty for unlawful use of dyed diesel?** The department may assess:

- (a) The operator of the vehicle; and/or
- (b) The registered owner(s) of the vehicle; and/or
- (c) Any other person or entity responsible for the operation, maintenance or fueling of the vehicle.

(3) **If dyed diesel is discovered in the fuel supply tank(s) of vehicles, when must the fuel be removed from the involved vehicle(s)?** The dyed diesel fuel must be removed from the vehicle(s) within twenty-four hours from the time of discovery. Additional violations on the same vehicle(s) detected after the twenty-four-hour period will be considered as separate violations.

(4) **May the department assess dyed diesel penalties on the fuel in bulk storage tank(s)?** Yes, if the department determines that any dyed diesel fuel from the bulk storage tank(s) has been used for unlawful purposes in any vehicle(s). Fuel remaining in the bulk storage fuel tank(s) will be considered for on highway use.

(5) **How is the dyed diesel fuel in bulk storage tank(s) assessed?** Once dyed diesel fuel from bulk storage has been used for unlawful purposes, an assessment will be based on the capacity or estimated quantity of dyed diesel fuel in the bulk storage tank(s) without regard to how this fuel will be used.

(6) **What if the department or authorized representative is denied access to inspect the fuel in diesel vehicle(s) or bulk storage tank(s)?** The penalty in RCW 82.38.170(13) will be applied to the capacity of the bulk storage tank(s) and/or to the vehicles subject to the refusal. All licenses issued under this chapter may be subject to cancellation and/or revocation under RCW 82.38.120(9) and 82.38.130.

NEW SECTION

WAC 308-77-116 Records. What special fuel records must be kept? (1) Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of special fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

- (a) Physical inventories of bulk storage plants taken at the close of each calendar month.
- (b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.
- (c) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.
- (d) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) **What records must a licensed dyed special fuel user keep?** The recordkeeping requirements of this section also apply to dyed special fuel:

- (a) Purchased and used by licensed dyed special fuel users; and
- (b) Authorized for use on the highway.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-77-010	Definitions.
WAC 308-77-020	Incidental use/exemptions.
WAC 308-77-040	Issuance of license.
WAC 308-77-050	Cancellation or revocation of license.
WAC 308-77-091	Electronic fund transfers.
WAC 308-77-095	Minimum tax payment.
WAC 308-77-105	Refund for bad debt loss (other than a special fuel supplier).
WAC 308-77-110	Allowance of credit or refund of tax paid.
WAC 308-77-115	Delinquent account notification process.
WAC 308-77-150	Records, receipts and invoices.
WAC 308-77-160	Sales invoices.
WAC 308-77-165	Export sales.
WAC 308-77-190	Audit appeal procedure.
WAC 308-77-215	Mitigation of penalties and interest.
WAC 308-77-220	Filing of refund claim.
WAC 308-77-225	Interest assessment on refund claims.
WAC 308-77-230	Invoice requirements for refund purposes.
WAC 308-77-250	Power take-off use.
WAC 308-77-260	Auxiliary engines.

WSR 01-17-011**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed August 2, 2001, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-63 [00-08-063].

Title of Rule: Chapter 308-72 WAC, Motor vehicle fuel tax.

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 82.36.435.

Summary: New sections WAC 308-72-800 Definitions, 308-72-805 Payment due dates for motor vehicle fuel taxes, 308-72-810 Collateral requirements in lieu of surety bond(s), 308-72-815 Cancellation or revocation of motor vehicle fuel license(s), 308-72-820 Tax exempt transaction, 308-72-830 Tax exempt sales, 308-72-835 Tax exempt losses, 308-72-840 Delinquent account notification process, 308-72-845 Refund for bad debt loss (other than a motor fuel supplier), 308-72-850 Records, 308-72-855 IFTA records, 308-72-860 Investigatory power, 308-72-865 Invoices issued by licensees, 308-72-870 Minimum tax payment/refund, 308-72-880 Filing of refund claims for nonlicensees, 308-72-885 Interest assessment on refund claims, 308-72-890 Invoice requirements for refunds to nonlicensees, 308-72-895 Refund records, 308-72-900 Refunds to dealer delivering fuel exclusively for marine use, 308-72-905 Power take-off use, 308-72-910 On board computers or recording devices, 308-72-915 Special rules and requirements for fuel tax refunds, 308-72-920 Use tax, 308-72-925 Mitigation of penalties and interest and 308-72-930 Appeals; and repealing WAC 308-72-500 Motor vehicle fuel, 308-72-501 Exports, 308-72-503 Motor vehicle fuel supplier, 308-72-505 Electronic fund transfers, 308-72-509 Bonding requirements, 308-72-512 Cancellation of license, 308-72-540 Tax exempt transactions, 308-72-542 Tax exempt sales to qualified personnel of foreign governments, 308-72-550 Tax exempt losses, 308-72-555 Delinquent account notification process, 308-72-557 Refund for bad debt loss (other than a motor fuel supplier), 308-72-560 Records, 308-72-570 Invoices, 308-72-610 Refund claim number, 308-72-615 Interest assessment on refund claims, 308-72-620 Filing of claim, 308-72-630 Invoice requirements, seller responsibility, 308-72-640 Records, 308-72-650 Refunds to dealer delivering fuel exclusively for marine use, 308-72-660 Power take-off use, 308-72-665 On board computers of recording devices, 308-72-670 Auxiliary engines, 308-72-680 Gasoline lost or destroyed, 308-72-690 Special rules and requirements for fuel tax refunds, 308-72-700 Use tax, and 308-72-710 Mitigation of penalties and interest.

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

Name of Agency Personnel Responsible for Drafting: Art Farley, 2424 Bristol Court S.W., Olympia, (360) 664-1820; Implementation and Enforcement: Jeff Beach, 2424 Bristol Court S.W., Olympia, (360) 664-1844.

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 current motor vehicle fuel tax rules and a new format to enhance readability and understanding.

Proposal Changes the Following Existing Rules: Rules were repealed, clarified, consolidated and changed to a question and answer format for ease in understanding and centralization of subject matter.

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.

PROPOSED

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: Prorate and Fuel Tax Services, 3rd Floor Conference Room, 2424 Bristol Court S.W., Olympia, WA 98507, on September 26, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Art Farley by September 25, 2001, TTY (360) 664-8885, or (360) 664-1820.

Submit Written Comments to: Art Farley, Prorate and Fuel Tax Services, P.O. Box 9036, Olympia, WA 98507-9036, fax (360) 664-2365, e-mail afarley@dol.wa.gov, by September 25, 2001.

Date of Intended Adoption: October 30, 2001.

July 31, 2001

Thao Manikhoth, Administrator
Prorate and Fuel Tax Services

NEW SECTION

WAC 308-72-800 Definitions. (1) "Gasoline" means finished gasoline and gasoline blendstocks as defined in Code of Federal Regulations (CFR) 48.481-1 (e)(3). Finished gasoline means all products (including gasohol) that are commonly or commercially known or sold as gasoline and are suitable for use as motor fuel. The product must have an octane rating of 75 or more.

(2) "Export" means to obtain motor vehicle fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the motor vehicle fuel tax, motor vehicle fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in that state, province, or country of destination.

(3) "Motor vehicle fuel" means any product commonly or commercially sold as gasoline as defined in CFR 48.481-1 (e)(3). The blending of any product(s) or chemical(s) with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles shall be considered a motor vehicle fuel subject to the provisions of chapter 82.36 RCW.

(4) "Motor vehicle fuel supplier" means a person who is licensed as a supplier under chapter 82.36 RCW, and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on motor vehicle fuel in the bulk transfer-terminal system.

(5) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of motor vehicle fuel.

NEW SECTION

WAC 308-72-805 Payment due dates for motor vehicle fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your motor vehicle fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding

the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your motor vehicle fuel tax by electronic funds transfer, then payment is due on the next state business day. (For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.)

NEW SECTION

WAC 308-72-810 Collateral requirements in lieu of surety bond(s). (1) **What other forms of collateral will the department accept in lieu of a surety bond?** The department will accept certificates of deposit of lawful money of the United States in any of the following forms:

(a) Automatically renewable certificate(s) of deposit insured by the federal deposit insurance corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(b) Certificate(s) of deposit or share account issued by a savings and loan association insured by the federal savings and loan insurance corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(c) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington credit union share guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(d) Cash deposits are acceptable, however interest will not accrue.

(2) **Do I earn interest on my certificates of deposit?** Yes, the certificate and/or the assignment forms shall contain the provision that interest earned will be payable to the depositor. Assignments may only be canceled upon written authorization of the department.

NEW SECTION

WAC 308-72-815 Cancellation or revocation of motor vehicle fuel license(s). (1) **Under what circumstances will my license be canceled?** Pursuant to RCW 82.36.190, a license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee, the cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of motor vehicle fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new surety bond or to make deposits (cash) in accordance with RCW 82.36.060, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in RCW 82.36.190.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all motor vehicle fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

NEW SECTION

WAC 308-72-820 Tax exempt transactions. (1) **When are export transactions tax exempt?** Exemption of the motor vehicle fuel tax may be claimed under the following circumstances:

(a) Fuel owned by the exporter and delivered by the exporter to a customer at a point outside the state by means of equipment owned and operated or controlled by the licensee.

(b) By a licensee for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the licensee claiming the export actually and, in fact, retains title to, and control over, said fuel until actual delivery to its destination out of the state of Washington.

(2) **When are sales to the United States armed forces and National Guard tax exempt?** A licensed supplier is authorized to remove motor vehicle fuel from the bulk transfer terminal system without the imposition of the tax when the motor vehicle fuel is delivered:

(a) To the United States armed forces or National Guard under a bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of motor vehicle fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions and qualified personnel maintain tax exempt credit card accounts. Motor vehicle fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the

Office of Foreign Missions, United States Department of State, and approved by that office.

NEW SECTION

WAC 308-72-830 Tax exempt sales. (1) **How are tax exempt sales reported to the department?** Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) **What if the delivery is onto a federally recognized Indian reservation or onto Indian country?** In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

NEW SECTION

WAC 308-72-835 Tax exempt losses. (1) **What is considered a tax exempt loss?** Credit for or a refund of the motor vehicle fuel tax paid may be taken when the licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost if documents in support of the loss are submitted to the department for approval as provided in RCW 82.36.370.

(2) **What is acceptable proof of loss?** Acceptable proof of loss shall consist of:

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedure(s) used in the determination of the quantity of fuel lost;

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate and/or deal with fuel losses; or witness to the loss;

(c) A bill of lading or other shipping document(s);

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(3) **Are deductions for losses from bulk storage allowed?** Yes, motor vehicle fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system, is allowed as a deduction as provided in RCW 82.36.370.

(4) **How long shall I retain my evidence substantiating my loss?** Documentary evidence substantiating losses shall be retained by the licensee for five years.

(5) **May I claim a deduction for unproved losses?** No, unproved losses will be considered as distribution and subject to fuel tax.

(6) **Am I liable for fuel taxes when one of my employees or agents causes a loss of fuel?** Yes, charges for losses made by employees or agents of the licensee who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be accounted for and supported by proof.

NEW SECTION

WAC 308-72-840 Delinquent account notification process. (1) **What steps must be taken when a licensed motor vehicle fuel distributor does not pay a licensed motor vehicle fuel supplier the motor vehicle fuel tax when due?**

(a) When a licensed distributor does not pay a licensed supplier the motor vehicle fuel taxes that are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the motor vehicle fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of motor vehicle fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

- (a) Posting notification of the suspension on the department's website;
- (b) Transmission of the notification via electronic mail or facsimile; and
- (c) Mailing of the notification via U.S. mail.

NEW SECTION

WAC 308-72-845 Refund for bad debt loss (other than a motor fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.36.373 if you:

- (a) Are a licensed motor vehicle fuel importer, motor vehicle fuel blender, or motor vehicle fuel distributor; and
- (b) Paid tax on an account found to be a worthless accounts receivable; and
- (c) Charged off the amount as a bad debt on your federal income tax return; and
- (d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

- (a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and

(b) Invoices supporting fuel sales being claimed as bad debt; and

- (c) Name and address of the purchaser; and
- (d) Motor vehicle fuel tax return; or
- (e) Refund claim form.

(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

(4) **If motor vehicle fuel tax previously declared as worthless accounts receivable is collected, how is it remitted to the department?**

(a) A motor vehicle fuel importer or motor vehicle fuel blender that collects any motor vehicle fuel tax previously taken as a tax refund on a worthless accounts receivable must remit the motor vehicle fuel tax with the tax return for the reporting period the motor vehicle fuel tax was collected in.

(b) A motor vehicle fuel distributor must remit the motor vehicle fuel tax collected, with a form provided by the department, no later than the last state business day of the month following the month of collection.

NEW SECTION

WAC 308-72-850 Records. What motor vehicle fuel records must be kept? Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of motor vehicle fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

- (1) Physical inventories of bulk storage plants taken at the close of each calendar month.
- (2) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.
- (3) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports and other documents relative to the acquisition of fuel.
- (4) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursements of fuel.

NEW SECTION

WAC 308-72-855 IFTA records. Are there additional recordkeeping requirements for IFTA motor vehicle fuel users when leasing a vehicle? Yes. A lessor of a vehicle who is an IFTA motor vehicle fuel user shall also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid motor vehicle fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

NEW SECTION

WAC 308-72-860 Investigatory power. What investigatory powers does the department have? For the purpose of any investigation or proceeding under this chapter and

chapter 82.36 RCW, the director or any designated officer may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

NEW SECTION

WAC 308-72-865 Invoices issued by licensees. (1) **When is an invoice issued?** Every licensee shall issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) **What information must appear on each invoice?** Each invoice must include the following information:

- (a) The name and address of the seller;
- (b) The name, address, and motor vehicle fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery (month, day and year);
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (f) Name of carrier transporting fuel;
- (g) Name of product sold;
- (h) The number of U.S. gallons of product sold (must indicate net or gross gallons);
- (i) The price per gallon and total amount charged;
- (j) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax;
- (k) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(3) **What happens if a purchaser's invoice is lost or destroyed?** If an invoice is lost or destroyed the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) **What documentation does a licensed supplier, importer or blender need in order to support taxable motor vehicle fuel consumed for their own use?** Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) **What documentation does a distributor need in order to claim a refund for nontaxable use of motor vehi-**

cle fuel? If motor vehicle fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the motor vehicle fuel and the type(s) of equipment it is used in.

NEW SECTION

WAC 308-72-870 Minimum tax payment/refund. **What is the minimum tax payment or refund?** Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

NEW SECTION

WAC 308-72-880 Filing of refund claims for nonlicensees. (1) **How do I apply for a refund?** Any person claiming a refund of the motor vehicle fuel tax must make application to the department and be issued a refund permit number.

(2) **When can I file a refund claim?** A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) **Do I need to send in my invoices with the refund claim request?** If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) **How shall I account for my inventory on my refund claim form?** Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) **As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund claim request?** Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) **Who may sign a refund claim form?** The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;

(c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) **Can invoices be in a different name than what is on the claim form?** No, invoices made out in other names will not be accepted.

(8) **Can I request that my refund be assigned to another person?** Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) **How long will it take until I receive my refund?** Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

NEW SECTION

WAC 308-72-885 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

NEW SECTION

WAC 308-72-890 Invoice requirements for refunds to nonlicensees. (1) What are the invoice requirements? The seller of motor vehicle fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection: Provided, That each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) **What information must be included on the invoice?** Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;
- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **Will the department accept invoices with altered, corrected or erased information?** Invoices that indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gal-

lonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) **What happens if I issued an incorrect invoice to the purchaser?** Sellers of fuel shall issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

NEW SECTION

WAC 308-72-895 Refund records. (1) What records does the department require to be retained by each claimant? Each claimant shall retain records that reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used.

Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund. If the claimant maintains electronic invoices, paper copies of these invoices or other documentation containing required information must be produced, upon demand of the department.

(2) **What records must be maintained to support a refund claim for each of the following uses?**

(a) Use of fuel from bulk storage. Fuel purchased and delivered into bulk storage for taxable and nontaxable use must be accounted for by detail withdrawal records to show the manner in which used.

(b) Use of fuel from other than bulk storage. Fuel purchased in small containers, ten gallons or less, for nonhighway use should be identified by the purchaser on the purchase invoice, i.e., boats, tractors, power saws, etc.

NEW SECTION

WAC 308-72-900 Refunds to dealer delivering fuel exclusively for marine use. (1) When can a marine dealer file a refund claim? Marine dealers may file claim for refund under the following conditions:

(a) Motor vehicle fuel must be delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser;

(b) The purchaser must be a holder of a valid motor vehicle fuel tax refund claim number at the time of sale.

(2) **What documentation is needed to apply for a refund for a marine dealer?** The purchaser must provide the dealer with a refund claim number at the time of purchase and the refund claim shall be supported by:

(a) Invoices covering fuel deliveries into the dealer's storage facilities.

(b) Invoices covering tax exempt sales of motor vehicle fuel. These invoices shall, in addition to the applicable invoice requirements of WAC 308-72-630, contain:

(i) A Washington registration number or an official registration number from another jurisdiction;

- (ii) The applicable sales tax;
- (iii) A statement on the invoice indicating the fuel has been sold without the Washington state fuel tax.
- (c) A marine exemption certificate issued by the department, completed by the marine dealer and signed by the purchaser assigning refund rights to the distributor.

NEW SECTION

WAC 308-72-905 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) **What formula does the department use in determining power take-off usage for fuel and heating oil pumping?**

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take-off unit on a delivery truck at the rate of three-fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. Fuel oil delivery truck operators must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting documentation.

(b) For gasoline used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

Cement mixer	25%
Fire trucks (private)	25%
Mobile cranes	25%
Garbage trucks (with load compactor)	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%

Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semiwrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

NEW SECTION

WAC 308-72-910 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, the use of on board computers or recording devices for the production of mileage records required by the International Fuel Tax Agreement (IFTA) shall be governed by the requirements or procedures adopted by the International Fuel Tax Agreement (IFTA).

NEW SECTION

WAC 308-72-915 Special rules and requirements for fuel tax refunds. (1) **Can I claim a refund for motor vehicle fuel used in my recreational snowmobile?** No. Motor vehicle fuel tax refunds are prohibited by RCW 46.10.160(2).

(2) **Can I claim a refund for motor vehicle fuel used in my unlicensed recreational off road vehicles, all terrain vehicles and snowmobiles?** No, any recreational use of off road vehicles, all terrain vehicles and snowmobiles, although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid.

PROPOSED

(3) Can I claim a refund for motor vehicle fuel used in my unlicensed off road vehicles, all terrain vehicles and snowmobiles? Yes, if the motor vehicle fuel is used for non-recreational purposes such as farming, logging, and construction. Off road vehicles, all terrain vehicles and snowmobiles are defined in RCW 46.09.020, 46.10.010 (3) and (2) respectively.

NEW SECTION

WAC 308-72-920 Use tax. (1) **Will use tax be deducted from my refund claim?** Yes, use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) **How is use tax computed?** The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be used for each refund claim submitted during a calendar year, unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

NEW SECTION

WAC 380-72-925 Mitigation of penalties and interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, assessments, and/or lack of complete records.

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department may review records, account history or other information in arriving at its decision to mitigate.

NEW SECTION

WAC 380-72-930 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, penalties and/or interest that you believe to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the

time and place for the hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(3) **What happens if I fail to appear for my informal hearing without prior notification?** Failure to appear may result in the loss of your informal administrative appeal rights.

(4) **What happens following my informal hearing?** The department will make determination in accordance with the Revised Code of Washington, administrative rules, and policies established by the department.

(5) **What if I do not agree with the department's informal hearing determination?** You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination you feel are in error and set forth the reasons for believing the decision should be amended. The department will establish a time and place for a formal hearing and give you at least ten days' notice.

(6) **When does my reassessment become final?** The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon you unless you appeal further.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-72-500 Motor vehicle fuel.
- WAC 308-72-501 Exports.
- WAC 308-72-503 Motor vehicle fuel supplier.
- WAC 308-72-505 Electronic fund transfers.
- WAC 308-72-509 Bonding requirements.
- WAC 308-72-512 Cancellation of license.
- WAC 308-72-540 Tax exempt transactions.
- WAC 308-72-542 Tax exempt sales to qualified personnel of foreign governments.
- WAC 308-72-550 Tax exempt losses.
- WAC 308-72-555 Delinquent account notification process.
- WAC 308-72-557 Refund for bad debt loss (other than a motor fuel supplier).
- WAC 308-72-560 Records.
- WAC 308-72-570 Invoices.
- WAC 308-72-610 Refund claim number.
- WAC 308-72-615 Interest assessment on refund claims.

PROPOSED

WAC 308-72-620	Filing of claim.
WAC 308-72-630	Invoice requirements, seller responsibility.
WAC 308-72-640	Records.
WAC 308-72-650	Refunds to dealer delivering fuel exclusively for marine use.
WAC 308-72-660	Power take-off use.
WAC 308-72-665	On board computers or recording devices.
WAC 308-72-670	Auxiliary engines.
WAC 308-72-680	Gasoline lost or destroyed.
WAC 308-72-690	Special rules and requirements for fuel tax refunds.
WAC 308-72-700	Use tax.
WAC 308-72-710	Mitigation of penalties and interest.

Only a facility paid for and operated by the county for confinement of juveniles qualifies.

The rules also clarify eligibility of students served in county detention facilities. The rules limit institutional education funding to juveniles confined in the facility by court order. The rules reference the definition of confinement in the juvenile justice statute (RCW 13.40.020). Students under electronic monitoring or day reporting restrictions qualify if under court order and if all other requirements are met.

The proposed rule change will have both negative and positive fiscal impacts. The Office of Superintendent of Public Instruction's rule development discussions have led some districts to report more conservatively. Some additional state savings (school district revenue loss) will result because some students currently claimed for institutional education funding will not qualify. The clarification of authority for claiming court-ordered day reporting students may lead to some increase in this population. The potential increase is limited by space in county detention facilities and sentencing standards of the juvenile courts. The negative and positive fiscal impacts are both hard to quantify and will tend to be offsetting. OSPI does not plan to revise institutional enrollment estimates due to the rule change.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, Bruno Conference Room, 2nd Floor, on September 25, 2001, at 9 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by September 11, 2001, TDD (360) 664-3631, or (360) 725-6271.

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 September 24, 2001.

Date of Intended Adoption: September 26, 2001.

August 1, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-17-013
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 2, 2001, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-17-089.

Title of Rule: WAC 392-122-200 through 392-122-275, state institutional education funding rules.

Purpose: To clarify existing rules for reporting students for state institutional education funding, that are confined to a detention facility.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Chapter 28A.190 RCW.

Summary: These draft rules clarify student enrollment reporting standards for state institutional education funding for students served in county detention centers. These changes are needed to align rules with current juvenile sentencing laws and practices.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 725-6300; and Enforcement: Michael Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

Name of Proponent: Office of 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: Specifically, the rules clarify what facilities are considered juvenile detention facilities. The rules reference the definition in the juvenile justice statute (RCW 13.40.020).

AMENDATORY SECTION (Amending Order 98-09, filed 10/20/98, effective 11/20/98)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities ~~((maintained by counties for treatment and education of juveniles who have been placed under protective custody or have com-~~

~~mitted a criminal offense)) meeting the definition of a "detention facility" in RCW 13.40.030.~~

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

AMENDATORY SECTION (Amending Order 98-09, filed 10/20/98, effective 11/20/98)

WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student. "Enrolled institutional education program student" means a person who:

(1)(a) Is in a program in a department of corrections facility and is under eighteen years of age or is eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) Is ~~((in a residential institution other than the department of corrections and is))~~ under twenty-one years of age at the beginning of the school year and is either:

(i) In a residential school as defined in RCW 28A.190.020; or

(ii) Confined in a county detention center within the meaning of confinement provided in RCW 13.40.020;

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program provided or supervised by educational certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

AMENDATORY SECTION (Amending Order 98-09, filed 10/20/98, effective 11/20/98)

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

(1) A person whose educational activity has terminated.

(2) A person who has transferred to another institution or school district.

(3) ~~((A residential))~~ An institution student who:

(a) Has not engaged in educational activity in the past five school days, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-122-207

Definition—State institutional education program—Residential institution.

WSR 01-17-016
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 3, 2001, 8:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-052.

Title of Rule: Definitions in the public employees' retirement system (PERS).

Purpose: Rearranges definitions into one section and puts them into plain English. Adds a definition that a public corporation formed under RCW 35.21.720 is an employer and may be admitted into PERS.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 35.21.730, 41.40.010(4), chapter 41.40 WAC.

Summary: Rearranges definitions into one section and puts them into plain English. Adds a definition that a public corporation formed under RCW 35.21.720 is an employer and may be admitted into PERS.

Reasons Supporting Proposal: It is easier for customers to find definitions in alphabetical order, in one section, instead of in many sections. Plain English adds clarity. The public corporation definition responds to a question that has remained unresolved for many years.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Jack Bryant, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7193.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rearranges definitions into one section and puts them into Plain English. Adds a definition that a public corporation formed under RCW 35.21.720 is an employer and may be admitted into PERS. The public corporation definition applies only to public corporations formed under RCW 35.21.720. The intent is to make admission voluntary. That is, the public corporation must request admission.

PROPOSED

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. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom, 3rd Floor, Tumwater, WA, on September 28, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on September 28, 2001.

Date of Intended Adoption: No sooner than October 1, 2001.

August 2, 2001
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-09-059, filed 4/17/98, effective 5/18/98)

WAC 415-108-010 Definitions in the public employees' retirement system. All definitions in RCW 41.40.010 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.40 RCW are defined in this chapter.

Annual leave means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different from vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

Level of union organization means a union or a lodge or division of a union.

Normally as used in the definition of eligible position under RCW 41.40.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

Project position means a position, established by an employer, which has a specific goal and end date.

Public corporation means a public corporation created under RCW 35.21.730. A public corporation may be admitted as an "employer" under the definition in RCW 41.40.010(4).

Report means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

Reportable compensation means compensation earnable as that term is defined in RCW 41.40.010(8).

Retirement plan as used in RCW 41.40.023 and in this chapter, means any plan operated wholly or in part by the state or a political subdivision. This includes, but is not limited to:

- The retirement systems listed under RCW 41.50.030;
- The retirement systems of the cities of Seattle, Spokane and Tacoma; or
- Any higher education plan authorized under RCW 28B.10.400.

System acronyms used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "TRS" means the teachers' retirement system.
- "SERS" means the school employees' retirement system.

Union means a labor guild, labor association, and/or labor organization.

Union employer means a union or a union lodge or other division of a union which has verified that it meets the definition of a Plan 1 employer in RCW 41.40.010.

Year means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year or fiscal year.

Example: An employer has used the twelve consecutive month period from July 1 to June 30 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the July 1 through June 30 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-108-0101	Level of union organization—Definition.
WAC 415-108-0102	Normally—Definition.
WAC 415-108-0103	Project position—Definition.
WAC 415-108-0104	Report—Definition.
WAC 415-108-0105	Retirement plan—Definition.
WAC 415-108-0106	Union—Definition.

WAC 415-108-0107	Union employer—Definition.
WAC 415-108-0108	Year—Definition.
WAC 415-108-0109	System acronyms—Definition.
WAC 415-108-0110	Reportable compensation—Definition.
WAC 415-108-0111	Annual leave—Definition.

WSR 01-17-023

**WITHDRAWAL OF PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

(By the Code Reviser's Office)

[Filed August 7, 2001, 8:27 a.m.]

WAC 480-120-049, proposed by the Utilities and Transportation Commission in WSR 01-03-100 appearing in issue 01-03 of the State Register, which was distributed on February 7, 2001, 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 01-17-029

**PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**

[Filed August 8, 2001, 8:37 a.m.]

Original Notice.

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

Title of Rule: 1. SCAPCA Regulation I, Article VI, Section 6.01.

2. SCAPCA Regulation I, Article X, Section 10.13.

3. Amend No Burn Area boundary in Spokane County.

Purpose: 1. Amend outdoor burning regulations to reflect changes in state regulations.

2. Establish fees for certain types of outdoor burning, required in chapter 173-425 WAC.

3. Amend No Burn Area Boundary for Spokane County, to ban burning of yard and garden wastes where reasonable alternatives to burning exist.

Statutory Authority for Adoption: RCW 70.94.141, 70.94.380(2), 70.94.755, chapter 173-425 WAC.

Statute Being Implemented: RCW 70.94.755, 70.94.743, 70.94.755-70.94.780, chapter 173-425 WAC.

Summary: 1. The amended regulation reflects changes in state regulations.

2. The new section to the fee regulation establishes fees for certain types of burning, as required in chapter 173-425 WAC.

3. The resolution defines the No Burn Area within Spokane County and bans residential yard and garden waste burning in areas where reasonable alternatives to burning are available.

Reasons Supporting Proposal: SCAPCA's Regulation I and No Burn Area boundary is being revised to meet the mandates in chapter 173-425 WAC, amended April 2000.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Crystal Alford, 1101 West College, Room 403, Spokane, WA 99201, (509) 477-4727.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: 1. The regulation is being amended to reflect recent changes in state outdoor burning regulations.

2. The new section of the fee regulation establishes a fee program to recover costs associated with administering and enforcing a permit program for weed abatement fires and fire fighting instruction fires, as required in WAC 173-425-060(3).

3. Burning yard and garden wastes would be further restricted, due to expansion of the No Burn Area boundary, due to proximity of reasonable alternatives to burning.

Proposal Changes the Following Existing Rules: 1. SCAPCA outdoor burning regulations will be consistent with state outdoor burning regulations. In addition, SCAPCA regulations will define exceptions where outdoor burning will be allowed, and whether an outdoor burning permit will be required for the excepted type of burning.

2. There currently is no permit program with corresponding fees for weed abatement fires and fire fighting instruction fires.

3. The No Burn Area will be expanded to restrict outdoor burning of yard and garden wastes in areas where reasonable alternatives to burning exist.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

RCW 34.05.328 does not apply to this rule adoption. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

Hearing Location: Spokane County Public Works Building, 1026 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on October 4, 2001, at 8:30 a.m.

Submit Written Comments to: Crystal Alford, Spokane County Air Pollution Control Authority, 1101 West College, Room 403, Spokane, WA 99201, fax (509) 477-6828, by September 24, 2001, 4:30 p.m.

Date of Intended Adoption: October 4, 2001.

August 6, 2001

Crystal Alford

Air Quality Specialist

A RESOLUTION AMENDING REGULATION I, ARTICLE VI, SECTION 6.01, AMENDING THE "NO BURN AREA", AND ADDING REGULATION I, ARTICLE X, SECTION 10.13

APPENDIX A

DRAFT 6

Note: Comments in [brackets] are for clarification and/or to address the intent of that paragraph under which it is listed. Bracketed comments are not part of the proposed regulation.

ARTICLE VI

EMISSIONS PROHIBITED

AMENDATORY SECTION

SECTION 6.01 ((OPEN)) OUTDOOR BURNING [Changed to be consistent with WAC. Definition of open burning includes "open burning" as having the same meaning.]

WHEREAS, pursuant to the provisions of the Washington Clean Air Act, Chapter 70.94 RCW, the Spokane County Air Pollution Control Authority (SCAPCA) was created as a municipal corporation of the State of Washington; and

WHEREAS, RCW 70.94.141 authorizes the Board of an activated authority to adopt, amend and repeal its own rules and regulations, and

WHEREAS, pursuant to the provisions of RCW 70.94.745 and Chapter 173-425 WAC, outdoor burning shall be prohibited in areas where a reasonable alternative for disposing of organic refuse/natural vegetation is available; and

WHEREAS, RCW 70.94.380 authorizes local air pollution control authorities to adopt and enforce more stringent emission control requirements than those adopted by the department of ecology; and

WHEREAS, an amendment to the regulation is necessary to meet state regulations and laws; and

WHEREAS, the Board recognizes that outdoor burning emits carbon monoxide, particulate matter, and various other volatile organic compounds and toxic substances; and

WHEREAS, the Board considered all verbal testimony submitted at the public hearing on October 4, 2001, and written testimony submitted prior to October 4, 2001, and determined that the proposal was reasonable;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of SCAPCA, hereby adopts the amendments to SCAPCA Regulation I, Article VI, Section 6.01, attached hereto as Appendix A.

BE IT FURTHER RESOLVED that the Board of Directors of SCAPCA, hereby adopts the new section, identified as SCAPCA Regulation I, Article X, Section 10.13, attached hereto as Appendix B.

BE IT FURTHER RESOLVED that the Board of Directors of SCAPCA, hereby defines the "No Burn Area", attached hereto as Appendix C.

DATED THIS 4TH DAY OF OCTOBER 2001.

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

ATTEST:

ERIC P. SKELTON, DIRECTOR

A. Purpose. This Section establishes controls for ((open)) outdoor burning in Spokane County in order to:

1. Reduce ((open)) outdoor burning to the greatest extent practical, consistent with the ((policy)) laws and regulations of the State of Washington.

2. Minimize the impact of emissions from ((open)) outdoor burning by burning only when weather and ventilation conditions are favorable.

3. Define conditions under which ((open)) outdoor burning may be conducted.

4. Encourage the development and specify the use of ((alternate methods of disposal of combustible waste materials)) reasonable alternatives to outdoor burning.

5. Geographically limit ((open)) outdoor burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide and fine particulate matter (PM10).

B. Applicability. This Section applies to ((open)) outdoor burning in all areas of Spokane County unless exempted in Section 6.01.E. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Agricultural Burning (see Chapter 173-430). [New sentence added in response to comments from DNR on draft 3]

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in ((Chapter)) RCW 70.94.650 ((RCW)) or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.

((3. Ceremonial Fire means a fire associated with a Native American ceremony or ritual.)) [changed to Indian ceremonial fires to be consistent with WAC]

PROPOSED

3. Construction/Demolition Debris means any material manufactured for or resulting from the construction, renovation, or demolition of buildings, roads, and/or other man-made structures. [Clarification from WAC for definition of prohibited materials. Have added "manufactured for or" to Draft 2]

4. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as ((given in Chapter 70.94.715 RCW)) provided in Chapter 173-435 WAC. [Makes definition consistent with ag burning reg. Episode applies to all outdoor burning]

5. Flag Retirement Ceremony means a ceremony for the purpose of disposing of a flag, by fire, pursuant to 36 U.S.C. 176(k). [Draft 6]

6. Fire Fighting Instruction Fire means a fire for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires. [WAC definition]

7((5)). Impaired Air Quality, for purposes of ((open)) outdoor burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:

a. Particulates ((which)) that are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at or above an ambient level of ((seventy-five)) sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.

c. Particulates that are two and one-half microns or smaller in diameter (PM2.5) are measured at any location inside Spokane County at or above an ambient level of 15 micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent.

d((e)). Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331 ((Chapter 173-425-030 (5)(b) WAC, by resolution of the Board of Directors of the Authority)). [Consistent with proposed ag burning reg]

8. Indian Ceremonial Fire means a fire necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.

9((6)). Land Clearing Fire means ((removing trees, shrubbery, or other natural vegetation from a plot of land)) outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear

the land surface so it can be developed, used for a different purpose, or left unused).

10. Natural vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood. [WAC addition]

11((7)). Nonattainment Area means the Spokane County PM10 Nonattainment Area and the Spokane Urban Carbon Monoxide Nonattainment Area as defined in CFR Title 40, Part 81.

12. Noxious Weed Abatement Fire means any outdoor burning to dispose of noxious weeds identified in the State Noxious Weed List, Chapter 16-750 WAC. [Draft 6]

13((8)). Nuisance means an emission of smoke or other emissions from any ((open)) outdoor fire that unreasonably interferes with the use and enjoyment of property or public areas. [Reference to public area makes it consistent with proposed ag reg]

14. Other Outdoor Burning means outdoor burning other than agricultural burning, silvicultural burning, residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, fire fighting instruction fires, rare and endangered plant regeneration fires, Indian ceremonial fires, and recreational fires. It includes, but is not limited to, any outdoor burning necessary to protect public health and safety. [Reflects a WAC definition]

15((9)). ((Open Burning or)) Outdoor Burning or Open Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion in a manner approved by the Authority. Outdoor burning means all types of outdoor burning except agricultural burning and silvicultural burning. [Makes definition more consistent with WAC. Raku pottery firing may not constitute "outdoor burning" as defined in RCW 70.94.743(2), if either the combustion or emissions are controlled to some extent through covering.]

16((10)). Permitting Authority means the Spokane County Air Pollution Control Authority (Authority), or one or more of the following entities, whenever the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire ((department, any fire district)) protection agency within Spokane County, Department of Natural Resources, or the Spokane County Conservation District. ((, whenever the referenced agency enters into a written agreement with the Authority to administer a permit program pursuant to Chapter 173-425-070 WAC.)) [Makes consistent with proposed ag reg. Added DNR reference for postage stamp land clearing issues.]

((11. Phase-out Area means any geographical area which is outside the No-Burn Area, as defined in Attachment A of Resolution 91-01 of the Authority, and inside the Spokane PM10 Nonattainment Area, as defined in CFR Title 40, Part 81.))

17((12)). Premises of a Residence means the real property immediately adjacent to the residence which is owned by

the same person who owns the residence, and which is not devoted to agricultural or silvicultural use, other than yard and gardening activities connected with the residence.

18((13)). Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) ~~((which when burned))~~ that releases toxic emissions, dense smoke or obnoxious odors, when burned. [Makes consistent with proposed ag reg]

19((14)). Reasonable Alternative ~~(s means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard (This amount may be adjusted periodically by policy decision of the Department of Ecology), or more costly disposal alternatives which have been deemed reasonable, on a case-by-case basis, by the Authority))~~ means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning, including but not limited to, waste reduction, recycling, energy recovery or incineration, and landfill disposal. [Makes consistent with WAC]

20((15)). Recreational Fire means a small fire, limited to ~~((barbecues))~~ cooking fires and campfires, using charcoal, natural gas, propane, or clean, dry, natural firewood, and which occurs in designated areas on public lands or on private property. Fires used for debris disposal are not considered recreational fires. [Changes for clarification. The intent of adding "fire"wood is to make people think of natural tree trunk wood versus pallets, old painted lumber, etc. Trying to define firewood may only make it more complicated. 10/24/00 email from Ecology states that "...we interpret the rule in such a way that (a) recreational fires can include fires that burn manufactured fire logs and fires in an outdoor container for cooking, pleasure, or ceremonial purposes, and (b) the 'Burning in outdoor containers' provision of the rule does not apply to recreational fires in a container." This means, for example, that Presto Logs can be burned in a Chimney if it is a recreational fire.]

21. Residential Burning means the outdoor burning of natural yard and garden debris (i.e., dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles) originating on the maintained/improved area of residential property (i.e., lands immediately adjacent and in close proximity to a human dwelling) and burned on such lands by the property owner and/or any other responsible person. [Combines WAC definition "Residential Burning" with SCAPCA definition of "Yard" and "Yard and Garden Debris". The area that is within about 30 feet of a human dwelling is generally, but not always, an "improved area". The "maintained/improved area" is an area that often consists of a lawn that is irrigated and mowed up to 2-3 times or more per week. There are often a few trees, shrubs, or other vegetation that have been planted within this area as part of a designed landscape around a house or out-

building. Some properties have natural, thinned, and/or maintained forest/timber stands. For fire-safety purposes (Firesafe Spokane), these stands of trees are, or should be, generally 30 or more feet away from the home (Note: In some cases, property owners allow forest/timber stands to go right up to the eaves of their homes.) Such areas, although sometimes maintained by thinning and removing underbrush and fallen limbs, are generally considered "unimproved areas" or silvicultural in nature. As such, debris from these areas are not considered yard and garden debris and are not regulated as such.]

22((16)). Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting or attending to an ~~((open))~~ outdoor fire, or any person who owns or controls property on which an ~~((open))~~ outdoor fire occurs.

~~((17. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town.))~~ [Not in alphabetical order. Moved down.]

23((18)). Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to ~~((Chapter))~~ RCW 70.94.030(20), 70.94.660, and 70.94.690 ((RCW)), and pursuant to Chapter 76.04 RCW.

24((19)). Small Fire means a fire generated by a pile of combustible material with dimensions no greater than ~~((four feet by four feet by three feet))~~ three feet in diameter by two feet in height. [Permits required for >3 diameter by >2 high per WAC 173-425-060 (2)(i)]

25. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town. [Moved down so that's it's in alphabetical order.]

26((20)). Urban Growth Area means an area defined by ~~((Chapter))~~ RCW 36.70A.030 ((RCW)).

~~((21. Yard means a maintained area on residential property.))~~ [For "yard", refer to definition of Residential Burning]

~~((22. Yard and Garden Debris means dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles generated from a residential yard or garden.))~~ [Refer to definition of Residential Burning]

D. Prohibitions. Except as provided in Section 6.01.E., no person shall practice or permit the practice of ~~((open))~~ outdoor burning in any of the following circumstances and locations: [Reorganized this section]

1. Within ~~((the))~~ a No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

~~((2. Within any part of a nonattainment area that is not within an open burning phase-out area.))~~ [Prohibition D.1 takes care of this. For exempt burning, we may not apply this condition because most of the nonattainment area boundaries that are outside the UGAs (addressed in D.3) are based on UTM coordinates, and difficult to identify and enforce.]

~~((3. After November 1, 1994, in any area where no permit program is being administered by a permitting authority.))~~

~~2((4.))~~ ~~((Within any open burning phase out area after the final phase out date as approved by the Department of Ecology.))~~ After April 30, 2001, within Spokane County. [Draft 6 revisions removed this portion of the rule, which was withdrawn after April 2001 SCAPCA Board of Directors meeting]

2((5)). After December 31, 2000, within any urban growth area having a population of 5,000 or more people, or within any incorporated city or town having a population of 10,000 or more people, or within any urban growth area contiguous with a nonattainment area or former nonattainment area. ~~((After April 30, 2001, within any urban growth area.))~~ [Draft 6 revisions removed the ban after April 30, 2001 within any UGA based on the April 2001 SCAPCA Board of Directors meeting]

3. After December 31, 2006, within any urban growth area. [Draft 6 revisions reflect current provisions in WAC 173-425, to allow burning in UGAs having a population of less than 5,000 people]

~~((6. Outside the period designated by the Authority or permitting authority for burning yard and garden debris.))~~

4((7)). When the materials to be burned include any prohibited materials. [Burning prohibited materials may be allowed under WAC 173-425-050 (1)(b).]

5((8)). During an episode as declared by Ecology. ~~((or))~~ during ~~((impaired air quality))~~ Impaired Air Quality as declared by ~~((the Department of))~~ Ecology or the Authority for a defined geographical area or during a fire danger burn ban, as declared by an appropriate fire protection authority for a defined geographic area, unless that fire protection authority grants an exception. [Includes fire danger burn ban per WAC]

6((9)). When the fire is larger than a small fire ~~((, unless a valid written permit has been issued by a permitting authority.))~~. [Exception addressed in exception section]

7((10)). In or within 500 feet of forest slash ~~((, unless a written permit has been issued by the permitting authority.))~~. [Exception addressed in exception section]

8((11)). When burning is for commercial purposes (i.e., when burning is not for residential purposes), other than silvicultural burning ~~((;))~~ or agricultural burning ~~((, or burning of land clearing debris.))~~. ["i.e., ...not on residential land that is in close proximity to a human dwelling" was removed in response to SCAPCA legal counsel comment on draft 3.]

9((12)). Where the Authority, Department of Ecology, or permitting authority has determined that reasonable alternatives are available.

10((13)). When burning causes a nuisance, or when the Authority or permitting authority determines that the creation of a nuisance ~~((is the))~~ would likely result ~~((of))~~ from burning.

11. When outdoor burning includes materials, other than charcoal, natural gas, propane, or clean, dry, natural firewood, that have been hauled from another property. [Addition from WAC.]

12. When more than one pile is burned at a time (i.e., each fire must be extinguished before lighting another). [Added to Draft 2 per WAC 173-425-060 (5)(c)(x)]

E. Exceptions. Exceptions to Section 6.01.D shall be made as follows:

1. Exceptions that Require an Outdoor Burning Permit. The outdoor burning prohibitions in ~~((Subsections 1 through 7 of))~~ Section 6.01.D ~~((shall not apply to the))~~ are waived as indicated for the following types of fires ((if)) when authorized by the Authority and a written permit has been issued by the Authority or permitting authority providing an exception:

a. Fires ((When)) ordered by a duly authorized health officer to dispose of, diseased animals and other infested material ((may be burned)), as required, to keep the infestation from spreading. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 6-9 and 11-12.

[For quick reference: 6.01...

D.1 Within No Burn Area

D.2 Within UGA >5k or NAA

D.3 Within any UGA after December 31, 2006

D.4 Prohibited materials

D.5 During an episode

D.6 > small fire

D.7 Near forest slash

D.8 Commercial

D.9 Available reasonable alternatives

D.10 Nuisance

D.11 Material from other property

D.12 One pile at a time]

b. Fires ((When)) ordered by a fire protection agency of jurisdiction, ((fires)) to dispose of materials presenting a danger to life, property, or public welfare ((may be burned)). Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 6-9 and 11-12.

c. Fires ((When)) authorized by a fire protection agency of jurisdiction, ((fires)) necessary for training, including military training((, may be burned)). Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 6-9 and 11-12. [This includes permanent training facilities used to simulate structural fire training.]

d. Fire extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 8-9 and 11-12. The requirements below must also be met.

(i) Flammable or combustible materials used during the fire extinguisher training shall be limited to:

(a) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire protection agencies, fire marshals, or fire districts; [Included "fire protection agencies" to provide for training at FAFB.]

(b) As much gaseous fuel (propane or natural gas) as required for the training exercise; and/or

(c) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused paper. [Untreated scrap lumber could include pallets]

(ii) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to the Authority upon request;

(iii) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements. [Draft 2 addition. Language derived from PSCAA Section 8.07.]

e. Structural fire training fires authorized by a fire protection agency that are located within urban growth areas, such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 6-8 and 12. [Condition 6.01.F.9 makes reference asbestos regulations.]

(d. When ordered by a fire protection agency of jurisdiction, fires to prevent or abate a fire hazard may be burned.) [See paragraph b]

f((e)). Fires set as part of a defined research project ((may be burned)). Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-4, 6-9 and 11-12.

g. Social event fires (i.e., a fire that is larger than a small fire that is part of a social event) sponsored by an incorporated city or town, provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond the event. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-3, 6-9 and 11. [Moved this up from next section. Includes exception for 6.01.D.12, which means social event fires such as the Deer Park Winter Carnival fire would be allowed]

h. Residential land clearing fires consisting of materials cleared from less than 1 acre of forested land on a 5 acre or larger parcel of land in non-commercial ownership. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-3, 6 and 12.

i. Silvicultural-to-agricultural land conversion fires. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-3, 6 and 12.

j. Storm or flood debris fires and rare and endangered plant regeneration fires, as defined in WAC 173-425-030. Such burning may be exempt from one or more of the prohibitions in Section 6.01.D.1-3, 6 and 11-12. [Burning of tumbleweeds would generally fall under incidental agricultural burning. Any person interested in weed abatement fires or other outdoor burning could apply for a variance.]

k. Fires set for improving and maintaining fire dependent ecosystems, as provided in RCW 70.94.660. Such burning may be exempted from one or more of the prohibitions in Section 6.01.D.1-3, 6 and 12. [See 6.01.D.2.b]

l. Noxious Weed Abatement fires, as provided for in WAC 173-425-060 (2)(e) and RCW 70.94.650 (1)(a). Such burning may be exempted from one or more of the prohibi-

tions in Section 6.01.D.1-3, 6-7, 12. [Draft 6 revisions exempt the burning of Noxious Weeds in NBA, UGAs, when the fire is larger than a small fire, in or within 500 feet of forest slash and when more than one pile is burned at a time. Noxious Weeds would not be able to be burned with prohibited materials, during an episode of impaired air quality, when burning is for commercial purposes, where reasonable alternatives are available, when burning causes a nuisance, and when burning includes materials hauled from another property. Permits issued could address whether the burning is in a "patch" or "pile".]

2. Exceptions that do not Require an Outdoor Burning Permit. ((The prohibitions in Subsections 1 through 6 of Section 6.01.D shall not apply to the following types of fires if authorized by the Authority:))

a. Indian ((C)) ceremonial fires are exempt from the prohibitions in Section 6.01.D.1-3.

b. Recreational fires are exempt from the prohibitions in Section 6.01.D.1-3, provided the fire is not started an unreasonable length of time before, nor continues an unreasonable length of time beyond, its recreational purpose. [Added to Draft 3]

((e. Fires set for a social event, provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond the event.)) [Moved to section that requires a permit]

g((d)). Fires set for improving and maintaining fire dependent ecosystems, as provided in ((Chapter)) RCW 70.94.660 ((RCW)) are exempt from the prohibitions in Section 6.01.D.2, 6 and 12. [This was labeled "b" in draft 3 with subsequent letters "c, d, e, f". Corrected to c-g.

RCW 70.94.660 identifies DNR as having responsibility for issuing and regulating burning permits required for the protection of life or property and/or for the public health, safety, and welfare that include:

- a. Abating a forest fire hazard;
- b. Prevention of a fire hazard;
- c. Instruction of public officials in methods of forest fire fighting;
- d. Any silvicultural operation to improve the forest lands of the state; and

e. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within natural area reserves/conservation areas, etc.

This RCW basically provides for underbrush burning. It is often performed by DNR. Allow for exception to Section 6.01.D.1-4, and 7 if approved via a permit (See 6.01.E.1.k.)

d((e)). Fires fueled exclusively by flares or torches are exempt from the prohibitions in Section 6.01.D.1-4 and 12 provided the flares or torches are not started an unreasonable length of time before nor continue an unreasonable length of time beyond the event for which they are being used.

e. Aircraft crash rescue training fires authorized by a fire protection agency do not require a permit if performed in

accordance with RCW 70.94.650(5) and are exempt from the prohibitions in Section 6.01.D.1-4, 6-8 and 11-12.

f. Forest fire instruction fires authorized by a fire protection agency are exempt from the prohibitions in Section 6.01.D.1-4, 6-8 and 12.

g. Structural fire training fires authorized by a fire protection agency that are located within unincorporated areas and outside urban growth areas do not require a burning permit if performed in accordance with RCW 52.12.150 and are exempt from the prohibitions in Section 6.01.D.1-2, 4, 6-8 and 12. [Note: Condition 6.01.F.9 makes reference to asbestos regulations. Simulated structural fire training fires performed at a training facility would not fit into this category.]

h. Flag Retirement Ceremony Fires for disposing of flags, pursuant to 36 U.S.C. 176(k), are exempt from Section 6.01.D.1-4, and 11. [Draft 6 revisions allow flag retirement ceremonies within the NBA, UGAs, allows the burning of an otherwise prohibited material, and allows the flags to be hauled from other properties to the site where they would be retired]

~~((3. Nothing in Section 6.01, except for Subsection 8 of Section 6.01.D., shall apply to the following types of fires:~~

~~a. Silvicultural burning.~~

~~b. Agricultural burning pursuant to Section 6.11.~~

~~e. Grass field burning pursuant to Section 6.10. [Subsection 3 is not necessary if revise outdoor burning definition as proposed]~~

~~4. Subsection 6 of Section 6.01.D. shall not apply to fires for which a valid written permit has been issued by a permitting authority.)) [This was used by delegated permitting authorities for allowing yard & garden debris burning outside the designated burn period established by SCAPCA. New with Draft 5: Section 6.01.I for delegation agreements.]~~

3((5)). Nothing in Section 6.01 shall apply to burning of combustible material in a multiple-chambered unit, such as in a multiple-chambered incinerator, as long as the unit is registered with the Authority pursuant to Article IV or the operator possesses a valid ((Approval)) Notice of Construction approval issued pursuant to Article V, the operator has been trained in the operation of the unit(s), and the unit complies with all applicable regulations. [Draft 3 addition is operator training]

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 Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

~~((F. General Conditions. Considering population density and local conditions affecting air quality, the permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours~~

~~of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of open burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:~~

~~1. Whenever an episode or impaired air quality is declared, all small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by withholding new fuel and allowing the fire to burn down.~~

~~2. The fire shall be attended by a person who is responsible for and capable of extinguishing the fire. The fire must be extinguished before leaving it.~~

~~3. Burning shall occur during daylight hours only, or a more restrictive period as determined by the permitting authority.~~

~~4. All fires shall be on non-combustible surfaces at an adequate distance but no less than 50 feet from buildings, fences, other combustible materials, and other fires.~~

~~5. If requested by the permitting authority, the responsible person shall provide adequate justification that burning, as requested, is reasonably necessary to successfully carry out the enterprise in which the person is engaged.~~

~~6. Permission from a landowner, or owner's designated representative, must be obtained prior to igniting an open fire.~~

~~7. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.~~

~~8. The Authority or permitting authority shall be contacted to confirm burning conditions for each day, prior to igniting an open fire.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

F. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum size or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre-burn and post-burn reporting, and other criteria, determined by the Authority or permitting authority, as necessary to minimize air pollution. Unless exempt per Section 6.01.E, any person who practices or permits the practice of outdoor burning shall, in addition to any specific permit conditions imposed, comply with any prohibitions, requirements, and

general conditions in Section 6.01.D, WAC 173-425-040, WAC 173-425-050, and all of the following conditions:

1. Curtailments. **[addition from WAC 173-425-050(3)]**

a. No outdoor fire may be ignited in a geographical area where:

- (i) Department of Ecology has declared an episode;
- (ii) Authority has declared impaired air quality; or
- (iii) The appropriate fire protection agency has declared a fire danger burn ban, unless that agency grants an exception.

b. The responsible person shall contact the Authority or permitting authority each day, prior to igniting an outdoor fire, to determine outdoor burning conditions.

c. The responsible person for an outdoor fire must extinguish the fire when an episode, impaired air quality, or fire danger burn ban that applies to the burning is declared. All small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by methods including, but not limited to, withholding new fuel and allowing the fire to burn down. In this regard:

(i) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn is declared, will constitute prima facie evidence of unlawful outdoor burning.

(ii) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

2. Any person responsible for unlawful outdoor burning must immediately extinguish the fire, except as provided for in Section 6.01.F.1.c. **[WAC 173-425-050 (4)(c)]**

3. Outdoor containers used for outdoor burning, other than those used for recreational fires, Indian ceremonial fires, fire extinguisher training and social events, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch. **[WAC 173-425-050(5). Exception for fire extinguisher training does not appear to be provided for in the WAC.]**

4. Until extinguished, the fire shall be attended by a person who is responsible and capable of extinguishing the fire. **[From proposed ag burning reg]**

5. All fires must be more than 50 feet from structures. **[WAC 173-425-050 (6)(b)]**

6. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.

7. Except for recreational fires, Indian ceremonial fires, and social event fires, burning shall occur only during daylight hours, or a more restrictive period as determined by the Authority or the permitting authority. **[Social event fires not defined, but identified in Section 6.01.E.1. Ecology may**

be providing guidance/interpretation re: social event fires in future.]

8. For outdoor burning that requires a permit, a responsible person attending the fire in accordance with Section 6.01.F.4 shall maintain the permit or a copy of the permit in his or her immediate possession, and make the permit available for review upon request of the Authority or permitting authority. **[Draft 2 addition. Concept taken from ag burning reg.]**

9. Structural fire training, provided for in Sections 6.01.E.1.e and 6.01.E.2.g, may be performed by a fire protection agency provided the following requirements are also met:

(a) The owner and fire protection agency must have met the requirements in SCAPCA Regulation I, Article IX and Section 10.09 prior to training;

(b) The fire protection agency conducting the fire training must have a fire-training plan, which will be made available to the Authority upon request, and the purpose of the structural fire must be to train fire fighters; and

(c) Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile, must not be burned unless such materials are identified by the fire protection agency as being an essential part of the fire training exercise and are described as such in the fire-training plan. Materials removed from the structure(s) must be disposed of in a lawful manner prior to the training exercise. **[Draft 2 addition. Language derived from PSCAA Section 8.08. Exceptions for allowing limited burning of prohibited materials provided for in RCW 70.94.650(7). In a meeting with FDs 3, 4, 8, 9, 10 & city on 3/14/01, fire district representatives reported that asphalt roofing holds the heat and smoke inside the structure and the flooring materials help keep the live fire training as realistic as possible. In some cases, portions or all of the roofing material and flooring material may be left in place when the fire department identifies it as being essential to the fire training being conducted.]**

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.

REPEALER

~~G. Open Burning of Yard and Garden Debris. All of the following shall apply:~~

~~1. Single small fires for the disposal of yard and garden debris generated on the premises of a residence, consisting of four dwelling units or less, may be allowed under a permit program administered by a permitting authority, without a written permit.~~

~~2. Single small fires for the disposal of yard and garden debris generated on the premises of residential property consisting of more than four dwelling units may be allowed under a written permit issued to a responsible person by a permitting authority.~~

3. Burning shall be done only during periods specified by the Board of Directors or Control Officer of the Authority. These periods shall not exceed the following limitations:

a. Burning shall be done between the hours of 9 a.m. and 5 p.m. or a more restrictive period as determined by the permitting authority.

b. Until December 31, 1995, the number of specified burn days shall not exceed 21 days per year.

c. After December 31, 1995, the number of specified burn days shall not exceed 14 days per year.

d. After December 31, 1998, the number of specified burn days shall not exceed 7 days per year.

H. Field response.

1. By November 1, 1994, Spokane County shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints and violations in the unincorporated portions of the following geographical areas, using appropriate field notices:

a. The Spokane Carbon Monoxide Nonattainment Area

b. The Spokane PM10 Nonattainment Area

c. The No Burn Area, as defined by resolution of the Board of Directors of the Authority.

d. Any additional No Burn Area subsequently created by the absence of agreement on a permit program pursuant to Chapter 173-425-070 WAC.

2. By November 1, 1994, all agencies which have agreed to become permitting authorities shall commence field response programs to document open burning complaints and violations within their respective areas of jurisdiction, using appropriate field notices.)

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

G. Permit Requirements. Written permits, as required in Section 6.01.E.1, are subject to the following requirements: [Most of this language comes from the proposed ag burning reg]

1. All applicants for outdoor burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.

2. The permitting authority may require additional information from the applicant, as necessary to determine if outdoor burning is reasonably necessary, to determine how best to minimize air pollution, and to determine if any special conditions are applicable.

3. The permitting authority shall not issue a permit if it determines that the proposed burning will cause or is likely to cause a nuisance. [Draft 2 addition. Concept from PSCAA regulations (Section 8.05 (e)(2))]

4. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.

5. All applicants for outdoor burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution or other official action of the permitting authority. When the permitting authority is the Spokane County Air Pollution Control Authority, the fee shall be according to the schedule in Regulation I, Article X, Section 10.13.

6. No permit for outdoor burning shall be granted on the basis of a previous permit history.

7. Permit timelines. For fires in Section 6.01.E.1.a, b and f-k, all applicants shall file an application in accordance with Section 6.01.G.7.a. For fires in Section 6.01.E.1.c-e, all applicants shall file an application in accordance with Section 6.01.G.7.a and/or b. [Draft 3: Pulled this information out of Article X, because it seems to fit better here]

a. 30-day permit (for fires in Section 6.01.E.1).

(i) Unless otherwise approved by the Authority, all applicants shall submit a completed permit application no less than 10 days prior to the first proposed burn date. Unless otherwise approved by the Authority, applications will be accepted no more than 180 days prior to the first proposed burn date. [Want to limit how far out 30-day burn applications can be requested.]

(ii) One application is required for each type of outdoor burning provided for in Section 6.01.E.1 when the request is for burning at one real property, within a specified 30-day period.

(iii) The permit shall expire 29 consecutive days after the first proposed burn date.

b. Annual permit (limited to fires in Section 6.01.E.1.c-e). [E.1 - Exceptions that Require an Outdoor Burning Permit.

c. Fires necessary for training (e.g., permanent fire training facility),

d. Hand-held fire extinguisher training (usually by private companies).

e. Structural fire training (aka "live fire training") within UGAs

Revised in draft 5 in response to comments from the fire districts]

(i) Unless otherwise approved by the Authority, all applicants shall submit a completed permit application no less than 30 days prior to the first proposed burn date. [For renewing an annual permit, this means that the application should be submitted 30 days prior to the expiration date of the previous permit so that ongoing/routine fire training is not interrupted.]

(ii) One application is required for outdoor burning provided for in Section 6.01.E.1.c-e when the request is for burning at one or more real properties during a 12-month period.

(iii) A responsible person must notify the Authority prior to each burn. Notification shall be written (e.g., facsimile or electronic mail) or verbal (e.g., voice-mail message) and must include the name of fire protection agency, name of responsible person, date that training will occur, permit number allowing such training, telephone number at which the responsible person may be contacted during the fire training exercise, and address at which fire training exercises will be

PROPOSED

conducted. **[Draft 5 revision in response to comments from the fire districts]**

(iv) The permit shall expire 364 consecutive days after the first proposed burn date.

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

~~H((I)).~~ Violations.

1. The Authority may issue a Notice of Violation to a responsible person when:

a. Any specific prohibition, requirement, permit condition, or any general ~~((permit))~~ condition specified in Section 6.01~~((F))~~ is violated~~((or))~~. **[Leave 6.01.F - general conditions, but add reference to 6.01.D - prohibitions. Draft 3: Legal counsel suggested making it Section 6.01 without subsection reference to D or F.]**

~~((b. Any prohibition in Section 6.01.D is violated; or e. An open fire is ignited where a permit is required and no such permit has been obtained.))~~

2. A fire protection agency called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the responsible person(s), the costs of its response and control action.

3. Spokane County and all permitting authorities may refer field notices and other documentation to the Authority for appropriate enforcement action. The Authority shall remit one-half of any civil penalty collected, to the referring agency, if the referring agency makes such a request in writing at the time of referral.

~~((4. Smoke visible from open burning after a time period of three hours has elapsed from the time of declaration of an episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.))~~ **[Addressed in curtailments under 6.01.F]**

I~~((J)).~~ The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.

~~I((K)).~~ Compliance ~~((with other laws and regulations)).~~ The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.01 or qualifying for an exception in Section 6.01.E. does not ~~((necessarily mean))~~ insure that ~~((open))~~ outdoor burning complies with other applicable laws and regulations implemented by any other ((authorities)) authority or entity. **[Consistent with proposed ag reg]**

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.

NEW SECTION [Added in response to comments from fire districts.]

K. Agreements with Permitting Authorities

1. The Authority may enter into agreements with permitting authorities, as defined in Section 6.01.C.14.

2. Agreements must define the roles, responsibilities and duties of the Authority and the permitting authority. Such agreements may include, but are not necessarily limited to, the following program elements:

- a. The types of burning to be addressed under the agreement;
- b. The exceptions (Section 6.01.E) applicable;
- c. The scope of discretion of the permitting authority;
- d. Permit tracking;
- e. Reporting; and
- f. Enforcement.

[Draft 6 revisions based on feedback from Fire Districts during the meeting from 6/15/01]

3. Agreements will remain in effect until cancelled. An agreement may be cancelled for any reason, by any entity or representative thereof, that signed the agreement, provided notice has been given at least 30 days prior to cancellation to all entities that signed the agreement.

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.

APPENDIX B

ARTICLE X

FEEES AND CHARGES

NEW SECTION [Draft 2 addition]

SECTION 10.13 OUTDOOR BURNING PERMIT FEES

A. For outdoor burning permit applications, submitted to the Authority pursuant to Section 6.01 of this regulation, a nonrefundable fee shall accompany the application. The fee is as follows:

- 1. A \$10 fee shall be submitted with each 30-day permit application.
- 2. A \$25 fee shall be submitted with each annual permit 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.

APPENDIX C

Proposed No Burn Area Boundary Description in Spokane County

Beginning at the county division line between Stevens and Spokane County, in Sec. 20, T29N, R42E the No Burn Area boundary proceeds east along the north section lines of Secs. 29, 28, 27, 26, 25, T29N, R42E; Secs. 30, 29, 28, 27, 26, 25, T29N, R43E; and Secs. 30, 29, 28, 27, 26, 25, T29N, R44E.

Thence south along the east section lines of Secs. 25, 36, T29N, R44E; Secs. 1, 12, 13, 24, 25, 36, T28N, R44E; Secs. 1, 12, 13, 24, T27N, R44E.

Thence east along the north section lines of Secs. 30, 29, 28, 27, 26, 25, T26N, R45E; Sec. 30, T26N, R46E to the Washington State line.

Thence south along the Washington State line to Elder Rd.

Thence west along the centerline of Elder Rd to Spangle Creek Rd.

Thence south-west along the centerline of Valley Chapel Rd. to Spangle Creek Rd.

Thence west along the centerline Spangle Creek Rd. to Smythe Rd.

Thence west along the centerline of Smythe Rd to Parker Rd.

Thence south along the centerline of Parker Rd to Depot Springs Rd.

Thence west along the centerline of Depot Springs Rd. to Cheney-Spangle Rd.

Thence north-west along the centerline of Cheney-Spangle Rd. to the Cheney Interim Urban Growth Area boundary, as established August 1997, amended April 2000 pursuant to RCW 36.70A.030.

Thence south and west along the Cheney Interim Urban Growth Area boundary, to Cheney Plaza.

Thence north along the centerline of Cheney Plaza Rd to the Cheney City Limits.

Thence southwest along the Cheney City Limits to the Cheney Interim Urban Growth Area boundary, as established August 1997, amended April 2000.

Thence west and north along the Cheney Interim Urban Growth Area boundary to the Cheney City limits.

Thence north along the Cheney City limits to Salnave Rd.

Thence north-west along the centerline of Salnave Rd. to the southwest corner of Section 36, T24N, R40E.

Thence north along the west section lines of Secs. 36, 25, 24, 13, 12, T24N, R40E to Espanola Rd.

Thence west and north along the centerline of Espanola Rd. to Hwy 2.

Thence north of Hwy 2 along the centerline of Woods Rd to Coulee Hite Rd.

Thence east along the centerline of Coulee Hite Rd. to Four Mound Rd.

Thence north-west along the centerline of Four Mound Rd. to Dover Rd.

Thence north along the centerline of Dover Rd. to Charles Rd.

Thence north along the centerline of Charles Rd. to South Bank Rd.

Thence north-west along the centerline of South Bank Rd. to the west section line of Sec. 6, T27N, R41E.

Thence north along the west section line of Sec. 6, T27N, R41E to the northwest corner of Sec. 6, T27N, R41E.

Thence east along the north section line of Sec. 6, T27N, R41E to the northeast corner of Sec. 6, T27N, R41E.

Thence north along the west section line of Sec. 32, T28N, R41E to the west shore of the Spokane River.

Thence southeast along the west and south bank of the Spokane River to Sec. 32, T27N, R42E.

Thence north along the west section lines of Secs. 32, 29, 20, 17, 8, 5, T27N, R42E; Secs. 32, 29, 20, 17, 8, 5, T28N, R42E; Secs. 32, 29, T29N, R42E to northwest corner of Sec. 29, T29N, R42E.

WSR 01-17-045**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 9, 2001, 3:42 p.m.]

The Department of Fish and Wildlife withdraws proposed new section WAC 220-44-045, filed in WSR 01-13-094.

Evan Jacoby
Rules Coordinator

WSR 01-17-047**PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 9, 2001, 3:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-060.

Title of Rule: WAC 388-502-0160 Billing a client.

Purpose: To add the word "must" to subsection (4)(b) to clarify the intent of the subsection. The word "must" was inadvertently omitted from subsection (4)(b) when the rule was amended recently.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Adding the word "must" makes the intent of subsection (4)(b) clearer.

Reasons Supporting Proposal: To clarify the intent by adding the word "must" in subsection (4)(b).

Name of Agency Personnel Responsible for Drafting: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504, (360) 725-1344; Implementation and Enforcement: Alan Himsl, P.O. Box 45533, Olympia, WA 98504, (360) 725-1344.

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 and Summary above.

Proposal Changes the Following Existing Rules: To add the word "must" to subsection (4)(b) to clarify the intent of the subsection. The word "must" was inadvertently omitted from subsection (4)(b) when the rule was amended recently.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that this amendment does not impose new costs on businesses.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328(5)(iv), this rule action is exempt because it clarifies language without changing the effect of the rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 25, 2001, at 10:00 a.m.

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Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by September 18, 2001, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 25, 2001.

Date of Intended Adoption: Not before September 26, 2001.

August 8, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-05-100, filed 2/20/01, effective 3/23/01)

WAC 388-502-0160 Billing a client. (1) A provider may not bill, demand, collect, or accept payment from a client or anyone on the client's behalf for a covered service. The client is not responsible to pay for a covered service even if MAA does not pay the provider because the provider failed to satisfy the conditions of payment in MAA billing instructions, this chapter, and other chapters regulating the specific type of service provided.

(2) The provider is responsible for verifying whether the client has medical coverage for the date of service and to check the limitations of the client's medical program.

(3) A provider may bill a client only if one of the following situations apply:

(a) The client is enrolled in medical assistance managed care and the client and provider comply with the requirements in WAC 388-538-095;

(b) The client is not enrolled in medical assistance managed care, and the client and provider sign an agreement regarding payment for the service. The agreement must be translated or interpreted into the client's primary language and signed before the service is rendered. The provider must give the client a copy and maintain the original in the client's file for department review upon request. The agreement must include each of the following elements to be valid:

(i) A statement listing the specific service to be provided;

(ii) A statement that the service is not covered by MAA;

(iii) A statement that the client chooses to receive and pay for the specific service; and

(iv) The client is not obligated to pay for the service if it is later found that the service was covered by MAA at the time it was provided, even if MAA did not pay the provider for the service because the provider did not satisfy MAA's billing requirements.

(c) The client or the client's legal guardian was reimbursed for the service directly by a third party (see WAC 388-501-0200);

(d) The client refuses to complete and sign insurance forms, billing documents, or other forms necessary for the provider to bill insurance for the service. This provision does not apply to coverage provided by MAA;

(e) The provider has documentation that the client represented himself/herself as a private pay client and not receiving medical assistance when the client was already eligible

for and receiving benefits under a MAA medical program. This documentation must be signed and dated by the client or the client's representative. The provider must give a copy to the client and maintain the original documentation in the client's file for department review upon request. In this case, the provider may bill the client without fulfilling the requirements in subsection (3)(b) of this section regarding the agreement to pay. However, if the patient later becomes eligible for MAA coverage of a provided service, the provider must comply with subsection (4) of this section for that service; or

(f) The bill counts toward a spenddown liability, emergency medical expense requirement, deductible, or copayment required by MAA.

(4) If a client becomes eligible for a covered service that has already been provided because the client:

(a) Applied to the department for medical services later in the same month the service was provided (and is made eligible from the first day of the month), the provider must:

(i) Not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for the service; and

(ii) Promptly refund the total payment received from the client or anyone on the client's behalf, and then bill MAA for the service;

(b) Receives a delayed certification as defined in WAC 388-500-0005, the provider must:

(i) Not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for the service; and

(ii) Promptly refund the total payment received from the client or anyone on the client's behalf, and then bill MAA for the service; or

(c) Receives a retroactive certification as defined in WAC 388-500-0005, the provider:

(i) Must not bill, demand, collect, or accept payment from the client or anyone on the client's behalf for any unpaid charges for the service; and

(ii) May refund any payment received from the client or anyone on the client's behalf, and after refunding the payment, the provider may bill MAA for the service.

(5) Hospitals may not bill, demand, collect, or accept payment from a medically indigent, GA-U, or ADATSA client, or anyone on the client's behalf, for inpatient or outpatient hospital services during a period of eligibility, except for spenddown.

(6) A provider may not bill, demand, collect, or accept payment from a client, anyone on the client's behalf, or MAA for copying or otherwise transferring health care information, as that term is defined in chapter 70.02 RCW, to another health care provider. This includes, but is not limited to:

(a) Medical charts;

(b) Radiological or imaging films; and

(c) Laboratory or other diagnostic test results.

PROPOSED

WSR 01-17-057
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 14, 2001, 9:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-028.

Title of Rule: WAC 415-610-010 through 415-695-040, Dependent care assistance salary reduction program (DCAP), repealing and replacing with chapter 415-600 WAC.

Purpose: The department proposes an update to the DCAP rules. The department plans to repeal all existing DCAP rules (WAC 415-610-010 through 415-695-040), and replace them with new chapter 415-600 WAC. As much as possible, the department has translated the rules into "plain English." It is also making some housekeeping changes such as changing the names of headings to make it easier to find information. No substantive changes are being made.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.04.600 through 41.04.645, 26 U.S.C.

Summary: Department of Retirement Systems (DRS) proposes to repeal forty DCAP WAC sections spread out in ten chapters and replace them with twenty-five WAC sections in chapter 415-600 WAC.

Reasons Supporting Proposal: The current WACs are outdated, difficult to understand, and difficult to find. The department proposes adopting the new WACs and repealing the old WACs to improve customer service.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Anne Holdren, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7009.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: DCAP allows participants to set aside a "before tax" portion of gross earnings to use for eligible dependent care expenses. DCAP reduces the amount of federal withholding and social security taxes (OASDI and Medicare or FICA) taken from each paycheck. Participants who incur eligible dependent care expenses are reimbursed from the amount set aside.

The department proposes an update to the DCAP rules. The department plans to repeal all existing DCAP rules (WAC 415-610-010 through 415-695-040), and replace them with new chapter 415-600 WAC. As much as possible, the department has translated the rules into "plain English." It is also making some housekeeping changes such as changing the names of headings to make it easier to find information. No substantive changes are being made.

The current WACs are outdated, difficult to understand, and difficult to find. The department believes that adopting the proposed new WACs and repealing the old WACs will improve customer service.

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. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom, 3rd Floor, Tumwater, WA, on September 28, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m., on September 28, 2001.

Date of Intended Adoption: No sooner than October 1, 2001.

August 10, 2001

Merry A. Kogut
 Rules Coordinator

Chapter 415-600 WAC

DEPENDENT CARE ASSISTANCE SALARY REDUCTION PROGRAM OVERVIEW

NEW SECTION

WAC 415-600-010 Dependent care assistance salary reduction program established. Chapter 415-600 WAC covers the Washington state department of retirement systems (DRS) dependent care assistance salary reduction program (DCAP). The authority for DCAP is provided by RCW 41.04.600 through 41.04.645, and sections 125 and 129 of the Internal Revenue Code.

NEW SECTION

WAC 415-600-020 What is DCAP? The dependent care assistance salary reduction program (DCAP) allows you to set aside a "before tax" portion of your gross earnings to use for eligible dependent care expenses. DCAP reduces the amount of federal withholding and Social Security taxes (OASDI and Medicare or FICA) taken from each paycheck. Salary reduced under the program continues to be included as regular compensation for the purpose of computing state retirement benefits. The amount that may be reduced from your salary and excluded from your income is subject to annual fixed dollar and earned income limitations. When you incur eligible dependent care expenses you will be reimbursed from the amount set aside, consistent with these rules. If any portion of the amount set aside is not used by the end of the plan year, the unused amount will be forfeited.

NEW SECTION

WAC 415-600-030 DCAP is a separate program. The provisions in chapter 415-600 WAC apply only to the dependent care assistance salary reduction program and not to any other program that the department of retirement systems administers.

NEW SECTION

WAC 415-600-040 Interpretation of DCAP. The dependent care assistance salary reduction program is intended to qualify as a dependent care assistance salary reduction program under sections 125 and 129 of the Internal Revenue Code (IRC) and is to be interpreted in a manner consistent with the requirements of those sections. In case of a discrepancy between the sections in this chapter and the IRC, the IRC takes precedence.

DEFINITIONSNEW SECTION

WAC 415-600-110 Definitions used in DCAP. (1) **Dependent care account** means a bookkeeping account containing the salary reduction amounts attributable to a participant, less reimbursement for the participant's dependent care expenses.

(2) **Dependent care expenses** means amounts paid for services which, if paid by the employee, would be considered employment related expenses under Internal Revenue Code Section 21 (b)(2) and WAC 415-600-310.

(3) **Eligible employee** means state of Washington employees, officers, and elected officials.

(4) **Employer** means the state of Washington.

(5) **Incurred expenses** means expenses for services that have already been provided.

(6) **Internal Revenue Code (IRC)** means Title 26 of the United States Code (U.S.C.). Reference to a specific provision of the code includes such provision, any associated regulations, and any comparable provision of future legislation that amends, supplements, or supersedes such provision. Copies of the applicable IRC sections are available in law libraries and from the department of retirement systems (DRS). You can also obtain them by searching United States government references on the Internet.

(7) **Participant** means an eligible employee who has submitted a DCAP salary reduction agreement that is approved by DRS.

(8) **Program** means this dependent care assistance salary reduction program (DCAP).

(9) **Plan year** means January 1 through December 31.

(10) **Qualifying person** means:

(a) A dependent of the participant who is twelve years old or younger, for whom the participant is entitled to a deduction under IRC Section 151(c); or

(b) A dependent or spouse of the participant who is mentally or physically incapable of self-care; or

(c) A child of a divorced or separated participant, who is twelve years old or younger, if the participant has custody of the child, even if the participant has released an exemption under IRC Section 152 (e)(2).

PARTICIPATION AND TERMINATIONNEW SECTION

WAC 415-600-210 How do I enroll in DCAP? (1) You enroll in the dependent care salary reduction assistance program (DCAP) by submitting a completed salary reduction agreement (SRA) form to the department of retirement systems (DRS).

(2) SRA forms are available through DRS or its web site at <http://www.wa.gov/drs/forms/>.

(3) You may enroll in DCAP:

(a) During the open-enrollment period;

(b) Within sixty days of becoming an eligible employee;

or

(c) At any time you have a qualifying change in status as set forth in WAC 415-600-240.

(4) The open enrollment period is the month of November for the following plan year.

(5) The enrollment process is complete on the date DRS approves your completed SRA.

NEW SECTION

WAC 415-600-220 What is a salary reduction agreement? (1) The salary reduction agreement (SRA) is a contract between you and your employer in which you agree to place a specified amount of future wages into a dependent care account.

(2) The agreement must contain:

(a) Your Social Security number;

(b) The names and birth dates of the dependents you will cover with DCAP; and

(c) Medical, family and other information DRS needs to administer DCAP.

Except as provided in WAC 415-600-230, an SRA agreement cannot be changed.

NEW SECTION

WAC 415-600-230 May I change the terms of my SRA during the plan year? The salary reduction agreement (SRA) cannot be changed during the plan year unless you have a qualifying change in status as defined in WAC 415-600-240. If you have experienced a qualifying change in status and need to change or revoke your SRA, you must fill out a new SRA form and submit it to DRS. Such changes require approval by DRS. An explanation of the requested change may be required.

NEW SECTION

WAC 415-600-240 What is a qualifying change in status? The following are changes in status for purposes of DCAP:

- (1) Marriage;
- (2) Divorce or legal separation;
- (3) Death of a spouse or dependent;
- (4) Addition of a dependent to the eligible employee's household, such as the birth or adoption of a child;
- (5) Termination of spouse's employment;
- (6) Employment of an unemployed spouse;
- (7) A change in the work hours of the eligible employee or spouse that significantly alters the need for dependent care;
- (8) A change in dependent care provider (does not apply to relatives);
- (9) A change in dependent care provider cost; or
- (10) No longer use dependent care services.

NEW SECTION

WAC 415-600-250 How much may I set aside in my dependent care account each plan year? (1) The maximum amount that you may set aside during a plan year is:

- (a) Two thousand five hundred dollars, if you are married and filing separately; or
- (b) Five thousand dollars, otherwise. However, the total set aside by you and your spouse may not exceed five thousand dollars.
- (2) If you are not married, the amount set aside may not exceed your earned income.
- (3) If you are married, the amount set aside may not exceed the lesser of your earned income or your spouse's earned income.

NEW SECTION

WAC 415-600-260 What is "earned income" for purposes of DCAP? (1) Except as set forth in subsection (2) of this section, earned income for DCAP purposes includes wages, salaries, tips and other employee compensation, plus the amount of the taxpayer's net earnings from self-employment for the taxable year.

(2) If your spouse is either a full-time student or physically or mentally incapable of self-care, your spouse's earned income is deemed to be:

- (a) Two hundred dollars per month, if you have one qualifying person for whom care is provided; or
- (b) Four hundred dollars per month, if you have two or more qualifying persons for whom care is provided.

NEW SECTION

WAC 415-600-270 May DRS limit the maximum salary reduction for highly compensated employees? (1) DRS may decrease the salary reduction amount of certain participants to the extent necessary to ensure that the program does not discriminate in favor of "highly compensated employees." "Highly compensated employees" are determined by the nondiscrimination test in Internal Revenue Code sections 125 and 129 and any other applicable provisions of law.

(2) The amounts set aside by highly compensated employees who are subject to the particular nondiscrimination requirement shall be decreased pro rata.

NEW SECTION

WAC 415-600-280 How will DRS process my salary reduction? The salary reduction will be taken in equal amounts for each pay period during that portion of the plan year in which you participate.

NEW SECTION

WAC 415-600-290 When does my participation in DCAP terminate? (1) Your participation in DCAP terminates on:

- (a) December 31 of the plan year, unless you reenroll during the open-enrollment period;
- (b) The date you refuse a request for updated information, as set forth in subsection (2) of this section;
- (c) The date the program is terminated by state or federal action; or
- (d) The date you revoke your salary reduction agreement under WAC 415-600-230.

(2) You shall be deemed to have refused a request for updated information thirty days after a letter requesting such information is mailed to you by certified mail, return receipt requested. The letter must notify you of the consequences of a failure to provide such information.

DEPENDENT CARE EXPENSES**NEW SECTION**

WAC 415-600-310 Do my expenses qualify for DCAP reimbursement? (1) You may be reimbursed for dependent care expenses for the well-being and protection of a qualifying person, provided that the expenses are incurred to enable you and your spouse to be gainfully employed.

(a) Only expenses incurred on days you work may be reimbursed.

(b) If you are married, only expenses incurred on days you and your spouse both work may be reimbursed, provided that:

(i) If your spouse is a full-time student, expenses incurred on days you work and your spouse attends school may be reimbursed.

(ii) If your spouse is physically or mentally incapable of self-care, expenses incurred on days you work may be reimbursed.

(2) You may be reimbursed only for expenses incurred during the plan year for which you are enrolled. If you enroll after January 1 of the plan year, you may be reimbursed only for expenses incurred from the date DRS approves your salary reduction agreement.

(3) Only the cost of care may be reimbursed. The following expenses may be reimbursed, subject to the limitations stated in subsection (4) of this section.

(a) Expenses for care of a qualifying person in the participant's home, including feeding, administration of medicine, general supervision, and incidental household services; and

(b) Expenses for care of the following qualifying persons outside the participant's home:

(i) A dependent of the participant, age twelve or younger, with respect to whom the participant is entitled to a federal tax deduction.

(ii) Any other qualifying person who regularly spends eight hours or more per day in the participant's home.

(4) The following limitations apply to the reimbursement of expenses:

(a) Expenses for food, clothing, and entertainment are reimbursable **ONLY IF** these expenses cannot be separated from the cost of care.

(b) Expenses for care in a dependent care center (as defined in Internal Revenue Code (IRC) Section.21(b)) are reimbursable **ONLY IF** the facility complies with all federal, state, and local laws and regulations.

(c) Expenses for schooling are reimbursable **ONLY IF**:

(i) The schooling is at a prekindergarten level; and

(ii) The expenses cannot reasonably be separated from the cost of care.

(d) Payments to a person for whom you or your spouse may claim a dependency exemption for federal income tax purposes are not reimbursable.

(e) Payments to a nondependent child, as defined in IRC Section 151 (c)(3), are not reimbursable unless the child will be age nineteen or older by December 31 of the plan year.

(f) Summer camp expenses, when the child stays overnight, are not reimbursable.

(g) Amounts paid by an employer of your spouse or by an educational institution where your spouse is enrolled as a student are not reimbursable.

REIMBURSEMENT OF DEPENDENT CARE EXPENSES

NEW SECTION

WAC 415-600-410 How do I request reimbursement for DCAP expenses? (1) You must use the DRS reimbursement claim forms to submit claims for dependent care expenses.

(2) DRS will mail a supply of reimbursement claim forms to you upon confirmation of your enrollment. You can obtain additional forms by phone or on the DRS website, at <http://www.wa.gov/drs/forms/>.

(3) You may submit reimbursement claim forms as often as you wish.

(4) The reimbursement claim form must be completed, signed, and accompanied by bills, invoices, receipts, or a statement signed by the provider. The department cannot accept canceled checks or credit card statements as verification. All documentation must show the amounts of dependent care expenses and periods of service for which you seek reimbursement.

(5) DRS must receive claims for expenses incurred during a given plan year on or before March 31 of the following year.

NEW SECTION

WAC 415-600-420 How does DRS process DCAP reimbursement claims? (1) DRS reviews DCAP claims each week during the plan year.

(2) If funds are available in your dependent care account at the time the claim is reviewed, DRS will reimburse your claim.

(3) If funds are not available at the time your claim is reviewed, DRS will reimburse your claim when money becomes available in your dependent care account. You do not need to resubmit your claim.

(4) You will not be reimbursed for claims that exceed the amount that you set aside for the plan year. You may not resubmit these claims in subsequent plan years.

(5) Unpaid expenses are never your employer's responsibility.

NEW SECTION

WAC 415-600-430 How will I know how much money is available in my dependent care account? (1) DRS will send you a quarterly statement showing your account activities and balance for the quarter.

(2) Shortly after March 31 following the close of a plan year, DRS will send you a written statement showing the reductions from salary and amounts reimbursed through the end of the plan year.

NEW SECTION

WAC 415-600-440 What happens to the balance of my DCAP account at the end of the plan year? If funds remain in your dependent care account after all timely claims for the plan year have been reimbursed, you will forfeit these funds. Unused funds cannot be carried forward to your dependent care account for the subsequent plan year.

NEW SECTION

WAC 415-600-450 What happens to the money in my dependent care account if I terminate employment? You may be reimbursed for dependent care expenses incurred during the remainder of the plan year to the extent you have money in your dependent care account. In the event of death, your personal representative may submit claims on your behalf.

DCAP ADMINISTRATION

NEW SECTION

WAC 415-600-510 DCAP administration. (1) **Administered by department:** The department of retirement systems (DRS) shall administer DCAP.

(2) **Delegation of authority:** DRS may delegate functions to be performed under this program to any designee with legal authority to perform such functions.

(3) **Reliance upon documents:** DRS and the employer may rely upon any document believed by them to be valid.

(4) **Reliance on information:** In administering the program, DRS may rely conclusively on all tables, valuations, certificates, opinions, and reports which are provided by its accountants, counsel, and other professionals.

(5) **Binding nature of decisions:** The DCAP program administrator is authorized to decide any matters concerning your rights under DCAP. Such decision shall be binding. If you disagree with the decision, you may write to the DRS director for consideration.

(6) **Program amendments:** DRS may amend DCAP at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement.

(7) **Communication:** DRS will provide reasonable notification of the availability and terms of the program to eligible employees.

(8) **Program document:** The DCAP program document consists of chapter 415-600 WAC and RCW 41.04.600 through 41.04.645.

NEW SECTION

WAC 415-600-520 What are the limits on my rights under DCAP? (1) You have no claim to any asset of your employer, except as expressly provided by DCAP.

(2) The establishment of any administrative practice shall not vest you with any right not expressly provided by DCAP.

MISCELLANEOUS

NEW SECTION

WAC 415-600-610 Can my rights be assigned or attached? Your right to receive any reimbursement cannot be assigned or attached.

NEW SECTION

WAC 415-600-620 Who is responsible for determining my tax liability? You are solely responsible for determining your tax liability under DCAP.

NEW SECTION

WAC 415-600-630 What if I receive more reimbursement than I should? If you receive money from DCAP that is not eligible for reimbursement of dependent care expenses as defined in WAC 415-600-110(2), you must indemnify the employer as follows. You shall pay the employer the amount of federal income tax and Social Security tax that the employer would otherwise have withheld and paid on the money as regular compensation.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-610-010	Plan established.
WAC 415-610-015	Separate plan.
WAC 415-610-020	Interpretation.
WAC 415-610-030	General description of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-620-010	Department.
WAC 415-620-015	Dependent care account.
WAC 415-620-020	Dependent care expenses.
WAC 415-620-025	Eligible employee.
WAC 415-620-030	Employer.
WAC 415-620-035	Internal Revenue Code.
WAC 415-620-040	Participant.
WAC 415-620-045	Plan.
WAC 415-620-050	Plan year.
WAC 415-620-055	Qualifying person(s).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-630-010	Participation in plan.
WAC 415-630-020	Salary reduction agreement.
WAC 415-630-025	May I change or revoke the terms of my salary reduction agreement (SRA) during the plan year?
WAC 415-630-030	What constitutes a qualifying change in status?

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-640-010	Plan benefits.
WAC 415-640-020	Maximum benefits.
WAC 415-640-030	Reduction of benefits.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-650-010 Submittal of claims.
- WAC 415-650-020 Payment of claims.
- WAC 415-650-030 Report to participant.
- WAC 415-650-040 Deadline for submitting claims.
- WAC 415-650-050 Forfeiture of unexpended funds.

- WAC 415-695-020 Nonassignability of rights.
- WAC 415-695-030 No guarantee of tax consequences.
- WAC 415-695-040 Indemnification of employer by participants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-660-010 Salary reduction account.
- WAC 415-660-020 Rights of participants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-670-010 Termination of participation.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-680-010 Administered by department.
- WAC 415-680-020 Delegation of authority.
- WAC 415-680-030 Proper proof.
- WAC 415-680-040 Genuineness of documents.
- WAC 415-680-050 Reliance on information.
- WAC 415-680-060 Condition of participation.
- WAC 415-680-070 Decision binding.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-690-010 Termination or amendment of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 415-695-010 Communication to employees.

WSR 01-17-080
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL
 (Personnel Resources Board)
 [Filed August 16, 2001, 3:05 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed amendments to WAC 356-30-305 and 356-30-260, originally filed as WSR 01-12-076 on June 5, 2001.

If you have any questions, please contact Connie Goff at 664-6325.

Gene Matt
Secretary

WSR 01-17-086
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 17, 2001, 8:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-110.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificate of title and chapter 308-56A WAC, Certificates of title—Motor vehicles, etc.

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 88.02.070, 88.02.100.

Summary: Amending WAC 308-93-370 Format required for name and address—Names separated by the words "and," or "or" or the slash symbol (/), 308-93-380 Format required for name and address—Ownership in joint tenancy, 308-93-400 Multiple security interests, 308-93-445 Personal property lien—Chattel, landlord, 308-93-500 Name change, 308-93-510 Transfer by court order and 308-56A-310 Personal property lien—Chattel, landlord; and new WAC 308-93-490 Law enforcement sale.

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 and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

PROPOSED

PROPOSED

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 minor cost on business 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 September 27, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by September 26, 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 September 26, 2001.

Date of Intended Adoption: October 18, 2001.

August 17, 2001

Deb McCurley, Administrator
Title and Registration Services
by Katherine Iyall Vasquez

AMENDATORY SECTION (Amending WSR 01-08-022, filed 3/27/01, effective 4/27/01)

WAC 308-56A-310 Personal property lien—Chattel, landlord. (1) **What is a chattel lien?** For the purposes of this section a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vehicle at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vehicle at the owner's request may obtain a lien on such vehicle. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) **What document(s) does the department require to issue a certificate of ownership for a vehicle ((which has been processed)) obtained through the chattel lien ((procedure)) process?** ((The department requires,)) In addition to other documents required by ((chapters 46.01 and 46.12 RCW)) law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vehicle to the claimant. ((The court order must state specifically that the lien shall be removed. The court order is required to complete subsection (3) of this section. If the court order does not indicate removal of the security interest, the new owner may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

~~(ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved; or~~

~~(b) An affidavit of sale chattel/landlord lien form provided or approved by the department.))~~

(3) **When ((does the department require)) is a court order required by the department to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is an existing lien holder on record; or

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien claimed against the vehicle.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(4) **What is a landlord lien?** For the purposes of vehicle licensing and titling, a landlord lien is an encumbrance on a vehicle as security for the payment of moneys owing for rent.

(5) **What documents does the department require to issue a certificate of ownership for a vehicle, ((which has been processed)) obtained through the landlord lien ((procedure)) process?** ((The department requires,)) In addition to other documents required by ((chapters 46.01 and 46.12 RCW)) law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

~~(b) A copy of a court order((or~~

~~(b) An affidavit of sale chattel/landlord lien form provided or approved by the department)) awarding the vehicle to the claimant.~~

(6) **When does the department require a court order to issue a certificate of ownership as a result of a landlord lien?** A court order is required when:

(a) The vehicle is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) ((There is more than one lien claimed against the vehicle; or

~~(c) There is more than one lien claimed against the vehicle.)) The vehicle owner of record is someone other than the person owing for rent; or~~

(c) There is an existing lien holder on record.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien against the vehicle.

(i) In order to remove any existing lien holders from the record, the court order must specifically authorize the removal of any lien. If it does not, the claimant may:

(A) Negotiate with the lien holders to obtain either a release of interest or a new security agreement; or

(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(7) Why is a court order required for a landlord lien if there is a lien holder on the existing record? In order to record a secured interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law. The security agreement on record was not established between the legal owner and the new applicant.

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) **Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership?** The department no longer uses these designations when recording ownership interest. For those certificates of ownership which ((may)) have been issued using one of these designations, any registered owners ((ø)) shown are considered to have equal registered owner interest in the vessel and any secured parties ((ø)) shown are considered to have equal secured party interest in the vessel.

(2) **Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** **No.** The department does not use these designations when recording ownership interest.

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship (JTWRoS) mean when noted on a certificate of ownership?** If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a

copy of the death certificate issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership ((shall)) shows the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application. Example 1:

Doe, John

Doe, Jane

Doe, Mary

Joint tenants with rights of survivorship; or

Example 2:

Doe, John

Doe, Jane

Joint tenants with rights of survivorship.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWRoS."

~~((4) If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)? The department requires a copy of the death certificate.))~~

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-400 Multiple security interests. (1) **Will the department issue a certificate of ownership indicating more than one security interest?** Yes, more than one security interest(((ø))) may be shown on the certificate of ownership.

(2) **How are additional security interests shown on the certificate of ownership?** Additional security interests are shown on the next name line, directly after the first security interest. Only the address of the first security interest ((shall be)) is shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released?** When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest ((shall)) will be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

NEW SECTION

WAC 308-93-445 Personal property lien—Chattel, landlord. (1) **What is a chattel lien?** For the purposes of this section, a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vessel at the owner's request, in the event of nonpayment

by the owner. A person or firm that provides services or material for a vessel at the owner's request may obtain a lien on such vessel. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) **What documentation does the department require to issue a certificate of ownership for a vessel obtained through the chattel lien process?** In addition to other documents required by law or rule, the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department.

(b) A copy of a court order awarding the vessel to the claimant.

(3) **When is a court order required by the department to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is an existing lien holder on record; or

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved; or

(d) There is more than one lien claimed against the vessel.

In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(4) **What is a landlord lien?** For the purposes of vessel licensing and titling, a landlord lien is an encumbrance on a vessel as security for the payment of moneys owing for rent.

(5) **Can a landlord lien be attached to a vessel adrift?** Vessels adrift as defined in RCW 88.26.020 do not qualify for landlord liens.

(6) **Can a landlord lien be attached to a vessel moored in a private marina?** No, lien foreclosures are defined in RCW 60.10.020 and 61.10.023.

(7) **What documents does the department require to issue a certificate of ownership for a vessel obtained through the landlord lien procedure?** In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vessel to the claimant:

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of secured interest resolved.

(8) **When does the department require a court order to issue a certificate of ownership as a result of a landlord lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) The vessel owner of record is someone other than the person owing for rent; or

(c) There is an existing lien holder on record.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(d) There is more than one lien against the vessel.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

(ii) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.

(9) **Why is a court order required for a landlord lien if there is a lien holder on the existing record?** In order to record a security interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law. The security agreement on record was not established between the legal owner and the new applicant.

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-490 Law enforcement sale. (1) ~~(What documentation will I receive if I purchase a vessel from law enforcement? You will receive:~~

~~(a) A copy of the court order or a bill of sale from the selling law enforcement agency indicating the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or~~

~~(b) A properly released certificate of ownership; or~~

~~(c) A notarized release of interest and affidavit in lieu of title.~~

~~(2)) What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale? ((The department requires.)) In addition to other documents and fees required by chapters 46.01 and 88.02 RCW the department requires:~~

~~(a) The current certificate of ownership, if it is available; and~~

(b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

~~((3))~~ **(2) Does the sale of a vessel at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a ~~((vehicle))~~ vessel at a law enforcement sale. No additional releases of interest are required from the secured party.**

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-500 Name change. What documentation does the department require to change my name as shown on the certificate of ownership? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(1) A copy of a court order from any district or superior court of this state authorizing the change of name if the name was changed by a court action; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

(3) What documentation does the department require to change the name of a business or corporation as shown on the certificate of ownership?

(a) If two or more businesses merge and a new UBI number is created, applications for each vessel in the new company name and documentation substantiating the name change and/or merger. All certificates of ownership changing from the previous business name(s) to the new business are processed as transfers.

(b) If two or more businesses merge and one of the UBI numbers is retained for the new business, notarized signatures are required on the new application. The certificate of ownership transactions for the business whose UBI number is retained will be processed as name change transactions; certificate of ownership transactions from the other business will be processed as transfers.

(c) If a business has changed names without a change in ownership, documentation such as a copy of the new business or corporate license must be submitted with the application for certificate of ownership and the existing ownership document or an affidavit in lieu. The certificate of ownership will be reissued in the new business name.

AMENDATORY SECTION (Amending WSR 99-22-059, filed 11/1/99, effective 12/2/99)

WAC 308-93-510 Transfer by court order. (1) What does the department require if ownership of a vessel is awarded by court order? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(a) If the vessel is most recently titled in Washington, a copy of the ~~((Washington))~~ court order from any district or superior court of any county of this state ~~((court order))~~, or certification from the clerk of the court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded ~~((provided the vessel is most recently titled in Washington))~~; or

(b) ~~((A copy of the foreign court order if a))~~ If the vessel for which ownership was most recently established, is in the same jurisdiction as the court action, a copy of the foreign court order is required. For example: A California court order and California vessel ownership documents; or

(c) ~~((The court order to be filed in accordance with RCW 6.36.025))~~ If the court order and vessel ~~((certificate of ownership))~~ for which ownership was most recently established are not from the same jurisdiction, the court order is required to be filed in accordance with RCW 6.36.025 prior to being submitted with the application for certificate of ownership ~~((or~~

~~((The applicant obtains a certificate of ownership in their name from a foreign jurisdiction))~~.

(2) What information needs to be on the court order for the department to accept it? The department requires the court order to contain, at a minimum:

(a) The name of the person to whom the property is awarded;

(b) A description of the vessel(s) awarded, including the hull identification number and/or Washington registration number, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number? The department requires a certified or notarized statement from the person awarded the vessel. The statement must describe the vessel in the court order by year, make, and hull identification number as a minimum.

(4) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

~~((4))~~ **(5) Does the copy of the court order need to be certified?** The copy of the court order does not need to be certified.

~~((5))~~ **What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number?** The department requires a certified or notarized statement from the per-

son awarded the vessel. The statement shall describe the vessel in the court order by year, make and hull identification number as a minimum.)

(6) ~~((Does the court order allow))~~ Will the department ~~((to))~~ remove the security interest recorded on the current certificate of ownership with a court order? The department ~~((shall))~~ will:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order ~~((The new owner may:~~

~~((Negotiate))~~ unless the new owner has successfully negotiated with a secured party to obtain either a release of interest or a new security agreement ~~((;))~~ ~~((;))~~ petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

WSR 01-17-087

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 17, 2001, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-14-078.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificate of title.

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 88.02.070, 88.02.100.

Summary: Amending WAC 308-93-010 Definitions.

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 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 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 business 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 September 26, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by September 25, 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 September 25, 2001.

Date of Intended Adoption: October 18, 2001.

August 17, 2001

Deb McCurley, Administrator
Title and Registration Services
by Katherine Iyall Vasquez

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-010 Definitions. ~~((Unless the context clearly indicates otherwise,))~~ The following definitions apply to the rules in this chapter:

(1) "Bare boat" means a vessel rented without a crew.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.

(3) "Certificate of ownership" means the ownership document issued by the department or other ~~((issuing))~~ jurisdiction, sometimes referred to as a title.

(4) "Charter vessel" means a vessel rented with a crew.

(5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(6) "Conveyance" means transfer of title of a vessel from one person to another.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

~~((7))~~ (8) "Director" means the director of the department of licensing.

~~((8))~~ (9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

~~((9))~~ (10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft ~~((and are designed for use with personal watercraft))~~.

~~((10))~~ (11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

~~((11))~~ (12) "Exclusively" means solely and without exception.

~~((12))~~ (13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction.

~~((13))~~ (14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of owner-

ship purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self propulsion by mechanical means or wind.

((14)) (15) "Identification documents" means the registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

((15)) (16) "Issuing authority" means the Coast Guard where a number system has not been approved or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard (~~or by the Coast Guard where a number system has not been approved~~). (Also see definition for out of country vessel.)

((16)) (17) "Legal owner/secured party" means a person or business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

((17)) (18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

((18)) (19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

((19)) (20) "Out of country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

((20)) (21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

((21)) (22) "Paperless title" means electronic ownership record.

((22)) (23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

((23)) (24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as jet ski or wet bike.

((24)) (25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

((25)) (26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

((26)) (27) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

((27)) (28) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

((28)) (29) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

((29)) (30) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

((30)) (31) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

((31)) (32) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

((32)) (33) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

((33)) (34) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

((34)) (35) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

((35)) (36) "Waters of this state" means any waters within the territorial limits of this state.

WSR 01-17-093

PROPOSED RULES

DEPARTMENT OF LICENSING

(Business and Professions Division)

[Filed August 20, 2001, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-104.

Title of Rule: WAC 36-12-195 License fees, renewals and requirements and 36-12-196 Organizations approved by the department to certify experience, skill and training of officials.

Purpose: Amend rules due to legislation changes.

Statutory Authority for Adoption: RCW 67.08.710(1).

Statute Being Implemented: RCW 67.08.100(3).

Summary: Amend rules.

Reasons Supporting Proposal: To clarify the types of certifications organizations may provide to the department demonstrating adequate experience, skill and training.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building #2, Olympia, WA 98502, (360) 753-3713.

Name of Proponent: Industry stakeholders, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend to clarify the types of certifications organizations may provide to the department demonstrating adequate experience, skill and training.

Proposal Changes the Following Existing Rules: Amended language to WAC 36-12-195 which adds an additional licensing requirement [(3)](f) and added new section WAC 36-12-196.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building #2, BPD Conference Room #1, Olympia, WA 98512, on September 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Gonzales by September 19, 2001, TTY (360) 586-2788, or (360) 753-2494.

Submit Written Comments to: Randy Renfrow, Licensing Manager, Department of Licensing, Professional Athletics Section, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2550, by September 19, 2001.

Date of Intended Adoption: October 29, 2001.

August 17, 2001
Randy Renfrow
Manager

AMENDATORY SECTION (Amending WSR 00-02-054, filed 12/31/99, effective 1/31/00)

WAC 36-12-195 License fees, renewals and requirements. (1) The license year is one year from date of issue. License fees are paid annually. Fees shall be as follows:

Manager	-	\$ 40.00
Referee	-	\$ 15.00
Boxer	-	\$ 15.00
Matchmaker	-	\$ 40.00
Second	-	\$ 15.00
Inspector	-	\$ 40.00
Judge	-	\$ 40.00
Timekeeper	-	\$ 40.00
Announcer	-	\$ 40.00
Event physician	-	\$ 40.00
Promoter	-	\$ 50.00

(2) All renewal fees shall be the same fee as each original license fee.

(3) Licensing requirements:

(a) Completed application on form approved by the department.

(b) Completed physical within one year (boxer and referee only).

(c) Federal identification card (boxer only).

(d) One small current photograph, not more than two years old (boxer only).

(e) Payment of license fee.

(f) Certification from an organization approved by the department under RCW 67.08.100(3) and WAC 36-12-196.

(4) Applicants may not participate until all licensing requirements are received and approved by the department of licensing.

NEW SECTION

WAC 36-12-196 Organizations approved by the department to certify experience, skill and training of officials. Any organization wishing to be approved by or maintain their approval by the department to certify adequate experience, skill and training of officials, pursuant to RCW 67.08.100(3), shall submit the following information to the department annually:

- (1) Description of training courses required;
- (2) List of all persons seeking licensing from Washington state who have received training given by the organization within the past year;
- (3) Dates training was given; and
- (4) Assessment of the skill and experience of the person.

**WSR 01-17-103
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed August 21, 2001, 1:13 p.m.]

Original Notice.

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

Title of Rule: Title 136 WAC, Day labor limit and day labor definitions.

Purpose: Amendments to WAC 136-16-022 Day labor limit and 136-18-020 Definitions.

Other Identifying Information: Per 2001 legislation, Bill Number SSB 5733.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Randy Hart, 2404 Chandler Court S.W., Suite 240, Olympia, 98504, (360) 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, 98504, (360) 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, Olympia, 98504, (360) 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: The amendments affect counties with population's equal or exceeding 50,000 for day labor limits, and sets new rules for counties with populations with less than 50,000 populations.

Proposal Changes the Following Existing Rules: The amendments affect counties with population's equal or exceeding 50,000 for day labor limits, and sets new rules for counties with populations with less than 50,000 populations.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on October 18, 2001, at 2:00 p.m.

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Assistance for Persons with Disabilities: Contact Karen Pendleton by October 12, 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) 586-0386, by October 12, 2001.

Date of Intended Adoption: October 18, 2001.

August 17, 2001

Jay P. Weber

Executive Director

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

WAC 136-16-022 Day labor limit. The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner for counties with populations equal to or exceeding 50,000:

(1) When the total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred thousand dollars or fifteen percent of the total annual county road construction budget, whichever is greater.

(2) When the total annual county road construction budget is ~~((in excess of))~~ one million five hundred thousand dollars or more and less than four million dollars, the day labor limit is five hundred twenty-five thousand dollars or twenty percent of the total annual county road construction budget, whichever is greater.

(3) When the total annual county road construction budget is ~~((in excess of))~~ five hundred thousand dollars or more and less than one million five hundred thousand dollars, the day labor limit is two hundred and fifty thousand dollars or thirty-five percent of the total annual county road construction budget, whichever is greater.

(4) When the total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred and fifty thousand dollars, unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate procedure is chosen, an individual project limit of thirty-five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

(5) The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner for counties with populations less than 50,000:

(a) When the total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred eighty thousand dollars or twenty-five percent of the total annual county road construction budget, whichever is greater.

(b) When the total annual county road construction budget is one million five hundred thousand dollars or more and less than four million dollars, the day labor limit is five hundred seventy-seven thousand dollars or thirty percent of the total annual county road construction budget, whichever is greater.

(c) When the total annual county road construction budget is five hundred thousand dollars or more and less than one million five hundred thousand dollars, the day labor limit is

two hundred seventy-five thousand dollars or forty-five percent of the total annual county road construction budget, whichever is greater.

(d) When the total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred seventy-five thousand dollars, unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate procedure is chose, an individual project limit of thirty-eight thousand five hundred dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-18-020 Definitions. For purposes of implementing statutory requirements relative to day labor construction work, the following definitions shall apply:

(1) Construction - the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.

(2) Day labor construction - construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment.

(3) Authorization date - the date that construction is authorized.

(4) Start of construction - the date that construction work commences.

(5) End of construction - the date that construction work is completed.

(6) Completion date - the date on which a county road project is closed in the accounting records.

(7) Estimated construction costs - the county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition costs.

(8) Estimated project costs - the county engineer's estimate of the cost of engineering, right of way acquisition, and construction.

(9) True and complete construction costs - the accounting record of all construction costs attributed to a county road project from the authorization date to the completion date.

(10) True and complete project costs - the accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date.

(11) Day labor county road project - day labor construction authorized by action of the county legislative authority in

PROPOSED

those counties where a cumulative dollar limit applies to all day labor construction.

(12) Special day labor county road project - day labor construction which will result in a facility with independent utility, authorized by action of the county legislative authority in those counties;

(a) With populations equal to or exceeding 50,000 and where the total construction budget is less than five hundred thousand dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-five thousand dollars including labor, equipment and materials on any one project.

(b) With populations less than 50,000 and where the total construction budget is less than five hundred thousand dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-eight thousand five hundred dollars including labor, equipment and materials on any one project.

**WSR 01-17-110
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Commission Docket No. A-010827—Filed August 22, 2001, 10:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-125.

Title of Rule: Revision of adoption-by-reference dates, Title 480 WAC.

Purpose: The proposed rule making will change adoption-by-reference dates to reflect current versions of the adopted material and make other minor administrative changes such as: Correct telephone numbers; repeal obsolete sections; add cross-references to adopted material; and create new sections in each chapter that move the adoption-by-reference material to the same location in each chapter.

Other Identifying Information: Affected chapters include chapters 480-14, 480-15, 480-30, 480-31, 480-40, 480-70, 480-75, and 480-93 WAC.

Statutory Authority for Adoption: RCW 80.01.040 General, 80.04.160 Utility, 81.04.160 Transportation, 34.05.310.

Summary: This rule making changes the adoption-by-reference dates to reflect the current versions of adopted material and makes other minor administrative changes in the transportation and pipeline safety chapters in Title 480 WAC.

Reasons Supporting Proposal: 1. The commission has one hundred twenty days after an emergency rule making to codify rules permanently. This rule making will review the emergency rules adopted in Docket UG-010816, WSR 01-13-044.

2. The commission adopts by reference several rules in Title 40 and Title 49 of the Code of Federal Regulations and the Commercial Vehicle Safety Alliance's *North American Out-of-Service Criteria*. Commission rules need to be updated to reflect the most current versions of the adopted material.

Name of Agency Personnel Responsible for Drafting: Kim Dobyns, Policy Research Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1242; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule making will change adoption-by-reference dates to reflect current versions of the adopted material and make other minor administrative changes such as: Correct telephone numbers; repeal obsolete sections; add cross-references to adopted material; and create new sections in each chapter that move the adoption-by-reference material to the same location in each chapter in Title 480 WAC.

Each applicable chapter in Title 480 WAC will have an adoption-by-reference rule ending in section number 999. This proposed change will provide for efficiencies in future adoption-by-reference date changes in Title 480 WAC.

Updating the adoption-by-reference dates in the pipeline safety chapters of rules is necessary to maintain the commission's federal certification.

The commission's participation in the Commercial Vehicle Safety Alliance is contingent on adopting current federal rules.

Updating the adoption-by-reference dates in the transportation chapters of rules will provide for consistency between intrastate and interstate operations and equal enforcement.

Proposal Changes the Following Existing Rules: New federal rules are incorporated into the commission's rules in the transportation and pipeline safety chapters of rules. Other administrative changes are made that do not affect regulated industries.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule making incorporates recent federal rule changes into the commission's rule and makes other administrative changes. A small business economic impact statement (SBEIS) is not required under RCW 19.85.061 when the reason for the rule change is to comply with federal law. Other changes in this rule making do not require an SBEIS (RCW 19.85.030) because the changes are administrative and there is no cost to business.

Failure to incorporate federal standards into the commission's rules would lead to inconsistencies between intrastate and interstate operations, unequal enforcement, and possible loss of federal certification in the pipeline safety program.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on September 26, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by September 24, 2001, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. A-010827, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by September 12, 2001.

Date of Intended Adoption: September 26, 2001.

August 22, 2001

Paul Curl

For Carole J. Washburn
Secretary

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter ~~((480-12))~~ 480-15 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC ~~((480-12-990))~~ 480-15-020.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which oper-

ate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—~~((Adoption by reference))~~ General applicability and definitions. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

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Category of Carrier Operation	Filing Required
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(c) For taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(d) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission or its successor agency written by a company authorized to write insurance in any state.

(e) Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

(f) Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is

actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

(5) Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. ~~((Copies of this document may be viewed at the commission branch of the Washington state library, located with the commission headquarters office, and are available from the commission upon request.))~~ Information about the *North American Out-of-Service Criteria* regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(3) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-370 Equipment—Drivers—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392; part 393; part 396; part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 CFR, part 392.2 and with respect to 49 CFR, part 396.11, no driver vehicle inspection report need be filed if no defects are found. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

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(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

(i) Excessively worn links on chains;

(ii) Deformed or stretched chain links;

(iii) Cracked chain links;

(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

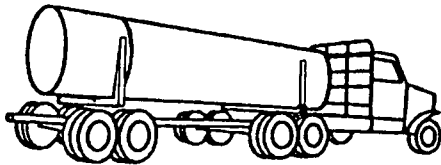
(r) Defective binders. Defective binders shall be immediately removed from service.

Note: See the following Diagrams for illustrations of placement and number of load fastening devices.

PLACEMENT AND NUMBER OF WRAPPERS

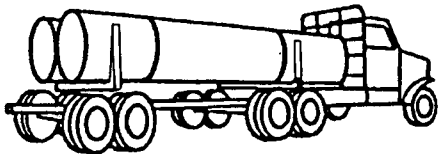
One log load

One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.



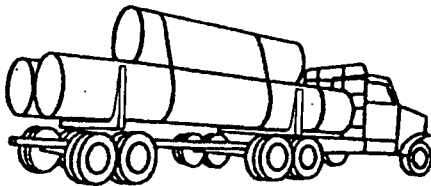
Two log load

A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

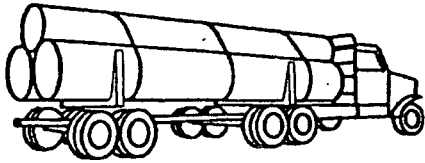


Three or four log load forty-four feet or less

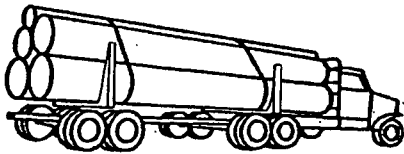
A minimum of two wrappers required.



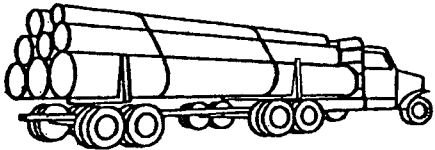
Three or four log loads more than forty four feet
A minimum of three wrappers required.



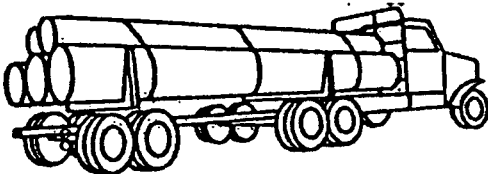
Five or six log load all logs seventeen feet or less
A minimum of two wrappers required.



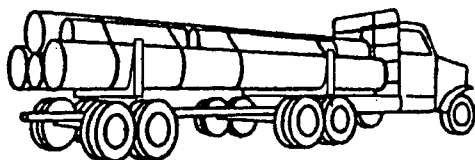
Seven or more log load all logs seventeen feet or less
A minimum of two wrappers required.

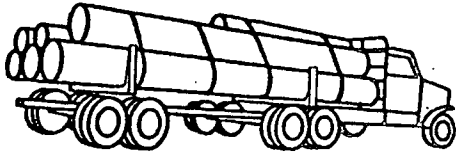


Five or more log load if any logs are more than seventeen feet
A minimum of three wrappers are required.



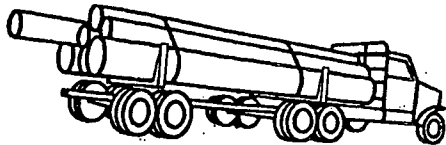
Outside logs or top logs
All outside or top logs shall be secured by a binder near but not within
12 inches of each end.





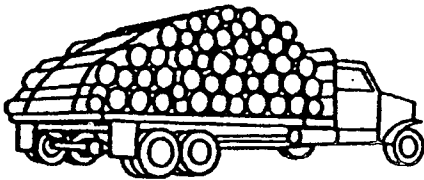
A wrapper shall be near each bunk

Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.



Proper support for logs

Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.



Short logs loaded crosswise

A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Pole trailers.**

(a) **Welded reach extension prohibited.** No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using

an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(b) **Damaged reach.** No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(c) **Empty pole trailers.** Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382,

part 383, and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW (~~except~~). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999. Exception: Carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver private carrier, or to a single vehicle owner driver common carrier when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duty authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria on the date specified in WAC 480-14-999.* (~~Copies of this document are available from the commission upon request.~~)

(9) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-380 Hours of service—On duty—~~(Adoption of)~~ **Federal safety regulations.** The rules and regulations adopted by the United States Department of

Transportation in Title 49, Code of Federal Regulations, part 395 in effect on the date specified in WAC 480-14-999 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tachograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-390 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto in effect on the date specified in WAC 480-14-999, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria in effect on the date specified in WAC 480-14-999*. ((Copies of this document are available from the commission upon request.))

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: Provided, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

AMENDATORY SECTION (Amending Order R-435, filed 11/22/95, effective 12/23/95)

WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 in effect on the date specified in WAC 480-14-999 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

NEW SECTION

WAC 480-14-999 Adoption of reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-14-060	Adoption by reference defined.
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AMENDATORY SECTION (Amending Order No. R-471, filed 6/27/00, effective 7/28/00)

WAC 480-15-560 Equipment safety requirements.

(1) **What ~~((is))~~ are the commission's equipment safety ~~((policy))~~ requirements?** All motor vehicles operated under the provisions of this chapter must be at all times:

- (a) Maintained in a safe and sanitary condition;
- (b) Free of defects likely to result in an accident or breakdown; and
- (c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) **How does the commission enforce ~~((this policy))~~ these requirements?** Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria as adopted in WAC 480-15-999*. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) **How must a household goods carrier identify its motor vehicles?** A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

- (a) All markings on the power unit must be:
 - (i) Clearly legible;
 - (ii) No less than three inches high;
 - (iii) In a color that contrasts with the background color;
- and
- (iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) **What vehicle safety laws and rules must a household goods carrier follow?**

- (a) You must comply with:

(i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 392: Driving of Motor Vehicles;

(C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation; and

(D) 49 CFR Part 396: Inspection, Repair, and Maintenance.

(b) If you fail to comply with these laws and rules, the commission may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) **Are household goods carriers required to equip their motor vehicles with anti-spray devices (mud flaps)?**

(a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

AMENDATORY SECTION (Amending Order No. R-471, filed 6/27/00, effective 7/28/00)

WAC 480-15-570 Driver safety requirements. (1)

What are the commission's driver safety requirements? No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

(2) **How does the commission enforce those requirements?** Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the *North American Uniform Out-Of-Service Criteria as adopted in WAC 480-15-999*. No driver who has

been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) Driver qualification requirements.

(a) You must comply with:

(i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter on the date specified in WAC 480-15-999:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) **Exceptions to the requirements in this rule.** The following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

(ii) 49 CFR Part 391.23: Investigation and Inquiries;

(iii) 49 CFR Part 391.25: Annual Review of Driving Record;

(iv) 49 CFR Part 391.27: Record of Violations;

(v) 49 CFR Part 391.31: Road Test; and

(vi) 49 CFR Part 391.33: Equivalent of Road Test.

PART 7 - ADOPTION BY REFERENCE

NEW SECTION

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-15-040 Adoption by reference.

WAC 480-15-050 Where may I get copies of documents adopted by reference?

AMENDATORY SECTION (Amending Order R-329, filed 10/31/90, effective 12/1/90)

WAC 480-30-010 Definitions. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate authorized to be issued to an auto transportation company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

(9) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company certificated under chapter 81.68 RCW.

~~((10) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.~~

~~(11) The term "elderly" shall mean any person sixty years of age or older.~~

~~(12) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably,~~

~~or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.))~~

AMENDATORY SECTION (Amending Order R-390, filed 7/13/93, effective 8/13/93)

WAC 480-30-030 Certificates—Auto transportation companies. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

(3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

(4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

(5) Every auto transportation company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

(6) All auto transportation companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

(7) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

(8) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection (9) of this section, must be joined in by all parties interested and must be accompanied by the

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original certificate, the same to be held by the commission pending its decision in the matter.

(9) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested and accompanied by the application fee named in subsection (11) of this section.

(10) Application for sale, lease, or transfer, or for authority to mortgage a certificate or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information requested and accompanied by the application fee named in subsection (11) of this section.

(11) Miscellaneous fees:

Application for certificate	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of a duplicate certificate	3.00

~~((EXCEPTION: The \$150.00 fees named above are reduced to \$50.00 for applications for private, nonprofit transportation authority under WAC 480-30-035.))~~

(12) All applications for a duplicate certificate must be accompanied by affidavit of the holder stating that the original certificate has been lost or destroyed.

(13) Whenever an order is entered by the commission revoking a previous order granting a certificate, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for reinstatement shall pay the fee required by the rules for an original application.

(14) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-415, filed 5/5/94, effective 6/5/94)

WAC 480-30-095 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, part 396, and part 397, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW. Exceptions: All auto transportation companies operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2 and 393.76. Further, with

respect to section 396.11 no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-357, filed 12/31/91, effective 1/31/92)

WAC 480-30-097 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated under chapter 81.68 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the North American Uniform Out-Of-Service Criteria in effect on the date specified in WAC 480-30-999. ~~((Copies of this document are available from the commission upon request.))~~

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

AMENDATORY SECTION (Amending Order R-421, filed 6/23/94, effective 7/24/94)

WAC 480-30-100 Operation of motor vehicles. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382,

part 383 and part 391, excluding section 391.2, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, in effect on the date specified in WAC 480-30-999, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: Provided, however, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself or herself in a boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

(8) No motor vehicle used in the transportation of persons shall carry more than one hundred fifty percent of its rated carrying capacity. No passenger shall be permitted to stand unless the vehicle is equipped with devices designed and permanently installed to provide stability and safety for standing passengers. Even if the vehicle is so equipped, no passenger shall be permitted to stand for a distance in excess of thirty-five miles.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(11) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at ~~((the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119))~~ 1-888-606-9566. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(12) Auto transportation companies transporting passengers shall be responsible for the comfort of its patrons.

(13) Out-of-service criteria. All drivers operating motor vehicles under chapter 81.68 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria* in effect on the date specified in WAC 480-30-999. ~~((Copies of this document are available from the commission upon request.))~~

(14) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

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state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-30-015	Adoption by reference defined.
WAC 480-30-035	Certificates—Private, non-profit transportation providers.

AMENDATORY SECTION (Amending Order R-440, filed 3/27/97, effective 4/27/97)

WAC 480-31-020 Application of rules. These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

~~((Any tariff filed by a provider will conform to these rules. In the event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.))~~

Cases of erroneous or doubtful interpretation of these rules by a provider or any other person or corporation are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any provider, the commission may waive or modify, as to that provider, the provisions of any rule herein, except when such provisions are fixed by statute. No deviation from these rules will be permitted with-

out written authorization by the commission. Violations will be subject to the penalty provisions of chapter 81.04 RCW.

The adoption of these rules will in no way preclude the commission from altering or amending the same, in whole or in part, or from requiring any other or additional service, equipment or standard, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further, these rules will in no way relieve any provider from any of its duties under the laws of the state of Washington.

Whenever the designation "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in this section, such designations for the purpose of this rule will mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-440, filed 3/27/97, effective 4/27/97)

WAC 480-31-030 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases will, for the purpose of this chapter, mean the following:

(1) State - The state of Washington.

(2) Commission - The Washington utilities and transportation commission.

(3) Certificate - A grant of authority issued by the commission to a private, nonprofit transportation provider for the transportation of persons with special transportation needs as provided in chapter 81.66 RCW.

(4) Corporation - A corporation, company, association, or joint stock association.

(5) Public highway - Every street, road or highway in this state.

(6) Motor vehicle - Every self-propelled vehicle with seating capacity of seven or more persons, including the driver.

(7) Commercial motor vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is designed to transport sixteen or more passengers, including the driver.

(8) Person - An individual, firm, or copartnership.

(9) Private, nonprofit transportation provider - A private, nonprofit corporation providing transportation services for compensation to persons with special transportation needs.

(10) Provider - Private, nonprofit transportation provider.

(11) Persons with special transportation needs - Those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

~~((12) Tariff - A public document setting forth services being offered, rates and charges with respect to services and governing rules, regulations and practices relating to those services.~~

~~(13) Donation - A gift without compulsion or consideration, that is, resting solely on the generosity of the donor.)~~

AMENDATORY SECTION (Amending Order R-440, filed 3/27/97, effective 4/27/97)

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

(a) Satisfactory proof of its status as a private, nonprofit corporation;

(b) Information sufficient to determine the particular service to be provided;

(c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070;

(d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified(;

(e) ~~Any proposed rates, fares, or charges~~)).

(2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.

(3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.

(4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

(7) Any certificate to operate as a private, nonprofit transportation provider obtained by any false affidavit or representation will be subject to cancellation by the commission.

(8) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the following:

The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392 (Driving of Motor Vehicles), part 393 (Parts and Accessories Necessary for Safe Operation), part 396 (Inspection, Repair and Maintenance), and part 397 (Transportation of Hazardous Materials; Driving and Parking rules).

The commission adopts by reference the provisions of federal rules in effect on (~~October 1, 1998. The material~~

~~incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office)) the date specified in WAC 480-31-999.~~

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-31-120 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance) in effect on the date specified in WAC 480-31-999.

(3) All vehicle parts and accessories must be in safe and proper working condition at all times.

(4) Equipment standards. The purpose of this subsection is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category. The criteria for out-of-service condition are those defined in the current North American Uniform Out-Of-Service Criteria.

Out-of-service condition. When any motor vehicle(s) is in out-of-service condition, no provider will require nor will any person operate such motor vehicle until all required repairs have been satisfactorily completed. The commission adopts by reference the "North American Uniform Out-of-Service Criteria" published by the Commercial Vehicle Safety Alliance in effect on (~~April 1, 1999. These documents may be viewed at the Washington utilities and transportation commission branch of the Washington state library)) the date specified in WAC 480-31-999.~~

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-31-130 Operation of motor vehicles. (1) All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highways by others, or so as to endanger the life and limb of any person.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission to be observed by all pro-

viders. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(3) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part ((39)) 395 (Hours of Service of Drivers) in effect on the date specified in WAC 480-31-999, are adopted and prescribed by the commission.

(4) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(5) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

(6) No driver or operator of a motor vehicle will create any disturbance or unnecessary noise to attract persons to the vehicle.

(7) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. A driver is responsible for the comfort and safety of passengers and should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(8) The commission adopts by reference the provisions of federal rules cited in this section in effect on ~~((October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office))~~ the date specified in WAC 480-31-999.

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-31-140 Safety inspections. All providers must keep on file in their main office, subject to inspection by an authorized representative of the commission, or subject to provision to the commission upon request:

(1) Description of each vehicle used, including make, serial number, and year. If the provider does not own the vehicle, the records must show the name of the person providing the vehicle;

(2) Driver's hours of service (duty status);

(3) Each driver's license number;

(4) Records of complaints, as required by WAC 480-31-090;

(5) Records of repair, inspection and maintenance, to include their date and type, as required by the United States

Department of Transportation in Title 49, Code of Federal Regulations, part 396;

(6) The commission adopts by reference the provisions of federal rules cited in this section in effect on ~~((October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office))~~ the date specified in WAC 480-31-999.

NEW SECTION

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-31-120.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-31-060 Tariff.

AMENDATORY SECTION (Amending Order R-357, filed 12/31/91, effective 1/31/92)

WAC 480-40-065 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated under chapter 81.70 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with state laws in regard to equipment or method.

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(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria in effect on the date specified in WAC 480-40-999*. ((Copies of this document are available from the commission upon request.))

(a) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

(b) Restricted service condition. Any motor vehicle(s) discovered to be in a restricted service condition, while being operated on the highway, may be placed out-of-service at the inspection site or allowed to continue in operation to a repair facility at a distance not to exceed twenty-five miles, at the discretion of the inspector.

AMENDATORY SECTION (Amending Order R-417, filed 6/23/94, effective 7/24/94)

WAC 480-40-075 Equipment—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, part 393, and part 396, in effect on the date specified in WAC 480-40-999 are adopted and prescribed by the commission to be observed by all charter party carriers or excursion service carriers of passengers operating under chapter 81.70 RCW. Exception: All passenger charter carriers or excursion service carriers of passengers operating exclusively in intrastate commerce shall be exempt from the provisions of sections 392.2 and 393.76. Further, with respect to section 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-40-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-40-065.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-40-015 Adoption by reference defined.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, ~~((2000))~~ 2001.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-75-005 Compliance with federal standards. Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on ~~((September 7, 1999))~~ the date specified in WAC 480-75-999. The provision in this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

~~((Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.))~~

NEW SECTION

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-75-005.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

AMENDATORY SECTION (Amending Order R-427, filed 6/20/95, effective 7/21/95)

WAC 480-93-005 Definitions. (1) **Bar hole** - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **Building** - any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.

(3) **Combustible gas indicator (CGI)** - a device capable of detecting and measuring gas concentrations of the gas being transported.

(4) **Confined space** - any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.

(5) **Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas** - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures** - those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company** - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line** - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication** - a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.** - the lower explosive limit of the gas being transported.

(12) **Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system** - a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure** - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(15) **Prompt action** - shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) **Reading** - a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) **Service line** - a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) **Transmission line** - a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3 on the date specified in WAC 480-93-999.

(19) **Tunnel** - a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein on the date specified in WAC 480-93-999.

AMENDATORY SECTION (Amending Order R-465, filed 9/24/99, effective 10/25/99)

WAC 480-93-010 Compliance with federal standards. Gas companies' gathering, storage, distribution, and transmission facilities must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on ~~((September 7, 1999))~~ the date specified in WAC 480-93-999. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. ~~((Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.))~~

AMENDATORY SECTION (Amending Order R-375, filed 8/5/92, effective 9/5/92)

WAC 480-93-015 Odorization of gas. All gas being transported by pipeline in this state, and all gas consumed by an end use customer, shall be odorized in accordance with 49 CFR, Part 192.625 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission.

AMENDATORY SECTION (Amending Order R-375, filed 8/5/92, effective 9/5/92)

WAC 480-93-110 Corrosion control. Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.

Whenever a gas company finds from investigation as required by 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data.

AMENDATORY SECTION (Amending Order R-375, filed 8/5/92, effective 9/5/92)

WAC 480-93-124 Pipeline markers. All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Off-set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.

AMENDATORY SECTION (Amending Order R-375, filed 8/5/92, effective 9/5/92)

WAC 480-93-155 Increasing maximum operating pressure. Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:

- (1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;
- (2) Original design and construction standards;
- (3) All previous operating pressures and length of time at that pressure;
- (4) All leaks, regardless of cause, and the date and method of repair;

PROPOSED

(5) All upstream and downstream regulators and relief valves; and

(6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.

The plan shall conform with the requirements of 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999.

AMENDATORY SECTION (Amending Order R-375, filed 8/5/92, effective 9/5/92)

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements. In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:

- (1) Relevant available pipeline safety data;
- (2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;
- (3) The reasonableness of the plans and procedures; and
- (4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-220 Rule of precedence. Where there is any conflict between the provisions of CFR 49, Part 192 (Minimum Federal Natural Gas Pipeline Safety Standards) in effect on the date specified in WAC 480-93-999 and any rule specifically set forth herein, the former shall govern.

These rules shall take precedence over all orders, heretofore made by the commission, insofar as said orders may be inconsistent with these rules.

These rules shall take precedence over all rules filed or to be filed by gas companies insofar as inconsistent therewith. Rules of the gas companies now on file and inconsistent with the rules herein established shall be properly revised and refiled within sixty days from the effective date of this order.

NEW SECTION

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

WSR 01-17-116

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 22, 2001, 10:34 a.m.]

Supplemental Notice to WSR 01-13-062.

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

Title of Rule: Rules relating to chemigation and fertigation, chapter 16-202 WAC.

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

Statutory Authority for Adoption: Chapters 15.54, 15.58, and 17.21 RCW.

Statute Being Implemented: Chapters 15.54, 15.58, and 17.21 RCW.

Summary: The chemigation language now incorporates regulations regarding surface run irrigation. The chemigation language and the fertigation sections reflect response to public comments.

Reasons Supporting Proposal: The revisions address a number of issues that have arisen since implementation of the chemigation/fertigation rules.

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 technical advisory committee. In addition, the department received input from stakeholders and the state Departments of Health and Ecology during the rule revisions process.

Proposal Changes the Following Existing Rules: Chemigation rule, WAC 16-202-1000:

Section 1002: Definitions, added "Application Depth," and modified "Sensitive Areas."

Section 1003: General requirements, subsection (1) modified subsection, removed requirement for department registration; and subsection (12) modified subsection, components must be compatible, chemically and pressure.

Section 1004: Operating systems, allows a person to operate a system under the direct supervision of a certified applicator and also allows for a person to operate a system if they have completed training and are under the control (i.e., not necessarily on-site) of a certified applicator.

Section 1007: Identification of tanks, clarifies identification requirements of tank contents.

Section 1008: Placement requirements, clarifies when secondary containment is required.

Section 1009: Secondary containment requirements, clarifies that tanks containing product during the nonapplication season are subject to secondary containment regardless of tank size.

Section 1020: Clarifies system interlock provisions on nonpressurized systems.

Fertigation rule, WAC 16-202-2000:

Section 2002: Definitions, modified "Sensitive Areas," added "Reclaimed Water," and added "Soil Amendment."

Section 2003: General requirements, subsection (1) clarified that systems must be operated to comply with provisions of this rule; subsection (3) clarified that commercial fertilizers must meet Washington state fertilizer standards; and subsection (10) clarified that components must be compatible with system pressure.

Section 2005: Placement of tanks, clarifies when secondary containment is required.

Section 2006: Secondary containment, clarifies that tanks containing product during the nonapplication season are subject to secondary containment regardless of tank size.

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. Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Three DIS Interactive Technologies sites simultaneously via teleconference: 15 West Yakima Avenue, Yakima, WA 98902; 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503; and 1101 North Argonne, Suite 109, Spokane, WA 99201, on September 25, 2001, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Maurerman by September 17, 2001, TDD (360) 902-1996.

Submit Written Comments to: Ann Wick, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by September 26, 2001.

Date of Intended Adoption: November 9, 2001.

August 22, 2001

Bob Arrington

Assistant Director

PART 1 GENERAL PROVISIONS

NEW SECTION

WAC 16-202-1001 What is the purpose of this chapter? The purpose of this chapter is to establish performance standards for chemigation that are protective of existing and future uses of surface water and ground water quality.

NEW SECTION

WAC 16-202-1002 How are specific terms and phrases defined in this chapter? Terms as defined in this section are applied throughout this chapter.

(1) "Air gap" means an unobstructed physical separation between the free-flowing discharge end of a water supply and the overflow rim of an open or nonpressurized receiving vessel. The separation must be at least four times the diameter of the supply pipe measured vertically from the overflow rim of the receiving vessel, and in no case be less than 25 mm, or 1-inch.

(2) "Alternative technology" means any device or concept that meets the performance standards contained in this chapter.

(3) "Antipollution safety device" means any equipment or device effectively designed, constructed, and maintained that is used in the event of malfunction or shutdown to prevent backflow of a chemical or treated water into the water supply, or to reduce human exposure or hazard to the environment. Equipment or devices may include, but are not limited to, the irrigation line check valve, vacuum relief valve, low-pressure drain, inspection port, metering device, chemical injection closure device, and system interlock.

- (4) "Application depth" means the amount of irrigation water applied to a given unit area during an irrigation set, and is usually expressed in inches or gallons.
- (5) "Application season" means the period during which product is injected into an irrigation system for crop protection, plant growth, or soil preparation.
- (6) "Application tank" means a product container and appurtenances used for the storage of product that is dedicated for use with and functionally connected to an irrigation system.
- (7) "Applicator" means any certified applicator or anyone who is working under the direct supervision of a certified applicator.
- (8) "Approved backflow prevention assembly" means a reduced pressure backflow assembly, reduced pressure detector assembly, double check valve detector assembly, or double check valve assembly of a make, model, and size that is approved by the department of health pursuant to WAC 246-290-490.
- (9) "Approved reduced pressure backflow assembly or reduced pressure detector assembly" means backflow prevention assemblies of make, model, and size approved by the department of health pursuant to WAC 246-290-490.
- (10) "Aquaculture" means the cultivation of water-based plants or animals.
- (11) "Backflow" means the reversal of fluid flow due to backpressure or backsiphonage.
- (12) "Backflow prevention device" or "backflow safety device" means antipollution safety devices that prevent the flow of water from the irrigation water distribution system back to the water source or to the product source.
- (13) "Barometric loop" or "gooseneck" means a raised section of pipe where the bottom of the loop is at least two feet above the highest water emitting device or any portion of the irrigation application system which has a vacuum relief valve installed on the top of the loop.
- (14) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide that is classified by the EPA or the director as a pesticide for use in a chemigation application.
- (15) "Check valve" means a certified device designed and constructed to provide automatic, quick-acting, and absolute closure that creates and maintains a watertight seal. The device prevents flow in the opposite direction of that desired when operation of the irrigation system or chemical injection unit fails or is shut down.
- (16) "Chemical" or "product" means a pesticide or system maintenance compound.
- (17) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant, or system maintenance compound applied with irrigation water.
- (18) "Chemigation operation" means all activities and equipment associated in preparing for, performing, and concluding a chemigation application, which includes, but is not limited to, calibrating, mixing, loading, starting up, operating, monitoring, or shutting down a chemigation system.
- (19) "Chemigation system" means the chemical injection system as well as the irrigation water distribution system.
- (20) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal and vegetable manures and other products exempted by the department by rule.
- (21) "Contact name" means a person or company responsible for placement and operation of an application tank.
- (22) "Decommissioned" means rendering an application tank unusable for product containment.
- (23) "Deep percolation" means the movement of water downward through the soil profile below a plant's effective rooting zone.
- (24) "Department" means the Washington state department of agriculture.
- (25) "End gun" means an intermittent, high volume water-emitting device located at or near the end of an irrigation application system.
- (26) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.
- (27) "Homemade" means devices not otherwise commercially available for sale or not manufactured for the purpose of commercial sale.
- (28) "Hydroponic" means the practice of growing plants in an aqueous solution, moist inert material, or otherwise in the absence of a mineral-based medium.
- (29) "Imminent danger" means a threat to human health or the environment that is likely to happen during the current application.
- (30) "Injection system" means all components used to supply, deliver, meter, and inject a substance into an irrigation system. This includes devices and components located between and inclusive of the application tank and the point of product discharge into the irrigation water, including components of the system interlock.
- (31) "Inspection port" means an orifice or other viewing device from which the low pressure drain and irrigation line check valve may be assessed for proper operation.
- (32) "Irrigation application system" means the physical components of an irrigation system that begins at the first water emitting device and ends with the last water emitting or purging device.
- (33) "Irrigation season" means that period of time during which supplemental water is applied to aid in plant development, soil conditioning, temperature modification, or other such purposes.
- (34) "Irrigation system" means all components used in diverting, supplying, distributing, and applying irrigation water.

(35) "Irrigation water distribution system" means all components inclusive of the irrigation water supply system and the irrigation application system.

(36) "Irrigation water supply system" means the water conveyance system, which begins at the point of diversion from the irrigation water source and ends with the first water emitting device.

(37) "Metering device" means a positive displacement injection pump, venturi device, or gravity feed device capable of being calibrated and used to gauge chemical placement into the irrigation water distribution system.

(38) "Nonpressurized water delivery system" means a method of irrigation in which water is distributed over the soil surface by gravity flow, such as rill, border, gated pipe, or spigotted pipe.

(39) "Off-site application" means the application or movement of product from the target site.

(40) "Operator" means the individual who is performing a chemigation operation and who may or may not be the certified applicator.

(41) "Outtake" means an opening that provides a source of untreated water.

(42) "Rinsate" means the liquid produced from the rinsing of any equipment or container that has come in direct contact with any pesticide or system maintenance compound.

(43) "Runoff" means surface water leaving the target site.

(44) "Sensitive area(s)" mean schools, parks, dwellings, occupied buildings or structures, public roadways, waters of the state, or other areas in which off-target movement may endanger humans, animals, crops, or the environment.

(45) "Source water" or "water source" means an aquifer or surface water body, including a stream, stream system, lake, reservoir, or off-farm irrigation water ditch or conveyance system, and any spring water or underground water that is part of or tributary to the surface water body or aquifer.

(46) "System interlock" means the arrangement or interconnection of the irrigation pump or a pressure or flow sensing device with the chemical injection unit or other pumps in such a manner that shutdown of the chemigation injection system will occur in the event of any component malfunction or failure that substantially impacts the application rate.

(47) "Vacuum relief valve" means a device that automatically relieves or breaks a vacuum, thereby preventing back-siphoning.

(48) "Washwater" means the liquid produced from the rinsing of the exterior of any equipment or containers that have or may have come in direct contact with any pesticide or system maintenance compound.

(49) "Waters of the state" means, but is not limited to, lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, irrigation canals and reservoirs.

PART 2

GENERAL REQUIREMENTS FOR CHEMIGATION OPERATIONS

NEW SECTION

WAC 16-202-1003 What are the general requirements in performing a chemigation operation? The applicator and the chemigation system must comply with the following performance and operational requirements to protect human health and the environment. The certified applicator is responsible for safe application and for the proper operation of the chemigation equipment.

(1) Only pesticides properly labeled for chemigation may be used.

(2) An application system shall be operated in a manner that is consistent with the intent of the pesticide label, state pesticide rules, and this chapter and its provisions.

(3) Substituted alternative technology not otherwise specified in this chapter must be evaluated by the department to determine if the provisions of this chapter have been fulfilled.

(4) During a chemigation application, an irrigation system and injection system are considered one unit, and the applicator is responsible for their proper operation.

(5) Pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator.

(6) All applicable pesticide laws, in addition to those contained in this chapter, pertain to chemigation.

(7) A chemigation system cannot draw water from any water supply unless that supply is protected from contamination. The applicator must verify that backflow cannot occur.

(8) Intentional or unintentional application off-site is prohibited. The application must be continuously observed whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray.

(9) Pesticides cannot be applied with an open surface, gravity irrigation system unless allowed by the product label.

(10) All chemigation systems and system components must allow for adequate visual, physical and/or manual inspection.

(11) A chemigation system must be flushed out after an application.

(12) All components must be chemically compatible with injected materials, water containing injected materials, and system pressure.

(13) Equipment must be calibrated and maintained in a manner to prevent misapplication or off-site application of any product.

(14) Safety devices and injection equipment must be installed, operated, and maintained in accordance with the manufacturer's specifications, established industry standards, and department rule.

NEW SECTION

WAC 16-202-1004 Who may calibrate, load, start up, operate, monitor, or shut down a chemigation system?

PROPOSED

(1) Only an appropriately licensed certified applicator or a competent person acting under the direct supervision of a certified applicator may calibrate, load, start up, operate, monitor, or shut down a chemigation system.

(2) An individual who has successfully completed annual certification training for chemigation when so authorized by the department may perform these duties under the control of a certified applicator who is immediately available if and when needed.

NEW SECTION

WAC 16-202-1005 What are the site posting requirements for chemigation? (1) The certified applicator must ensure compliance with posting requirements as specified on the product label.

(2) Posting, if required, for a chemigation operation must occur no more than twenty-four hours before the start of a chemigation operation, unless indicated otherwise in rule or by the pesticide label. Posting must be removed no later than seventy-two hours at the conclusion of the restricted reentry interval, unless indicated otherwise in rule or by the pesticide label.

(3) Worker protection posting requirements must also be met (chapter 16-233 WAC).

NEW SECTION

WAC 16-202-1006 What are the recordkeeping requirements for an application? All persons who apply pesticides by means of an irrigation system shall keep a record of each application. In addition to the information required in WAC 16-228-1320, the applicator must be able to provide the total application depth of irrigation water applied during the chemigation operation.

NEW SECTION

WAC 16-202-1007 What are the identification requirements for application tanks? The purpose of identification requirements is to minimize the potential for human exposure and to facilitate remediation in the event of component malfunction or a contamination event.

(1) An application tank must:

(a) Have the registered product label or labels (including the EPA registration number(s) and the appropriate EPA establishment number) prominently affixed to the application tank if it contains product;

(b) Display its maximum net capacity;

(c) Display a contact name and telephone number; and

(d) Display an owner-derived numeric or alphanumeric tank identifier.

(2) This information must be visibly recorded and securely affixed to each application tank. The label and distinguishing information shall be designed to remain intact and legible throughout the active use of the container.

(3) Lettering that displays the contact name, telephone number, and tank identifier shall be a minimum of two inches in height and in a color contrasting to the background.

NEW SECTION

WAC 16-202-1008 What are the placement requirements for application tanks? Application tanks cannot be located in an area or placed in such a manner to contaminate water or to endanger human health, sensitive areas, or the environment.

(1) Application tanks should be positioned down gradient from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(a) If down gradient placement is not feasible, earthen berms or other structures of sufficient design must be constructed to divert spillage, leakage, or surface flow away from such areas.

(b) An application tank cannot be placed closer than twenty feet from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(c) Mixing or loading activities cannot occur within twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source.

(d) Alternative technology that provides substantially equal protection such as a secondary containment facility that complies with the structural design requirements in the secondary and operational area containment rules (chapter 16-229 WAC) will fulfill the requirements in (a), (b), and (c) of this subsection.

(e) Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(2) Application tanks must be positioned to prevent leaks, spills, or structural damage.

(a) Application tanks must be placed on a rigid, sound understructure or on stable ground to prevent tipping, spillage, puncturing, or breakage.

(b) Application tanks and the injection system must be protected against reasonably foreseeable risks of damage by implements, trucks or other moving vehicles, or objects.

(3) Application tanks should be sited as close as reasonably possible to the injection point.

(4) Tank outlet ports must be fitted with manual shutoff valves.

NEW SECTION

WAC 16-202-1009 Under what conditions is an application tank exempt from secondary and operational area containment rules? Application tanks functionally connected to and dedicated solely for use with a chemigation system may be exempt from the secondary and operational area containment rules (chapter 16-229 WAC). The following conditions determine whether a tank that is a component of a chemigation system, is subject to the secondary and operational area containment rules.

(1) Time-in-place.

(a) Product can remain in an application tank for a period not to exceed fourteen days between chemigation applications. If the fourteen-day period is exceeded, the tank is

deemed to be a storage facility and is therefore subject to the secondary and operational area containment rules.

(b) An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules regardless of tank size.

(c) The application tank must be removed at the end of the irrigation or application season, whichever is shorter, but 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 (chapter 16-229 WAC).

(2) Tank size.

(a) Tanks with a rated capacity exceeding two thousand five hundred gallons are deemed a permanent storage facility.

(b) Multiple tanks positioned at an injection site with a cumulative capacity exceeding three thousand gallons are also deemed a permanent storage facility.

(c) Exception for soil fumigation only: Beginning at the time of tank placement, a tank with a rated capacity of eight thousand gallons or less may be placed at an injection site for fourteen days or less. However, during the fourteen-day period, the cumulative quantity of product at an injection site whether in single or multiple tanks cannot exceed six thousand five hundred gallons. The injection site shall be deemed a permanent storage facility provided, if at anytime during the fourteen-day time-in-place period, the rated capacity of an individual tank exceeds eight thousand gallons or the cumulative quantity at an injection site exceeds six thousand five hundred gallons.

(3) Monitoring.

(a) Tanks containing product must be inspected at least daily or monitored with remote access volumetric measuring devices.

(b) Tanks must be inspected each time a chemigation operation is performed.

NEW SECTION

WAC 16-202-1010 How should rinsate or backflush water from a filtration device be handled? (1) Water used to rinse, flush, or clean equipment or containers is considered rinsate. It must be applied at or below label rate to a target site or disposed of properly in accordance with chapter 173-303 WAC.

(2) Contaminated backflush water from a filtration device cannot contaminate ground water or surface water, or adversely impact sensitive areas.

PART 3

SAFETY REQUIREMENTS FOR CHEMIGATION SYSTEMS

NEW SECTION

WAC 16-202-1011 What are the general antipollution safety device requirements for a chemigation system? All systems must have antipollution safety devices that include a backflow prevention system, metering device, injection device, and system interlock as listed on the pesticide label and contained in this rule. To prevent backflow into the irrigation water source or chemical supply system.

NEW SECTION

WAC 16-202-1012 What measures must be used to prevent backflow into the irrigation water source? Backflow prevention is a requirement on all irrigation systems used for chemigation, except when alternative technology is applied.

(1) Pressurized irrigation system.

(a) At least one irrigation mainline check valve must be correctly installed, properly operated, and adequately maintained to prevent contamination of the water source. The check valve must be located upstream from the injection point. The check valve must be automatic, quick-closing, and capable of forming and maintaining a watertight seal.

(b) An inspection port or a direct access point must be positioned immediately upstream of the check valve to allow visual and manual inspection of the check valve and the low pressure drain. The inspection port or access point must have a minimum diameter of four inches. If a four-inch inspection port or access point is not feasible, an alternative access system must be devised.

(c) An inspection port or access point is not required with an approved backflow prevention assembly.

(d) A vacuum relief valve must be located upstream of the irrigation line check valve, installed at the top of the irrigation pipeline, and adequately sized to prevent backsiphoning. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(e) An automatic low pressure drain or similar mechanism must be placed upstream of the irrigation line check valve and at the lowest point in the bottom of the pipeline. The low pressure drain must be of adequate size and properly positioned to intercept and purge leakage away from the water source.

(f) Product-treated water cannot be discharged through a water outtake.

(2) Nonpressurized water delivery system.

(a) An open surface water delivery system cannot be used for product application unless allowed by the label.

(b) System design must prevent the introduction of treated water into the water source.

(c) Backflow prevention may be achieved with a hydraulic discontinuity in source water flow or by a sufficient hydraulic gradient.

PROPOSED

(d) Backflow devices for nonpressurized systems may include a weir box, drop structure, ASAE approved air gap, batch tank, or similar device that can function to prevent backflow into the source water.

(e) Injection must occur downstream from the water diversion point.

(3) Cross-connection to municipal or public water system.

Backflow prevention devices must be approved by the Washington state department of health in accordance with WAC 246-290-490.

NEW SECTION

WAC 16-202-1013 What alternative methods may be used to prevent backflow into the irrigation water source? The application of alternative technology in achieving backflow prevention must be accomplished either by a backflow system or by system design to fulfill the provisions of this chapter. The operator must be able to demonstrate that backflow cannot occur. Alternative technology must provide substantially equal or greater protection than the provisions of this chapter.

(1) System design.

(a) If a system's configuration will provide substantially equal or greater protection due to the physical laws of gravity and water hydraulics, components of a backflow prevention system may be waived by the department.

(2) Barometric pipe loop.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric pipe loop must be located in the main water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) 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.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The chemical injection port must be located downstream of and at least thirty inches below the bottom of the pipe loop apex.

(3) The department will recognize authorized U.S. Environmental Protection Agency (USEPA) alternative backflow devices, providing they are as restrictive as the provisions of this chapter.

NEW SECTION

WAC 16-202-1014 What are the prevention requirements for backflow into or seepage from application tanks? All irrigation and injection systems used for chemigation must prevent backflow into the application tank. Leak-

age or siphonage from the application tank through the injection system into the irrigation system must also be prevented.

(1) Injection into a pressurized section of an irrigation system must include:

(a) An automatic, quick-acting injection line check valve must be used to prevent leakage from the application tank into irrigation water and to prevent irrigation water from entering the chemical injection line. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow due to hydraulic head pressure from the application tank. The check valve must be located at the point of product injection into the irrigation water; and

(b) Where siphon action induced by an irrigation system could compromise the cracking (opening) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(2) Injection into nonpressurized (e.g., open surface, gated pipe, or spigotted pipe) portion of irrigation system must include a hydraulic discontinuity in source water flow or a sufficient hydraulic gradient such that chemicals or treated water cannot contaminate the water source. Backflow devices for nonpressurized systems may include a weir box, drop structure, air gap, batch tank, or similar device whose intended function is to prevent backflow into the application tank.

(3) Venturi or other passive injection systems.

(a) If backpressure or backsiphonage can occur, the chemical injection line must contain an automatic, quick-closing check valve. The valve must be located immediately adjacent to the chemical inlet side of the venturi.

(b) If product can potentially siphon or seep into the water supply, the chemical injection line must contain a normally closed solenoid operative valve connected to the system interlock, or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be installed adjacent to the product outlet on the application tank.

(c) With a bypass system, as an alternative to (a) and (b) of this subsection, the automatic, quick-closing check valve may be installed in the bypass immediately upstream of the venturi water inlet. In addition, either the normally closed solenoid or the hydraulic solenoid may be installed immediately downstream of the venturi water outlet.

(d) Bypass systems with a booster pump must have the normally closed solenoid interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-1015 What alternative methods may be used to prevent backflow into or seepage from application tanks? Alternative technology used for backflow prevention must be accomplished by system design to fulfill the provisions of this chapter.

(1) In lieu of a normally closed solenoid with the injection system.

(a) A normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump. The normally open valve must be spring-loaded, and must close upon a vacuum and open at atmospheric pressure. It must be elevated at least twelve inches above the maximum fluid level in the application tank and must be the highest point in the injection line.

(b) The mechanism described in (a) of this subsection cannot be used in conjunction with a venturi injection system.

(2) In lieu of a 10 psi opening (cracking) pressure check valve.

(a) An automatic, quick-acting, spring-loaded check valve must be attached at or positioned immediately adjacent to the injection point to prevent irrigation water from entering the chemical injection line.

(b) A normally closed solenoid must be installed immediately adjacent to the product outlet on the application tank. If electric, it must be interlocked with the injection pump or, if hydraulic, with the irrigation system.

(c) In place of (b) of this subsection, a normally open valve must be located in the chemical injection line between the application tank and a positive displacement injection pump as described in subsection (1)(a) of this section. This alternative cannot be used with venturi injection systems.

NEW SECTION

WAC 16-202-1016 What are the requirements for metering devices? Metering devices must be capable of being accurately calibrated. Metering devices must control the rate of product injection into irrigation water and discontinue product delivery when the predetermined application quantity has been dispensed. All metering systems must be functionally interlocked with the source irrigation pump or irrigation water distribution system.

(1) Injecting product with a pressurized metering pump.

(a) The metering pump must be of a positive displacement design.

(b) Water-powered injection pumps can only be used when no other power source is available to operate the injection unit.

(c) The metering pump must be interlocked to the irrigation system in the event of an irrigation system malfunction or failure.

(2) Injection into nonpressurized section of an irrigation system.

(a) An open surface water delivery system cannot be used for product application unless allowed by the label.

(b) Application rate may be accomplished with an adjustable valve, flow control device, or other metering mechanism as allowed by the pesticide label.

(c) The metering device must also control application quantity by employing a slide metering device or by placing a predetermined quantity into a batch tank.

(3) Venturi system as a metering device.

(a) A venturi system may be used as a metering device, except where variable pressure may contribute to a variable injection rate.

(b) The chemical injection line must contain either a normally closed, solenoid-operated valve connected to the sys-

tem interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(c) The chemical injection line between the application tank and the venturi must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. This check valve must be placed immediately adjacent to the venturi chemical inlet.

(d) In bypass systems, the check valve may be installed immediately upstream of the venturi water inlet. Either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the venturi water outlet.

(e) If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-1017 What are alternative methods for metering? Alternative technology used for metering product must fulfill the provisions of this chapter. A person cannot function as a metering device.

NEW SECTION

WAC 16-202-1018 What are the requirements for product injection devices? The irrigation water source and application tank must be protected from backflow and from siphonage.

(1) Pressurized injection or injection into a pressurized portion of an irrigation system.

(a) An injection line check valve must be used whenever injection occurs in a pressurized section of an irrigation system or with a pressurized injection system.

(b) The injection line check valve must inject product directly into the irrigation water and must be installed downstream of the irrigation mainline check valve.

(c) The point of injection into an irrigation system cannot be located within ten feet of a wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(d) The injection line check valve mechanism must prevent leakage due to hydraulic head pressure from the application tank and must prevent backflow from the irrigation water source into the supply tank. The injection line check valve must maintain, at a minimum, 10 psi opening (cracking) pressure or adequate opening pressure to prevent gravity flow from the application tank into irrigation water.

(e) In instances where siphoning action induced by an irrigation system could compromise the opening (cracking) pressure of an injection line check valve, a vacuum relief valve must be installed in the irrigation line downstream of the injection point.

(2) Injection into nonpressurized section of an irrigation system.

(a) If injection occurs in a nonpressurized portion of the irrigation system, an air gap or other hydraulic discontinuity must exist between the pressurized or nonpressurized irrigation water source and the point of product injection.

(b) When an air gap is used in conjunction with a public water supply, injection may only occur downstream of the air gap.

(3) Venturi systems.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-1019 What alternative methods may be used for product injection? Alternative technology used for product injection must fulfill the provisions of this chapter. With a surface supplied water source, the injection point must occur downstream from the point of diversion. With a pressurized water source, the injection point must be located such that product backflow cannot occur.

(1) Injection with barometric loops.

(a) Barometric loops can only be used on systems pumped from a surface water source.

(b) The barometric pipe loop must be located in the water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) 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.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The injection point on a barometric loop must be located downstream of and at least thirty inches below the bottom of the barometric pipe loop apex.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back

toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-1020 What are the requirements for a system interlock? A system interlock must automatically shut off the injection system if the irrigation pump stops operating or if variation in water flow adversely affects product injection rate or product distribution uniformity. The operator must be able to demonstrate that backflow cannot occur.

(1) Pressurized injection systems or injection into a pressurized portion of the irrigation system requires either an electrical, hydraulic, or mechanical system interlock device.

(2) When the injection point is at a nonpressurized section of an irrigation water distribution system, an interlock mechanism must discontinue product delivery in the event that water flow is interrupted or sufficiently reduced such that product application is adversely impacted to the target site. Furthermore, treated water cannot enter waters of the state.

(3) With venturi systems.

(a) Booster or auxiliary water pumps must be connected with the system interlock such that when pressure in the mainline changes to the point where product distribution is adversely affected automatic shutoff of product supply will occur.

(b) The supply line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

NEW SECTION

WAC 16-202-1021 What alternative methods can be used as a system interlock? Alternative technology used as a system interlock must fulfill the provisions of this chapter.

(1) A person may not serve as a human interlock.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

NEW SECTION

WAC 16-202-1022 What is an appropriate monitoring schedule? (1) A chemigation application must be visually inspected by a certified applicator or someone under his or her direct supervision at least once during each four-hour

period, unless the pesticide label requires a more frequent interval. Specific applications due to location or product characteristics may require more frequent monitoring.

(2) The certified applicator is considered principally responsible to ensure that the chemigation system functions properly and conforms with the provisions of this chapter.

NEW SECTION

WAC 16-202-1023 Public water system cross-connections or connections to a potable water supply intended for human use. (1) If the irrigation system is cross-connected to a public water system, Washington state department of health (DOH) rules (WAC 246-290-490) apply to backflow prevention.

(2) Cross-connections of a chemigation system to any potable water system intended for human use must have either a department of health-approved reduced pressure backflow assembly or reduced pressure detector assembly installed for backflow prevention. Otherwise, a physical separation in the form of an air gap may be used to protect the water source.

PART 4

PENALTIES AND PENALTY ASSIGNMENT SCHEDULE

NEW SECTION

WAC 16-202-1024 Penalties. (1) Any person who fails to comply with any provision of this chapter shall be subject to denial, suspension, or revocation of any license, registration, or permit provided for in RCW 15.58.260, 15.58.235, 15.58.245, and RCW 17.21.300 and 17.21.315 and/or imposition of a civil penalty as provided therein.

(2) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

NEW SECTION

WAC 16-202-2002 How are specific terms and phrases defined in this chapter? Terms as defined in this section are applied throughout this chapter.

(1) "Air gap" means an unobstructed physical separation between the free-flowing discharge end of a supply pipe and the overflow rim of an open or nonpressurized receiving vessel. The separation must be at least four times the diameter of the supply pipe measured vertically from the overflow rim of the receiving vessel, and in no case be less than 25 mm, or one inch.

(2) "Alternative technology" means any device or concept that meets the performance standards contained in this chapter.

(3) "Antipollution safety device" means any equipment or device effectively designed, constructed, and maintained that is used in the event of malfunction or shutdown to pre-

vent backflow of a chemical or treated water into the water supply, or to reduce human exposure or hazard to the environment. Equipment or devices may include, but are not limited to, the irrigation line check valve, vacuum relief valve, low-pressure drain, inspection port, metering device, chemical injection closure device, and system interlock.

(4) "Application depth" means the amount of irrigation water applied to a given unit area during an irrigation set, and is usually expressed in inches or gallons.

(5) "Application season" means the period during which product is injected into an irrigation system for crop protection, plant growth, or soil preparation.

(6) "Application tank" means a product container and appurtenances used for the storage of product that is dedicated for use with and functionally connected to an irrigation system.

(7) "Applicator" or "operator" means any individual who has assumed responsibility or is considered principally responsible to ensure that the fertigation system functions properly and conforms with the provisions of this chapter.

(8) "Approved backflow prevention assembly" means a reduced pressure backflow assembly, reduced pressure detector assembly, double check valve detector assembly, or double check valve assembly of a make, model, and size that is approved by the department of health pursuant to WAC 246-290-490.

(9) "Approved reduced pressure backflow assembly" or "reduced pressure detector assembly" means backflow prevention assemblies of make, model, and size approved by the department of health pursuant to WAC 246-290-490.

(10) "Aquaculture" means the cultivation of water-based plants or animals.

(11) "Backflow" means the reversal of fluid flow due to backpressure or backsiphonage.

(12) "Backflow prevention device" or "backflow safety device" means antipollution safety devices that prevent the flow of water from the irrigation water distribution system back to the water source or to the product source.

(13) "Barometric loop" or "gooseneck" means a raised section of pipe where the bottom of the loop is at least two feet above the highest water emitting device or any portion of the irrigation application system which has a vacuum relief valve installed on the top of the loop.

(14) "Check valve" means a certified device designed and constructed to provide automatic, quick-acting, and absolute closure that creates and maintains a watertight seal. The device prevents flow in the opposite direction of that desired when operation of the irrigation system or chemical injection unit fails or is shut down.

(15) "Chemical" or "product" means a commercial fertilizer, soil amendment, system maintenance compound, or other materials such as reclaimed water or animal effluent.

(16) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal and vegetable manures and other products exempted by the department by rule.

(17) "Contact name" means a person or company responsible for placement and operation of an application tank.

(18) "Decommissioned" means rendering an application tank unusable for product containment.

(19) "Deep percolation" means the movement of water downward through the soil profile below a plant's effective rooting zone.

(20) "Department" means the Washington state department of agriculture.

(21) "End gun" means an intermittent, high volume water-emitting device located at or near the end of an irrigation application system.

(22) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.

(23) "Fertigation" means the application of any commercial fertilizer, nutrient, soil amendment, or reclaimed water with irrigation water intended for plant or soil biota growth and development or for soil conditioning or reclamation.

(24) "Fertigation operation" means all activities and equipment associated in preparing for, performing, and concluding a fertigation application, which includes, but is not limited to, calibrating, mixing, loading, starting up, operating, monitoring, or shutting down a fertigation system.

(25) "Fertigation system" means the chemical injection system as well as the irrigation water distribution system.

(26) "Homemade" means devices not otherwise commercially available for sale or not manufactured for the purpose of commercial sale.

(27) "Hydroponic" means the practice of growing plants in an aqueous solution, moist inert material, or otherwise in the absence of a mineral-based medium.

(28) "Imminent danger" means a threat to human health or the environment that is likely to happen during the current application.

(29) "Injection system" means all components used to supply, deliver, meter, and inject a substance into an irrigation system. This includes devices and components located between and inclusive of the application tank and the point of product discharge into the irrigation water, including components of the system interlock.

(30) "Inspection port" means an orifice or other viewing device from which the low pressure drain and irrigation line check valve may be assessed for proper operation.

(31) "Irrigation application system" means the physical components of an irrigation system that begins at the first water emitting device and ends with the last water emitting or purging device.

(32) "Irrigation season" means that period of time during which supplemental water is applied to aid in plant development, soil conditioning, temperature modification, or other such purposes.

(33) "Irrigation system" means all components used in diverting, supplying, distributing, and applying irrigation water.

(34) "Irrigation water distribution system" means all components inclusive of the irrigation water supply system and the irrigation application system.

(35) "Irrigation water supply system" means the water conveyance system, which begins at the point of diversion from the irrigation water source and ends with the first water emitting device.

(36) "Metering device" means a positive displacement injection pump, venturi device, or gravity feed device capable of being calibrated and used to gauge chemical placement into the irrigation water distribution system.

(37) "Nonpressurized water delivery system" means a method of irrigation in which water is distributed over the soil surface by gravity flow, such as rill, border, gated pipe, or spigotted pipe.

(38) "Off-site application" means the application or movement of product from the target site.

(39) "Operator" means the individual who is performing a fertigation operation.

(40) "Outtake" means an opening that provides a source of untreated water.

(41) "Reclaimed water" means process water discharge from food processors and from wastewater treatment facilities, which is applied to land or plants with the intention of recovering water and nutrients.

(42) "Rinsate" means the liquid produced from the rinsing of any equipment or container that has come in direct contact with any fertilizer or soil amendment.

(43) "Runoff" means surface water leaving the target site.

(44) "Sensitive area(s)" means schools, parks, dwellings, occupied buildings or structures, public roadways, waters of the state, or other areas in which off-target movement may endanger humans, animals, crops, or the environment.

(45) "Soil amendment" means any organic or inorganic substance, other than a commercial fertilizer as defined in WAC 16-200-695, that is intended to improve the physical characteristics of the soil or to make the growth medium more suitable for the establishment, growth, and production of plants.

(46) "Source water" or "water source" means an aquifer or surface water body, including a stream, stream system, lake, reservoir, or off-farm irrigation water ditch or conveyance system, and any spring water or underground water that is part of or tributary to the surface water body or aquifer.

(47) "System interlock" means the arrangement or interconnection of the irrigation pump or a pressure or flow sensing device with the chemical injection unit or other pumps in such a manner that shutdown of the fertigation injection system will occur in the event of any component malfunction or failure that substantially impacts the application rate.

(48) "Vacuum relief valve" means a device that automatically relieves or breaks a vacuum, thereby preventing back-siphoning.

(49) "Washwater" means the liquid produced from the rinsing of the exterior of any equipment or containers that have or may have come in direct contact with any fertilizer or soil amendment.

(50) "Waters of the state" means, but is not limited to, lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, irrigation canals, and reservoirs.

NEW SECTION

WAC 16-202-2003 What are the general requirements in performing a fertigation operation? The applicator and fertigation system must comply with the following performance requirements to protect human health, source water, and the environment. The fertigation operator is responsible for safe application and for the proper operation of the fertigation equipment.

(1) A fertigation system must be designed, constructed, installed, operated, and maintained in accordance with the provisions of this chapter.

(2) Substituted alternative technology not otherwise identified in this chapter must be evaluated by the department to determine if the provisions of this chapter have been fulfilled.

(3) All commercial fertilizers used for fertigation must meet Washington state fertilizer standards. This does not prohibit fertigation systems from being used to apply other products such as reclaimed water, animal effluent, or similar substances provided that the appropriate antipollution devices are present and the provisions of this law are met.

(4) During a fertigation application, an irrigation system and injection system are considered one unit, and the applicator is responsible for their proper operation.

(5) All applicable fertilizer laws, in addition to those contained in this chapter, pertain to fertigation.

(6) A fertigation system cannot draw water from any water supply unless that supply is protected from contamination. The fertigation operator must verify that backflow cannot occur.

(7) The application must be continuously monitored whenever sensitive areas are at risk of being exposed to drift, runoff, or overspray.

(8) All fertigation systems and system components must allow for adequate visual, physical, and manual inspection.

(9) A fertigation system must be flushed out and rinsed off after an application.

(10) All components must be chemically compatible with injected materials, water containing injected materials, and system pressure.

(11) Equipment must be calibrated and maintained in a manner to prevent misapplication or off-site application of any product.

(12) Safety devices and injection equipment must be installed, operated, and maintained in accordance with the manufacturer's specifications, established industry standards, and department rule.

NEW SECTION

WAC 16-202-2005 What are the placement requirements for application tanks? Application tanks cannot be located in an area or placed in such a manner to contaminate water or to endanger human health, sensitive areas, or the environment.

(1) Application tanks should be positioned downgradient from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(a) If downgradient placement is not feasible, earthen berms or other structures of sufficient design must be constructed to divert spillage, leakage, or surface flow away from such areas.

(b) An application tank cannot be placed closer than twenty feet from wellheads, public waterways, off-farm irrigation supply ditches or conveyance systems, or sensitive areas.

(c) Mixing or loading activities cannot occur within twenty feet of a sensitive area, wellhead, public waterway, off-farm irrigation supply ditch or conveyance system, and irrigation water source.

(d) Alternative technology that provides substantially equal protection such as a secondary containment facility that complies with the structural design requirements in the secondary and operational area containment rules (chapter 16-201 WAC) will fulfill the requirements in paragraphs (a), (b), and (c) of this subsection.

(e) Overflow from an irrigation pond contaminated with product cannot enter a public waterway, off-farm irrigation supply ditch or conveyance system, or sensitive area.

(2) Application tanks must be positioned to prevent leaks, spills, or structural damage.

(a) Application tanks must be placed on a rigid, sound understructure or on stable ground to prevent tipping, spillage, puncturing, or breakage.

(b) Application tanks and the injection system must be protected against reasonably foreseeable risks of damage by implements, trucks or other moving vehicles, or objects.

(3) Application tanks should be sited as close as reasonably possible to the injection point.

(4) Tank outlet ports must be fitted with manual shutoff valves.

NEW SECTION

WAC 16-202-2006 Under what conditions is an application tank exempt from the secondary and operational area containment rules? Application tanks functionally connected to and dedicated solely for use with a fertigation operation may be exempt from the secondary and operational area containment rules (chapter 16-201 WAC). The following conditions determine whether a tank that is a component of a fertigation system is subject to the secondary and operational area containment rules.

(1) Time-in-place.

(a) Product can remain in an application tank for a period not to exceed nine consecutive months during an irrigation or application season. If the nine-month period is exceeded, the tank is deemed a storage facility and is therefore subject to the secondary and operational area containment rules.

(b) An application tank containing product during the nonapplication or nonirrigation season is subject to the secondary and operational area containment rules regardless of tank size.

(c) The application tank must be removed at the end of the irrigation or application season, whichever is shorter, but not to exceed nine months. At the end of this period, the application tank must be emptied, cleaned, visually inspected

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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 (chapter 16-201 WAC).

(2) Tank size.

(a) An application tank must have a rated capacity of six thousand five hundred gallons or less.

(b) An application tank with a rated capacity exceeding six thousand five hundred gallons is deemed a permanent storage facility.

(c) Multiple tanks positioned at an injection site with a cumulative capacity exceeding ten thousand gallons are also deemed a permanent fertilizer storage facility.

(d) Cumulative tank capacity cannot exceed ten thousand gallons per application system.

(3) Monitoring.

(a) Tanks containing product must be inspected at least every seven days.

(b) Tanks must be inspected each time a fertigation operation is performed.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-202-1000 Chemigation.

WAC 16-202-2000 Fertigation.

WSR 01-17-117

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 22, 2001, 10:37 a.m.]

Supplemental Notice to WSR 01-13-062.

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

Title of Rule: Rules relating to fertigation, chapter 16-202 WAC, WAC 16-202-2004, 16-202-2013, 16-202-2016, 16-202-2017, 16-202-2018, and 16-202-2020.

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

Statutory Authority for Adoption: Chapters 15.54, 15.58, and 17.21 RCW.

Statute Being Implemented: Chapters 15.54, 15.58, and 17.21 RCW.

Summary: As provided in RCW 34.05.310 (4)(d), we are refiled these sections to correct typographical errors, and clarify the language without changing the effect of the rules. These changes are in response to stakeholder testimony.

Reasons Supporting Proposal: To provide clarification per stakeholder request.

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 proposed rules contain 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 fertigation applications.

Proposal Changes the Following Existing Rules: The change to section 2004 allows tank contents to be listed using industry accepted identifiers; section 2013 changes "irrigation water delivery system" to "irrigation water distribution system"; section 2016 adds the word "product" to the sentence "Alternative technology used for PRODUCT injection must fulfill the provisions of this chapter"; section 2017 changes "irrigation application system" to "irrigation water distribution system"; section 2018 changes the sentence "Alternative technology used for injection must fulfill the provisions of this chapter" to "Alternative technology used as a system interlock must fulfill the provisions of this chapter"; and section 2020 numbers two paragraphs.

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. Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Three DIS Interactive Technologies sites simultaneously via teleconference: 15 West Yakima Avenue, Yakima, WA 98902; 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503; 1101 North Argonne, Suite 109, Spokane, WA 99201, on September 25, 2001, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Maurerman by September 17, 2001, TDD (360) 902-1996.

Submit Written Comments to: Ann Wick, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by September 26, 2001.

Date of Intended Adoption: November 9, 2001.

August 21, 2001

Bob Arrington

Assistant Director

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2004 What are the identification requirements for application tanks? The purpose of identification requirements is to minimize the potential for human exposure and to facilitate remediation in the event of component malfunction or a contamination event.

(1) An application tank must:

(a) List tank contents, using the industry-accepted identifier for the principal product(s);

- (b) Display its maximum net capacity;
- (c) Display a contact name and telephone number; and
- (d) Display an owner-derived numeric or alphanumeric tank identifier.

(2) This information must be visibly recorded and securely affixed to each application tank. The distinguishing information shall be designed to remain intact and legible throughout the active use of the container.

(3) Lettering that displays the contact name, telephone number, and tank identifier shall be a minimum of two inches in height and in a color contrasting to the background.

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2013 What are the requirements for metering devices? Metering devices must be capable of being accurately calibrated. Metering devices must control the rate of product injection into irrigation water and discontinue product delivery when the predetermined application quantity has been dispensed. All metering systems must be functionally interlocked with the source irrigation pump or irrigation water ((~~delivery~~) distribution) system.

(1) Injecting product with a pressurized metering pump.

(a) The metering pump must be of a positive displacement design.

(b) Water-powered injection pumps can only be used when no other power source is available to operate the injection unit.

(c) The metering pump must be interlocked to the irrigation system in the event of an irrigation system malfunction or failure.

(2) Injection into nonpressurized section of an irrigation system.

(a) Application rate may be accomplished with an adjustable valve, flow control device, or other metering mechanism.

(b) The metering device must also control application quantity by employing a slide metering device or by placing a predetermined quantity into a batch tank.

(3) Venturi system as a metering device.

(a) A venturi system may be used as a metering device, except where variable pressure may contribute to a variable injection rate.

(b) The chemical injection line must contain either a normally closed, solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. The valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(c) The chemical injection line between the application tank and the venturi must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

(d) In bypass systems, the check valve may be installed immediately upstream of the venturi water inlet. Either the normally closed solenoid or hydraulically operated valve

may be installed immediately downstream of the venturi water outlet.

(e) If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2016 What alternative methods may be used for product injection? Alternative technology used for product injection must fulfill the provisions of this chapter. With a surface supplied water source, the injection point must occur downstream from the point of diversion. With a pressurized water source, the injection point must be located such that product backflow cannot occur.

(1) Injection with barometric loops.

(a) Barometric loops can only be used on systems pumping from a surface water source.

(b) The barometric loop must be located in the water line immediately downstream of the irrigation water pump.

(c) A barometric pipe loop must be designed with sufficient elevation differential to compensate for backflow.

(d) 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.

(e) The barometric loop must contain a vacuum relief device at the loop apex that allows air into the pipeline immediately upon loss of pressure. The orifice size must comply with current American Society of Agricultural Engineers (ASAE) standards.

(f) The injection point on a barometric loop must be located downstream of and at least thirty inches below the bottom of the barometric pipe loop apex.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device and the injection point must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2017 What are the requirements for a system interlock? A system interlock must automatically shut off the injection system if the irrigation pump stops operating or if variation in water flow adversely affects product injection rate or product distribution uniformity. The operator must be able to demonstrate that backflow cannot occur.

(1) Pressurized injection systems or injection into a pressurized portion of the irrigation system requires either an electrical, hydraulic, or mechanical system interlock device.

(2) When the injection point is at a nonpressurized section of ~~((the))~~ an irrigation ~~((application))~~ water distribution system, a slide metering scale or batch tank may function as the system interlock.

(3) With venturi systems.

(a) Booster or auxiliary water pumps must be connected with the system interlock such that when pressure in the mainline changes to the point where product distribution is adversely affected automatic shutoff of product supply will occur.

(b) The supply line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. If a booster or auxiliary pump is used in conjunction with a venturi system, the normally closed solenoid must be electrically interlocked with the source pump for the irrigation system.

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2018 What alternative methods can be used as a system interlock? Alternative technology used ~~((for injection))~~ as a system interlock must fulfill the provisions of this chapter.

(1) Human interlock. In lieu of an automatic interlock, a person may serve as a system interlock. The individual must continuously monitor the application, be alert throughout the application process, be immediately available to terminate the application in the event of equipment malfunction, and be knowledgeable about the operation of the irrigation and injection systems.

(2) Solenoid and check valve.

(a) The chemical injection line must contain either a normally closed solenoid-operated valve connected to the system interlock or a normally closed hydraulically operated valve that opens only when the main water line is adequately pressurized. A normally closed, solenoid-operated valve must be placed on the intake side of the injection pump, immediately adjacent to the application tank.

(b) The chemical injection line between the application tank and the metering device must contain an automatic, quick-closing check valve to prevent the flow of liquid back toward the application tank. The check valve must be placed immediately adjacent to the venturi chemical inlet.

AMENDATORY SECTION (Amending WSR 01-13-063, filed 6/18/01, effective 11/9/01)

WAC 16-202-2020 Public water system cross-connections or connection to a potable water supply intended for human use. (1) If the irrigation system is cross-connected to a public water system, Washington state department of health (DOH) rules (WAC 246-290-490) apply to backflow prevention.

(2) Cross-connections of a fertigation system to any potable water system intended for human use must have either a department of health-approved reduced pressure backflow assembly or reduced pressure detector assembly installed for backflow prevention. Otherwise, a physical separation in the form of an air gap may be used to protect the water source.

WSR 01-17-109
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 22, 2001, 9:32 a.m.]

Title of Rule: WAC 296-30-010 Definitions, 296-31-030 What are the eligibility requirements of a mental health treatment provider under the Crime Victims Act?, and 296-31-06903 Who may perform independent mental health evaluations for the crime victims compensation program?

Purpose: The 2001 legislative session passed a bill that deleted the certification of mental health providers and created the licensing of those professionals. The Department of Health regulates the practice. As of July 22, 2001, the requirement of mental health counselors to be licensed was added and the requirement to be certified was eliminated. The purpose of our rule change is to be consistent with chapter 25, Laws of 2001 (ESSB 5877). Prior to the enactment of ESSB 5877, those mental health providers wishing to provide treatment or evaluate victims of crime with the Crime Victims Act, were required to provide their certification. After the changes in CVCA regulations, mental health providers must submit a copy of their license from the Department of Health to the crime victims compensation program.

Statutory Authority for Adoption: RCW 7.68.030.

Statute Being Implemented: Chapter 7.68 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: To be consistent with chapter 25, Laws of 2001 (ESSB 5877).

Name of Agency Personnel Responsible for Drafting: Cletus Nnanabu, 7273 Linderson Way S.W., Tumwater, WA 98501, (360) 902-5340; **Implementation and Enforcement:** Douglas Connell, 7273 Linderson Way S.W., Tumwater, WA 98501, (360) 902-4209.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: The change is technical in nature by changing the word "certified" and replaces it with the word "licensed." This change is a result of chapter 25, Laws of 2001 (ESSB 5877).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Christine Swanson, Department of Labor and Industries, P.O. Box 44001, Olym-

pia, WA 98504-4001, AND RECEIVED BY October 22, 2001.

August 22, 2001
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 00-10-003, filed 4/20/00, effective 5/22/00)

WAC 296-30-010 Definitions. The following definitions are used to administer the crime victims compensation program:

Acceptance, accepted condition: A determination by the department that the diagnosis of the claimant's medical or mental health condition is the result of the criminal act. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM).

Authorization: Notification by a qualified representative of the department that specific treatment, services or equipment provided for the accepted condition is allowable under the claim. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment, services or equipment.

Bodily injury: Any harmful or offensive touching, including severe emotional distress where no touching takes place when:

- (1) The victim **is not** the object of the criminal act and:
 - (a) The distress is intentionally or recklessly inflicted by extreme or outrageous conduct;
 - (b) Caused the victim to have a reasonable apprehension of imminent bodily harm; and
 - (c) The victim is in the immediate vicinity at the time of the criminal act.
- (2) The victim **is** the object of the criminal act and:
 - (a) The distress is intentionally or recklessly inflicted by extreme or outrageous conduct; and
 - (b) Caused the victim to have a reasonable apprehension of imminent bodily harm.

Claimant: A victim who submits an application for benefits, or on whose behalf an application is submitted.

Consultation: The services rendered by a mental health provider whose opinion or advice is requested by the attending (treating) mental health provider, or agency, or by the department in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation..

Criminal act: An act defined in RCW 7.68.020, the occurrence of which can be verified by the department or which is reasonably credible. Physically impossible acts, highly improbable acts for which verification is not available, or unverified memories of acts occurring prior to the age of two will not be accepted as reasonably credible. In evaluating evidence to determine verification of claimed criminal acts, the department will give greater weight to the quality, than to the quantity, of evidence. Evidence that can be considered for

verification of claimed criminal acts includes, but is not limited to, one or more of the following:

- (1) Police or other investigation reports.
- (2) Child protective services or other government agency reports.
- (3) Diaries or journals kept by victims and others.
- (4) Third party reports from school counselors, therapists and others.
- (5) Current medical examinations.
- (6) Medical or psychological forensic evaluations. In the absence of other adequate forensic evaluation reports, independent assessments per WAC 296-31-069 may be conducted when indicated.
- (7) Legal and historical reports.
- (8) Current and past medical and mental health records.
- (9) Reports of interviews with the victim's family members, friends, acquaintances and others who may have knowledge of pertinent facts. When such interviews are necessary to determine eligibility, the victim will be given the choice of whether to allow the interviews to be conducted. The victim will also be given the understanding that eligibility may be denied if the interviews are not conducted. The department will act according to the victim's choice.

Crisis intervention: Therapy to alleviate the claimant's most pressing problems. The vital mental and safety functions of the claimant are stabilized by providing support, structure and, if necessary, restraint.

Disability awards for mental health conditions: Direct monetary compensation that may be provided to an eligible claimant who is either temporarily totally disabled, permanently totally disabled, or permanently partially disabled resulting from an accepted condition.

Family therapy: Therapy involving one or more members of the claimant's family, excluding the perpetrator, which centers on issues resulting from the claimant's sexual assault pursuant to WAC 296-30-080.

Group therapy: Therapy involving the claimant, and one or more clients who are not related to the claimant, which includes issues related to the claimant's condition and pertinent to other group members.

Immediate family members: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family unit.

Individual therapy: Therapy provided on a one-to-one basis between a therapist and client.

Mental health provider: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or ~~(certified)~~ licensed master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims compensation program. (Refer to WAC 296-31-030 for specific details.)

Permanent partial disability: Any anatomic or functional loss after maximum recovery has been achieved. When

the attending provider has reason to believe a permanent functional loss exists, the department should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200, et al. Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors. Maximum benefit levels are established by statute.

Permanent total disability (pension): A condition permanently incapacitating a claimant from performing work at any gainful employment. Maximum benefit levels are established by statute.

Proper and necessary: (1) Proper and necessary services for the diagnosis or rehabilitative treatment of an accepted condition;

(2) Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

(3) Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or another provider;

(4) Curative or rehabilitative care that produces long lasting changes which reduces the effects of the accepted condition;

(5) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition; and

(6) Concluded once a claimant has reached a state of maximum improvement. Maximum improvement occurs when no fundamental or marked change in an accepted condition can be expected with or without treatment. A claimant's condition may have reached maximum improvement though it might be expected to improve or deteriorate with the passage of time. Once a claimant's condition has reached maximum improvement, treatment that results only in temporary changes is not proper and necessary. Maximum improvement is equivalent to fixed and stable.

Reasonable cooperation: The victim is able to talk to the police and give information to help in the investigation and prosecution of the alleged offender. There may be circumstances in which the victim is not able to fully cooperate. In these instances, consideration is given to the needs of the victim. The department may consider the following issues. The list is not inclusive:

(1) There is fear of retribution from the offender;

(2) There is a mental or physical condition which inhibits cooperation;

(3) The victim is dependent upon the offender for support;

(4) The victim is a minor.

Temporary partial disability (loss of earning power): Partial time loss compensation may be paid when the claimant can return to work on a limited basis, or return to a lesser paying job is necessitated by the accepted condition. The claimant must have a reduction in wages of at least five per-

cent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the claimant's condition is stationary. All time loss compensation must be certified by the attending provider based on objective findings.

Temporary total disability (time loss compensation): Time loss compensation may be paid when the claimant is temporarily unable to return to reasonable continuous gainful employment as a direct result of an accepted condition. Maximum benefit levels are established by statute.

Termination of treatment: When treatment is no longer required because the accepted condition for which the claim was allowed has become stable. The provider should submit a report indicating the date the condition became stable to the department. The claimant may require continued treatment for conditions not related to the crime injury condition; however, financial responsibility for such care must be the claimants.

The result of: The test used to define "the result of" used in RCW 7.68.070 (3)(a) is two-pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(1) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(2) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

- (a) Resulted in a foreseeable injury to the victim;
- (b) Played a substantial role in the injury; and
- (c) Were the direct cause of the injury.

Time loss certification: Documentation from a physician, or mental health professional qualified to treat under the Crime Victims Act, based upon objective findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work.

Unjustly enriched: It would not be fair or equitable justice to allow a person to obtain, or have control of, or access to benefits or compensation paid to a victim of crime.

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-31-030 What are the eligibility requirements of a mental health treatment provider under the Crime Victims Act? (1) Mental health providers must qualify as an approved provider and register with the crime victims compensation program before they are authorized to provide treatment and receive payment in accordance with these rules.

(2) The following providers who are permanently licensed(~~(s)~~) or registered (~~(or certified)~~) in Washington are eligible to register with this program:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) Advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing;
- (d) Ph.Ds not licensed as psychologists and master level counselors whose (~~master's~~) degree is in a field of study related to mental health services including, but not limited to,

social work, marriage and family therapy or mental health counseling.

(3) Out-of-state providers must be currently licensed, registered and/or certified within the state in which they practice. Washington requires mental health counselors to have a masters degree to treat Washington crime victim clients.

EXCEPTION: In areas where the department has determined licensed, registered and/or certified providers are not available, the department may consider registration exceptions on an individual basis.

AMENDATORY SECTION (Amending WSR 00-24-065, filed 12/1/00, effective 1/1/01)

WAC 296-31-06903 Who may perform independent mental health evaluations for the crime victims compensation program? Providers who wish to perform independent mental health evaluations for the crime victims compensation program must be approved examiners and meet the following minimum qualifications:

Counselors	<ul style="list-style-type: none"> ■ Masters or doctorate degree in a field of study related to mental health; and ■ ((Certified)) <u>Licensed</u> by the Washington department of health as a social worker, mental health counselor or marriage and family therapist.
Advanced registered nurse practitioners	<ul style="list-style-type: none"> ■ Licensed with the Washington department of health; and ■ Have a specialty in psychiatric and mental health nursing.
Psychologists	<ul style="list-style-type: none"> ■ Licensed with the Washington department of health; or ■ Licensed within Oregon or Idaho by that state's health care licensing authority.
Psychiatrists	<ul style="list-style-type: none"> ■ Board certified; and ■ Licensed with the Washington department of health; or ■ Licensed within Oregon or Idaho by that state's health care licensing authority.
All examiners must have	<ul style="list-style-type: none"> ■ An active practice; or ■ Be a clinical supervisor in an active practice; ■ Five years post licensure clinical experience treating crime victims; or ■ Three years clinical experience treating crime victims and two years supervising clinical work. <p>Note: Geographic need of the program may substitute for some of the above experience requirements.</p>

EXPEDITED



WSR 01-16-034
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed July 23, 2001, 2:36 p.m., effective September 1, 2001]

Date of Adoption: July 12, 2001.

Purpose: To reduce the number of permit applications for sources with a de minimis impact on air quality; and to remove references to the notice of construction program from the spray-coating operations section.

Citation of Existing Rules Affected by this Order: Amending Sections 6.03, 6.04, 6.09, 6.10, and 9.16 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 01-11-101 on May 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: In 6.03 (a)(1), removed: "Subpart JJJ (Petroleum Dry Cleaners)."

In 6.03 (a)(2), added: "Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings)."

In 6.03(b), added: "provided that a complete notification is filed with the Agency prior to initial startup."

In 6.03 (b)(3), added: "All the conditions in the previously issued Order of Approval remain in effect." in place of "A copy of the Order of Approval is required in order to use this exemption."

In 6.03(b), added: "(9) Replacement of existing paint spray booths."

In 6.03 (c)(3)(C), removed: "<200 hours per year (plus an additional 100 hours per year for maintenance and testing)" and replaced it with "<500 hours per year."

In 6.03 (c)(53)(A), replaced: "≤2" with "≤10" gallons.

In 6.03 (c)(53), added: "(D) With a solvent capacity ≤ 2 gallons and containing ≤5% by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof."

In 6.03(c), added: "(54) Hand-wipe cleaning."

In 6.03(c), added: "(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)"

In 6.03 (c)(94), added: "and <1,000 pounds per year of toxic air contaminants."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2001.

July 17, 2001

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION

(a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued under Section 6.07 of this regulation. The exemptions in Sections 6.03 (b) and (c) of this regulation shall not apply to: ((construction, installation, establishment, or modification of an air contaminant source, except those sources that are excluded in Section 6.03(b), unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Agency.

~~(b) Except when part of a new major source or major modification in a nonattainment area, or when constructing or reconstructing a major source of hazardous air pollutants, the following air contaminant sources do not need a "Notice of Construction and Application for Approval" approved by the Agency prior to construction, installation, establishment, or modification:~~

~~(1) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.~~

~~(2) Fuel burning equipment that has a maximum input rate of:~~

~~(A) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste derived fuel; or~~

~~(B) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or~~

~~(C) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.~~

~~(3) Insecticide, pesticide, or fertilizer spray equipment.~~

~~(4) Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).~~

~~(5) Laboratory equipment used exclusively for chemical or physical analyses.~~

PERMANENT

~~(6) Laundry dryers without control equipment.~~

~~(7) Dryers or ovens used solely to accelerate evaporation.~~

~~(8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.~~

~~(9) Storage tanks:~~

~~(A) that do not store substances capable of emitting air contaminants; or~~

~~(B) with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or~~

~~(C) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or~~

~~(D) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).~~

~~(10) Sanitary or storm drainage systems.~~

~~(11) Welding, brazing, or soldering equipment.~~

~~(12) Asphalt roofing and laying equipment (not including manufacturing or storage).~~

~~(13) Restaurants and other retail food preparing establishments.~~

~~(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).~~

~~(15) Retail printing operations (not including web presses).~~

~~(16) Blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures.~~

~~(17) Spray coating operations exempt under Section 9.16 (b)(1), (3), (4), (5), and (6) of this regulation.~~

~~(18) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.~~

~~(e) Each Notice of Construction and Application for Approval shall be submitted on forms provided by the Agency and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 6.04, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 6.07.~~

~~(d) Within 30 days of receipt of a Notice of Construction and Application for Approval, the Agency shall notify the applicant in writing if any additional information is necessary to complete the application.))~~

~~(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards),~~

except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), and Subpart S (Primary Aluminum Reduction Plants); and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) and Subpart OOO (Nonmetallic Mineral Processing Plants) for which an Order of Approval has been previously issued by the Agency;

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);

(3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants), except for Subpart M (National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities), and Subpart LL (Primary Aluminum Reduction Plants);

(4) Any new major source, even if a combination of exempt equipment;

(5) Any new major source of hazardous air pollutants;

(6) Any major modification, including those subject to the Prevention of Significant Deterioration requirements under WAC 173-400-113;

(7) Any Phase II acid rain facility; and

(8) Any source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.

(b) A Notice of Construction application and Order of Approval are not required for the following sources, provided that a complete notification is filed with the Agency prior to initial startup:

Liquid Storage and Transfer

(1) Storage tanks used exclusively for:

(A) Gasoline and having a rated capacity of 1,001-19,999 gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;

(B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or

(C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity \geq 40,000 gallons.

(2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

Relocation of Portable Batch Plants

(3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, rock (or concrete) crushers, and concrete batch plants for which an Order of Approval has been previously issued by

the Agency. All the conditions in the previously issued Order of Approval remain in effect.

Dry Cleaning

(4) Unvented, dry-to-dry, dry-cleaning equipment that is equipped with refrigerated condensers to recover the cleaning solvent.

Printing

(5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with $\leq 6\%$ VOC by volume or $\leq 8.5\%$ if refrigerated to $< 60^\circ\text{F}$, and cleaning solvents with a vapor pressure $\leq 25\text{mm Hg}$ or a VOC content $\leq 30\%$ by volume.

Water Treatment

(6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). A letter from the local sewer district documenting compliance is required in order to use this exemption.

Sanding Equipment

(7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of $< 3.5:1$ (for mechanical or manual cleaning) or $< 12:1$ (for pulse-jet cleaning).

Ventilation and Control Equipment

(8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of $< 3.5:1$ (for mechanical or manual cleaning) or $< 12:1$ (for pulse-jet cleaning).

(9) Replacement of existing paint spray booths.

Miscellaneous

(10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an Order of Approval because it has a de minimis impact on air quality and does not pose a threat to human health or the environment.

(c) A Notice of Construction application and Order of Approval are not required for the following sources, provided that sufficient records are kept to document the exemption:

Combustion

(1) Fuel burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:

(A) < 10 million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane (or any combination thereof);

(B) < 0.5 million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or

(C) < 1 million Btu per hour heat input burning any other fuel.

(2) All stationary gas turbines with a rated heat input < 10 million Btu per hour.

(3) Stationary internal combustion engines having a rated capacity:

(A) < 50 horsepower output;

(B) Used solely for instructional purposes at research, teaching, or educational facilities; or

(C) Portable or standby units operated < 500 hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.

(4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.

(5) All nonroad compression ignition engines subject to 40 CFR Part 89.

Metallurgy

(6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity $\leq 1,000$ pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing $> 50\%$ aluminum, magnesium, tin, zinc, or copper is melted.

(7) Crucible furnaces or pot furnaces with a capacity ≤ 450 cubic inches of any molten metal.

(8) Ladles used in pouring molten metals.

(9) Foundry sand-mold forming equipment.

(10) Shell core and shell-mold manufacturing machines.

(11) Molds used for the casting of metals.

(12) Die casting machines with a rated capacity $\leq 1,000$ pounds that are not used for copper alloys.

(13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.

(14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.

(15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.

(16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.

(17) Atmosphere generators used in connection with metal heat-treating processes.

(18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

(19) Welding equipment and oxygen/gaseous fuel cutting equipment.

(20) Soldering or brazing, or equipment, including brazing ovens.

(21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that uses materials containing ≤ 50 grams of VOC per liter, or containing exclusively formic acid, acetic acid, phosphoric acid, sulfuric acid,

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≤12% hydrochloric acid, alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and/or water and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of ≤20% by weight and using ≤10,000 amp-hours per day, or phosphoric acid anodizing with a bath concentration of ≤15% by weight of phosphoric acid and using ≤20,000 amp-hours per day.)

(22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment.

Ceramics and Glass

(23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.

(24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.

(25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity ≤1,000 pounds of glass.

(26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

(27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

Plastics and Rubber and Composites

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.

(30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is ≤1% by weight.

(31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.

(32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.

(33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter ≤26 inches, PROVIDED THAT it is operated at ≤400°F.

(34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.

(35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.

(36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.

(37) Hot wire cutting of expanded polystyrene foam and woven polyester film.

(38) Mixers, roll mills, and calendars for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

Material Working and Handling

(39) Equipment used for buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon, graphite, or composites.

(40) Hand-held sanding equipment.

(41) Sanding equipment controlled by a fabric filter with an airflow of <2,000 cfm.

(42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoggers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.

(43) Paper shredding and associated conveying systems and baling equipment.

(44) Hammermills used exclusively to process aluminum and/or tin cans.

(45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

Abrasive Blasting

(46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with ≥66% by volume water.

(47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.

(48) Hydroblasting equipment using exclusively water as the abrasive.

(49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is ≤100 cubic feet.

(50) Shot peening operations, PROVIDED THAT no surface material is removed.

Cleaning

(51) Non-refillable, hand-held aerosol spray cans of solvent.

(52) Steam-cleaning equipment.

(53) Unheated liquid solvent tanks used for cleaning or drying parts:

(A) With a solvent capacity ≤10 gallons;

(B) Using a solvent with a true vapor pressure ≤0.6 psi containing ≤5% by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(C) With a remote reservoir and using a solvent containing ≤5% by weight perchloroethylene, methylene chloride,

carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(D) With a solvent capacity ≤ 2 gallons and containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof.

(54) Hand-wipe cleaning.

Coating, Resin, and Adhesive Application

(55) Powder-coating equipment.

(56) Portable coating equipment and pavement strippers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.

(57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity ≤ 8 fluid ounces, PROVIDED THAT it is not used to coat > 9 square feet per day and is not used to coat motor vehicles or aerospace components.

(58) Airbrushes having a cup capacity ≤ 2 fluid ounces and an airflow of 0.5-2.0 cfm.

(59) Hand-held aerosol spray cans having a capacity of ≤ 1 quart of coating.

(60) Spray-coating equipment used exclusively for application of automotive undercoating materials with a flash point $> 100^\circ\text{F}$.

(61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)

(63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.

(64) Hand lay, brush, and roll-up resins equipment and operations.

(65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.

(66) Hot-melt adhesive equipment.

(67) Any adhesive application equipment that exclusively uses materials containing $< 1\%$ VOC by weight and $< 0.1\%$ HAP.

(68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

Printing

(69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).

(70) Presses using exclusively UV-curable inks.

(71) Presses using exclusively plastisols.

(72) Presses using exclusively water-based inks (< 1.5 lb VOC per gallon, excluding water, or $< 10\%$ VOC by volume) and cleaning solvents without VOC.

(73) Presses used exclusively for making proofs.

(74) Electrostatic, ink jet, laser jet, and thermal printing equipment.

(75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

Photography

(76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

Liquid Storage and Transfer

(77) Storage tanks permanently attached to a motor vehicle.

(78) Storage tanks used exclusively for:

(A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;

(B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, or petroleum refinery;

(C) Any liquids (other than asphalt) that also have a rated capacity $\leq 1,000$ gallons;

(D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity $< 20,000$ gallons;

(E) Organic liquids (other than asphalt) with a true vapor pressure < 2.2 psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity $< 40,000$ gallons;

(F) Organic liquids (other than asphalt) with a true vapor pressure < 0.5 psia that also have a rated capacity $\geq 40,000$ gallons;

(G) Sulfuric acid or phosphoric acid with an acid strength $\leq 99\%$ by weight;

(H) Nitric acid with an acid strength $\leq 70\%$ by weight;

(I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength $\leq 30\%$ by weight;

(J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains $\leq 1\%$ VOC by weight;

(K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;

(L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;

(M) Water emulsion intermediates and products, including latex, with a VOC content $\leq 5\%$ by volume or a VOC composite partial pressure of ≤ 0.1 psi at 68°F ; or

(N) Wine, beer, or other alcoholic beverages.

(79) Loading and unloading equipment used exclusively for the storage tanks exempted above.

(80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity < 60 gallons, except equipment transferring $> 1,000$ gallons per day of liquid with a true vapor pressure > 0.5 psia.

(81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

Mixing

(82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains $< 1\%$ VOC by weight.

(83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

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(84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.

(85) Equipment used exclusively for the mixing and packaging of lubricants or greases.

(86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.

(87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.

(88) Batch mixers with a rated working capacity ≤55 gallons.

(89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts ≥90% of the rim.

Water Treatment

(90) Oil/water separators, except those at petroleum refineries.

(91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.

(92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.

(94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

Landfills and Composting

(95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.

(96) Closed landfills that do not have an operating, active landfill gas collection system.

(97) Non-commercial composting.

Agriculture, Food, and Drugs

(98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.

(99) Insecticide, pesticide, or fertilizer spray equipment.

(100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.

(101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.

(102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.

(103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

(104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.

(105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.

(106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.

(107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.

(108) Brewing operations at facilities producing <3 million gallons per year of beer.

(109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).

(110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.

(111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants

(112) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤150 tons per hour.

(113) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers ≤25 tons per hour.

(114) Common clay plants and pumice plants with a cumulative rated capacity of all initial crushers of ≤10 tons per hour.

(115) Mixers and other ancillary sources at concrete batch plants (or aggregate product production facilities) with a rated capacity <15 cubic yards per hour.

(116) Concrete mixers with a rated working capacity of ≤1 cubic yard.

(117) Drilling or blasting (explosives detonation).

(118) Asphaltic concrete crushing/recycling equipment with a throughput <5,000 tons per year.

Construction

(119) Asphalt paving application.

(120) Asphalt (hot-tar) roofing application.

(121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

Ventilation and Control Equipment

(122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not

designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.

(123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

(124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

(125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

(126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.

(127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.

(128) Portable control equipment used exclusively for storage tank degassing.

(129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow <2,000 cfm.

(130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.

(131) Routine maintenance, repair, or similar parts replacement of control equipment.

Testing and Research

(132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, including non-production bench scale research equipment.

Miscellaneous

(133) Single-family and duplex dwellings.

(134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.

(135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.

(136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of ≤2 cubic feet used by healthcare facilities.

(137) Ozone generators that produce <1 pound per day of ozone.

(138) Fire extinguishing equipment.

(d) Each Notice of Construction application and Section 6.03(b) Notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of Section 6.07 of this regulation are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

(e) Within 30 days of receipt of a Notice of Construction application, the 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.

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION ((REVIEW)) FEES

(a) A Notice of Construction application ((and Application for Approval)) is incomplete until the Agency has received a fee as shown below:

General (not classified below) for each Piece of Equipment or Control Equipment	\$500
((Minor NOC Change	\$500
NOC Applicability Determination	\$200
Relocation of Previously Permitted Portable Source to a New Address, except soil thermal desorption units	\$500
Asphalt Concrete Plant	\$1,000
Coffee Roaster	(\$1,000)
Composting Facility	\$2,500
((Dry Cleaner (per machine)	\$300
Gasoline Station	(\$500)
Landfill Gas System	\$2,500
Refuse Burning Equipment: (rated capacity)	
12 tons per day or less	\$5,000
greater than 12 tons per day but less than 250 tons per day	\$20,000
250 tons per day or greater	\$50,000
((Spray Painting Operation (per booth)	\$500
Storage Tanks excluding those at gasoline stations: (gallons)	
less than 20,000	\$300
20,000 or more	(\$1,000)
Soil Thermal Desorption Unit (initial)	\$3,000
Relocation of Approved Desorption Unit to New Address	\$1,000
Additional Charges:	
SEPA Threshold Determination	\$250
Air Toxics Review (under Regulation III, Section 2.07 (c)(2))	\$500
Air Toxics Review (under Regulation III, Section 2.07 (c)(3))	\$5,000
Major Source, Major Modification, or Emission Increases greater than Prevention of Significant Deterioration Thresholds (see Regulation I, Section 6.07(d))	\$5,000
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see Regulation I, Section 6.07(f))	\$2,500
Opacity/Grain Loading Correlation	\$5,000
Emissions Units Subject to an NSPS or NESHAP (except residential wood heaters, asbestos renovation or demolition, and perchloroethylene dry cleaning)	\$1,000
Public Notice (plus publication fees)	\$500

(b) A notification under Section 6.03(b) of this regulation is incomplete until the Agency has received a fee of \$100.

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(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant for review of complex projects, which require an environmental impact statement, as provided in RCW 70.94.085.

AMENDATORY SECTION

REGULATION I SECTION 6.09 NOTICE OF COMPLETION

Within 30 days of completion of the installation or modification of a ~~((a non-air-contaminant))~~ source subject to the provisions of Section ~~((6.03))~~ **6.07** of this ~~((R))~~ regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the source has commenced or will commence.

AMENDATORY SECTION

REGULATION I SECTION 6.10 WORK DONE WITHOUT AN APPROVAL

Where work for which ~~((a Notice of Construction))~~ an Order of Approval is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the fees of Section 6.04. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

AMENDATORY SECTION

REGULATION I SECTION 9.16 SPRAY-COATING OPERATIONS

(a) Applicability. This section applies to spray-coating operations at facilities subject to Article 5 (Registration)~~((; Article 6 (New Source Review);))~~ or Article 7 (Operating Permits) of this regulation, where a coating that protects or beautifies a surface is applied with spray-coating equipment.

(b) Exemptions. The following activities are exempt from the provisions of Sections 9.16 (c) and (d) of this regulation. Persons claiming any of the following spray-coating exemptions shall have the burden of demonstrating compliance with the claimed exemption.

(1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);

(3) Use of high-volume, low-pressure (HVLP) spray guns when:

(A) spray-coating operations do not involve motor vehicles or motor vehicle components;

(B) the gun cup capacity is 8 fluid ounces or less;

(C) the spray gun is used to spray-coat less than 9 square feet per day per facility;

(D) coatings are purchased in containers of 1 quart or less; and

(E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.

(4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces;

(5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

(c) General Requirements for Indoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless the spray-coating is conducted inside an enclosed spray area. The enclosed spray area shall employ either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray. All emissions from the spray-coating operation shall be vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) General Requirements for Outdoor Spray-Coating Operations. ~~((After January 1, 2000, it))~~ It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless ~~((such spray-coating operations are approved in a notice of construction permit issued in accordance with Article 6 of this regulation. The following minimum requirements for outdoor spray-coating operations will be included in all such notice of construction permits:))~~ reasonable precautions are employed to minimize the overspray. Reasonable precautions include, but are not limited to the use of:

~~((1) Reasonable methods to confine overspray to the property where the spray-coating is being conducted shall be used (e.g., tarps, shrink wrap, mobile enclosure, or similar methods for control of overspray); and))~~

(1) Enclosures and curtailment during high winds; and

(2) ~~((High-transfer efficiency spray equipment that minimizes overspray shall be used (e.g., HVLP, low volume,))~~ High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless~~((;))~~ spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, ~~((Sections 9.11 and 9.15))~~ Section 9.11 and all other applicable regulations including those of other agencies.

WSR 01-17-005
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 1, 2001, 2:14 p.m.]

Date of Adoption: July 26, 2001.

Purpose: To amend the definition of a small school bus vehicle, as well as make our rules consistent with the *National School Transportation Specifications and Procedures Manual* adopted in May 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 392-142-155.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 01-13-059 on June 15, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 30, 2001

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 97-02, filed 8/14/97, effective 9/15/97)

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life	Bus Type
(1)	10 to 24	Gas		8	((A-H)) A-1
(2)	10 to 24	Diesel	Automatic	8	((A-H)) A-1
(3)	10 to 34	Gas	Automatic	8	((A-I)) A-2
(4)	10 to 34	Diesel	Automatic	8	((A-I)) A-2
(5)	10 to 34	Gas	Automatic	8	B
(6)	10 to 34	Diesel	Automatic	8	B

	Student Capacity	Fuel Type	Transmission Type	Useful Life	Bus Type
(7)	35 to 48	Diesel	Automatic	13	C
(8)	35 to 48	Diesel	Automatic	13	D
(9)	49 to 60	Diesel	Automatic	13	C
(10)	49 to 60	Diesel	Automatic	13	D
(11)	61 to 77	Diesel	Automatic	13	C
(12)	61 to 84	Diesel	Automatic	13	D
(13)	Heavy 78 to 84	Diesel	Automatic	18	D
(14)	Heavy 85 to 90	Diesel	Automatic	18	D

WSR 01-17-006
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 1, 2001, 2:17 p.m.]

Date of Adoption: July 26, 2001.

Purpose: To amend the definition of a small school bus vehicle, as well as make our rules consistent with the *National School Transportation Specifications and Procedures Manual* adopted in May 2000. Also, the *School Bus Specifications Manual for Washington State* will be revised to reflect these amendments and other changes.

Citation of Existing Rules Affected by this Order: Amending WAC 392-143-010.

Statutory Authority for Adoption: RCW 46.61.380.

Adopted under notice filed as WSR 01-13-058 on June 15, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 30, 2001

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

PERMANENT

AMENDATORY SECTION (Amending Order 96-11, filed 7/25/96, effective 8/25/96)

WAC 392-143-010 Definitions. As used in this chapter and subject to the "school bus specifications," as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) A Type "A" school bus shall mean a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door designed for carrying more than ten persons. This definition shall include: Type ~~((A-I, with a gross vehicle weight rating over 10,000 pounds; and Type A-II, with a gross vehicle weight rating of 10,000 pounds and under))~~ A-1, with a gross vehicle weight rating of 10,000 pounds and under; and Type A-2 with a gross vehicle weight rating over 10,000 pounds.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat, and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus designed to transport students with special needs shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport students with special needs.

WSR 01-17-009

PERMANENT RULES

STATE TOXICOLOGIST

[Filed August 2, 2001, 9:44 a.m.]

Date of Adoption: August 2, 2001.

Purpose: Amendments to rules to clarify intent in the areas of acceptable use of the external standard simulator thermometer, acceptable range for the external standard simulator result, severability, and the need to repeat the fifteen minute observation period following an invalid sample.

Citation of Existing Rules Affected by this Order: Amending WAC 448-13-040 and 448-13-060.

Statutory Authority for Adoption: RCW 46.61.506.

Adopted under notice filed as WSR 01-11-134 on May 23, 2001.

Changes Other than Editing from Proposed to Adopted Version: The following additional comments regarding the amendments and proposed new sections were received and considered; however, no changes to the proposed version have been made.

Two written comments were received regarding the adoption of this permanent rule, and oral comment was also taken at a hearing in Bellevue, Washington on June 26, 2001. The issues raised were considered, and consideration and response is given in this concise explanatory statement.

Why was the acceptable range for the thermometer reading not changed to 34 degrees plus or minus 0.1 degrees instead of 0.3 degrees? *This question reflects a misunderstanding of the issue ruled on by judges in Renton and Bellevue district courts in King County. These courts found that there was no explicit recognition in the WAC of the limits of accuracy of the mercury in glass thermometers used in the breath test equipment, and that thus, any variability in the thermometer must be included within the acceptable range. By enlarging the acceptable range to 0.3 degrees centigrade, but continuing to require a thermometer reading of 34 degrees plus or minus 0.2 degrees in the operation of the program, the potential variance in the thermometer is explicitly recognized and allowed for. Changing this allowable range does not introduce any additional inaccuracy into the measurement of the subject's breath alcohol concentration.*

Does this change in the allowable range introduce a more lax standard for the breath alcohol test? *No, the limited accuracy of the thermometer and its potential to lose accuracy over time has not been demonstrated to introduce additional error into the subject's breath test. As such, maintaining the established practice for conducting the breath test, but adjusting the acceptable range to address the courts concerns with respect to admissibility, ensures continuity of accuracy and reliability in the test.*

Does the lack of a savings clause create a problem for cases occurring prior to the change to the 0.08 simulator standard in 1999? *The WAC change as published (WSR 01-11-134) does include a savings clause (see WAC 448-13-060(5)), which explicitly states that the validity of the test is determined with respect to the provisions in place at the time the test was administered. This is consistent with rulings from municipal and county courts of limited jurisdiction in 1999, which found that validity of the test would be determined with respect to the WAC in effect at the time.*

There is no explicit definition of accuracy for the thermometer in the definitions section. *The standard dictionary*

definition adequately conveys the meaning this term for the purpose of the WAC.

Is the thermometer certification protocol based on NIST standards? No, however, it is a reasonable protocol based on the design of the thermometer. There is no NIST protocol for certifying this custom thermometer. NIST recommends testing of thermometers at multiple temperatures, which is done during calibration at the time of manufacture. This is not an attempt to evaluate the actual variance for that thermometer, but simply a check to see if they meet a specified minimum standard for certification. Given that there is no demonstrated effect of the accuracy of this thermometer on the results of the subject's breath test, this is a reasonable standard.

Is the state toxicologist going beyond his statutory authority in adopting the WAC regarding the admissibility of the test? The administrative code provisions in chapter 448-13 WAC are simply setting out which elements are needed for a reliable and accurate test. The WAC does not mention admissibility, which is a determination made by the court. The state toxicologist is however concerned that the scientific standards of the test meet the court's threshold for admissibility.

There is no definition of the term "certified" with respect to the thermometer. Directions with respect to the certification of the thermometer are maintained in the policy and procedures manual of the Washington State Patrol Breath Test Section, and are available on request. Technicians will prepare a declaration indicating the date of testing, the thermometer serial number, the simulator serial number, and the DataMaster instrument serial number, along with an indication of whether the thermometer met the specified standard described in WAC 448-13-035 in order to be certified.

The language used in WAC 448-13-035 referencing "standards traceable to NIST" is vague. The concept of traceability to a reference standard is a common principle in measurement science. It describes the notion that there is an absolute standard for temperature, maintained by the National Institute for Standards and Testing (NIST), and that the reference thermometer used to certify the mercury in glass thermometers used in this program, must be compared against a thermometer which has been checked either directly or indirectly against that absolute standard, and can thus be "traced" to it.

Is this an emergency, and is it valid to change the WAC for purposes of admissibility? The purpose of the hearing conducted in Bellevue on June 26, 2001, was to consider the proposed permanent changes to the administrative code, not the propriety of the emergency finding. The reasons for the state toxicologist's finding of an emergency were described in WSR 01-10-007. The use of an emergency WAC filing under RCW 34.05.350 in 1999, to address a similar situation in which breath tests were being suppressed was upheld by the Thurston County Superior Court, in an administrative procedures action brought in Gober v. Logan (Thurston County Superior Court Cause No. 00-2-00442-4). Any challenge to

the agency's current finding of an emergency should be brought in the same venue.

Does approval of the use of the simulators with a plus or minus 0.3 degree acceptable range go beyond what is approved on the NHTSA conforming products list, and as such does this invalidate that approval? Neither the manufacturer's manual for the Guth 34C simulator, the conforming products list, or the NHTSA protocol for testing (62 FR 43416) reference any range of allowable operation for the simulator. Although the amended WAC allows a range of plus or minus 0.3 degrees, the protocols in place still require an observed range of plus or minus 0.2 degrees. The additional allowable tenth of a degree has been adopted to account for the limits of accuracy to which the thermometer can be certified, which is specifically stated in WAC 448-13-035 to be a tenth of a degree.

Does the simulator manufacturer require regular checking of the accuracy of the thermometer in their manual? The manufacturer (Guth Laboratories) does not recommend in their manual that the thermometer be checked for accuracy.

Should operators be required to record the actual temperature of the solution? The WAC has never required operators to record the actual temperature of the solution, and the training given to the operators has simply instructed them in how to determine if the displayed temperature fell within the allowable range of 34 degrees plus or minus 0.2 degrees centigrade. While it is important for the operators to be able to make this determination, the actual temperature within the range is not relevant in determining the accuracy of the test.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 1, 2001

Barry K. Logan, Ph.D.

Washington State Toxicologist

NEW SECTION

WAC 448-13-035 Simulator thermometer certification. The ability of the simulator to provide a reference ethanol vapor concentration is a function of its temperature. The thermometers used in the simulators shall be certified on an annual basis to have an accuracy of within plus or minus 0.1 degree centigrade. Such certification shall be made using a

reference thermometer traceable to standards maintained by the National Institute of Standards and Testing (NIST), or its successor.

AMENDATORY SECTION (Amending WSR 99-06-048, filed 3/1/99, effective 4/1/99)

WAC 448-13-040 Administration of breath test on the DataMaster. The following method for performing a breath test is approved by the state toxicologist pursuant to WAC 448-13-130 and includes the following safeguards to be observed by the operator prior to the test being performed. It must be determined that: (1) The person does not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test; and (2) the subject does not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in mouth. A test mouthpiece is not to be considered a foreign substance for purposes of this section. If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

~~((The temperature of the solution in the simulator p))~~
Prior to the start of the test ((must be)) the operator must verify that the thermometer, certified per WAC 448-13-035, indicates that the temperature of the simulator solution is thirty-four degrees centigrade plus or minus ((0.2)) 0.3 degrees centigrade. During the test the person will be required to provide at least two valid breath samples. A refusal to provide a valid breath sample at any point during the test will constitute a refusal. The results of the test will be provided in the form of a printout on a breath test document. These results will indicate the grams of alcohol per two hundred ten liters of breath.

NEW SECTION

WAC 448-13-056 Invalid sample message. One of the causes of an "invalid sample" message being displayed by the DataMaster during the test is the presence of exogenous mouth alcohol, which could adversely affect the breath test reading. In the event that the DataMaster records an "invalid sample" result at any point during the subject's test, that subject's test should be readministered, after again checking the subject's mouth and repeating the fifteen minute observation period as required in WAC 448-13-040.

AMENDATORY SECTION (Amending WSR 99-22-009, filed 10/22/99, effective 11/22/99)

WAC 448-13-060 Validity and certification of test results. A test shall be a valid test and so certified, if the

requirements of WAC 448-13-040, 448-13-050 and 448-13-055 are met, and in addition the following criteria for precision and accuracy, as determined solely from the breath test document, are met:

(1) The internal standard test results in the message "verified."

(2) In order to be valid, the two breath samples must agree to within plus or minus ten percent of their mean. This shall be determined as follows:

(a) The breath test results shall be reported, truncated to three decimal places.

(b) The mean of the two breath test results shall be calculated and rounded to four decimal places.

(c) The lower acceptable limit shall be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(d) The upper acceptable limit shall be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(e) If the results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.

(3) The simulator external standard result must lie between ~~((.090 to .110 inclusive for tests conducted prior to April 1, 1999, and))~~ .072 to .088 inclusive ~~((for tests conducted on or after April 1, 1999. This provision is remedial in nature and applies to any judicial or administrative proceeding conducted after April 27, 1999)).~~

(4) All four blank tests must give results of .000.

If these criteria are met, then these and no other factors are necessary to indicate the proper working order of the instrument, and so certify it, at the time of the breath test.

(5) These criteria have changed over time, and the criteria applied to determine the validity of any test and so certify it, should be those provisions of the Washington Administrative Code in effect at the time the test is administered.

NEW SECTION

WAC 448-13-225 Severability. If any part or provision of these rules or regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, paragraph or sentence, is declared to be severable.

WSR 01-17-017

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 3, 2001, 1:45 p.m.]

Date of Adoption: August 3, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-345; and amending WAC 308-96A-005, 308-96A-015, 308-96A-026, 308-96A-260, and 308-96A-300.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276.

Adopted under notice filed as WSR 01-11-090 on May 16, 2001.

Changes Other than Editing from Proposed to Adopted Version: Added back into WAC 308-96A-180(3) the old (c), which was inadvertently left out of the proposed rule making filed under notice as WSR 98-14-012 on June 19, 1998. This subsection was previously in the WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: To implement SHB 2858 as enacted during the 1998 legislative session.

Effective Date of Rule: Thirty-one days after filing.

August 3, 2001

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-09-008, filed 4/6/00, effective 5/7/00)

WAC 308-96A-005 Terminology—Definitions. ((Terms used in chapter 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context clearly indicates to the contrary:

(1) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(2) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(3) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(4) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(5) "Expiration day and month."

(a) "Day of expiration" or "expiration day" means the day of the month on which the vehicle registration, gross weight license, or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration year ends. (WAC 308-96A-260.)

(6) "Department" means the department of licensing. (RCW 46.04.162.)

(7) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure to pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(8) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(9) "Fixed load vehicle" a fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(10) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

(11) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(12) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction. (WAC 308-96A-345.)

(13) "License or licensing" and "register or registering" are synonymous and mean the act of registration under chapter 46.16 RCW.

(14) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(15) "Licensed physician" for the purpose of disabled person parking privileges, means, chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(16) "Municipality" in reference to parking tickets means every court having jurisdiction over offenses committed under RCW 46.20.270. (WAC 308-96A-345.)

(17) "NCIC" means the National Crime Information Center.

(18) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(19) "One hundred twenty day notice" in reference to parking violations means a warning notice "notice of parking tickets" that contains a list of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(20) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(21) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department. (WAC 308-96A-345.)

(22) "Permanent" in reference to disabled person parking privileges means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.)

(23) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(24) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motor homes, motoreycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(25) "Placard" means a document issued to persons who qualify for special parking privileges for disabled persons under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(26) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(27) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(28) "Privilege" in reference to disabled person's parking privileges means the right to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(29) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(30) "Rental car" means a rental car as defined in RCW 46.04.465.

(31) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(32) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(33) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(34) "Tab" means a decal issued by the department that is affixed to the license plate(s) for a specific vehicle.

(35) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when

licensing a vehicle in the truck/commercial use class. (RCW 46.16.070 and 46.16.111.)

(36) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration. (WAC 308-96A-026.)

(37) "Vehicle database record" means the electronic record stored on the department's motor vehicle database reflecting vehicle and ownership information. Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is at least thirty years old.

(7) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(8) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(9) "Department" means the department of licensing. (RCW 46.04.162.)

(10) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of the month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(11) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(12) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(13) "Fixed load vehicle" is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(14) "Gross weight" means gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(15) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(16) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

(17) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(18) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(19) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

(20) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

(21) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(22) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(23) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(24) "Licensed physician" for the purpose of disabled person parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(25) "Motorhome" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(26) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(27) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(28) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that

must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(29) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(30) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(31) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department.

(32) "Permanent" in reference to disabled person parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Disabled persons parking privileges must be renewed every five years.

(33) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(34) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(35) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means passenger vehicles, motorhomes, motorcycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(36) "Placard" means a document issued to persons who qualify for special disabled person parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(37) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(38) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(39) "Privilege" in reference to disabled person's parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(40) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(41) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

PERMANENT

(42) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(43) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(44) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(45) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(46) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(47) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

(48) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

(49) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

(50) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

(51) "Use classes" means those vehicles described in WAC 308-96A-099.

(52) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-015 Replacement certificate of registration—Documents required. (1) **How do I obtain a replacement certificate of registration?**

You obtain a replacement certificate of registration by applying, either in person or by mail, ~~(to)~~ at a Washington vehicle licensing office and paying appropriate fees.

(2) **When do I need to replace my certificate of registration?**

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) **Who can apply for a replacement certificate of registration?**

The registered owner must apply for a replacement certificate of registration. If there is more than one registered owner, one of the registered owners ~~(shall)~~ need apply for a replacement certificate of registration.

(4) **What documentation do I need to apply for a replacement certificate of registration?**

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. Identification will be required. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

(5) **Where do I get an affidavit of loss?**

An affidavit of loss/release of interest form may be obtained at a vehicle licensing office, by mail or by accessing the department's website at www.wa.gov/dol.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-026 Vehicle transit permit. (1) **What is a vehicle transit permit?**

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. It does not allow unrestricted use of the vehicle.

(2) ~~((What))~~ **How may a vehicle transit permit be used ~~((for))~~?**

A vehicle transit permit may be used to obtain:

(a) A Washington state patrol inspection;

(b) A scale weight slip;

(c) An emission test; or

(d) Any other purpose that the department deems necessary.

(3) **Where do I obtain a vehicle transit permit?**

You may obtain a vehicle transit permit from:

(a) Washington vehicle licensing offices; ~~((or))~~

(b) Drivers services-licensing services offices; or

(c) Washington state patrol. (Only at weigh scales and for one day only.)

(4) **How long is the vehicle transit permit valid?**

The permit is valid for a maximum of two days.

(5) **What information is required to issue the vehicle transit permit?**

~~((The following information is required to issue the vehicle transit permit:))~~

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

(b) Name and address of person obtaining the permit;

(c) Specific purpose for which the permit is issued; ~~((and))~~

(d) The date or dates on which the permit is valid, for a maximum of two days;

(e) Applicant's signature; and

(f) Signature of vehicle licensing agent or issuing authority.

(6) **How much does a vehicle transit permit cost?**

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits (~~shall~~) must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-300 Changing assigned registration year. When (~~may~~) will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-345 Definitions.

**WSR 01-17-021
PERMANENT RULES
WASHINGTON STATE LOTTERY**

[Filed August 6, 2001, 1:20 p.m.]

Date of Adoption: July 27, 2001.

Purpose: To amend chapter 315-36 WAC to revise Lucky for Life prizes; winning numbers matrix; odds of winning; method of paying the prize.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 01-11-081 on May 16, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 3, 2001

Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

WAC 315-36-010 What is Lucky for Life and how do I play? (1) Lucky for Life is an on-line lottery game in which you purchase a computer-generated ticket and try to match your set of four numbers to the winning set of four numbers, chosen by the lottery. The game is conducted in accordance with the rules for on-line games found in chapter 315-30 WAC (~~and~~), the general rules found in chapter 315-06 WAC, and chapter 315-36 WAC. The amendments to chapter 315-36 WAC, as adopted at the July 2001 lottery commission meeting, shall take effect on September 30, 2001, or on a date to be designated by the director and advertised to the public. The provisions of the existing chapter 315-36 WAC shall remain in effect until September 30, 2001, or until the date designated by the director for the commencement of this amended rule.

(2) To play Lucky for Life, you first pick one set of four numbers from (~~("00")~~) "01" to (~~("99")~~) "82" for a chance to win the grand prize of \$1,000 per week for the rest of your life, as specified in WAC 315-36-110. Or you can let the computer pick this set of numbers for you. If you have the computer pick for you, this is called a "quick pick" or "quick play."

(3) Next, the computer will generate twenty additional sets of four numbers each from (~~("00")~~) "01" to (~~("99")~~) "82" for you. These sets will all be quick picks, that is, the computer selects them for you. You cannot pick any of these additional sets of numbers yourself. You will receive a computer printed ticket containing all twenty-one sets of numbers.

(4) If any one of the twenty-one sets on the ticket match two, three, or four of the numbers in the winning set of four

numbers, in any order, you win a prize as specified in WAC 315-36-030.

(5) A Lucky for Life ticket may look similar to this:

Lucky for Life

LIFETIME CASH

A. 05 20 60 73

\$50,000 PRIZE

B. 12 18 25 ~~((99))~~ 82 C. 22 25 36 38

~~(\$25,000)~~ \$20,000 PRIZE

D. 05 10 12 20 E. 32 35 46 48

F. 25 67 76 80 G. 33 34 46 69

\$10,000 PRIZE

H. ~~((00))~~ 07 39 44 77 I. 01 23 69 ~~((98))~~ 79

J. 04 13 30 34 K. 36 39 80 81

L. 29 41 52 61 M. 02 03 21 ~~((99))~~ 82

\$5,000 PRIZE

N. 10 20 21 31 O. 24 53 60 81

P. 20 22 43 63 Q. 71 82 ~~((92))~~ 75 ~~((93))~~ 65

R. 53 63 70 ~~((90))~~ 80 S. 70 82 ~~((98))~~ 43 ~~((99))~~ 31

T. 40 51 ~~((83))~~ 11 ~~((90))~~ 80 U. 63 64 68 ~~((88))~~ 44

AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

WAC 315-36-030 What are the prizes for Lucky for Life? (1) The grand prize is \$1,000 per week for life, as specified in WAC 315-36-110. This is the prize for matching all four of the numbers in the first set designated on the ticket to the winning set of four numbers.

(2) The prizes for matching all four numbers in any of the remaining twenty sets to the winning numbers are specified under headings on the ticket, and are as follows:

<u>(Number of Sets)</u>	<u>Prize Bracket</u>
Two	\$50,000
Four	\$25,000
Six	\$10,000
Eight	\$5,000)
<u>Prize Bracket</u>	<u>Number of Sets</u>
<u>\$50,000</u>	<u>Two</u>
<u>\$20,000</u>	<u>Four</u>
<u>\$10,000</u>	<u>Six</u>
<u>\$5,000</u>	<u>Eight</u>

(3) For matching three numbers in one of your sets to three numbers in the winning set, you win ~~((fifty))~~ twenty-five dollars. For matching two numbers in one of your sets to

two numbers in the winning set of numbers, you win a prize of ~~((four))~~ two dollars. You may win no more than one prize for each set of numbers.

(4) All prize payments are subject to federal income tax withholding requirements and debt checks, pursuant to RCW 67.70.255.

AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

WAC 315-36-050 How is the winning set of numbers selected? Lottery officials conduct the drawing for the winning set of numbers, as specified in the general rules for on-line game drawings, WAC 315-30-040. The director has the discretion to specify the means for randomly drawing the winning numbers. Each drawing shall determine, at random, four numbers from ~~(("00"))~~ "01" through ~~(("99,"))~~ "82," which will be the winning set of numbers. No two of the four numbers in the winning set will be identical. Any drawn numbers will not be declared winning numbers until the drawing is validated by the lottery. The winning numbers shall be used to determine all Lucky for Life winners for that drawing. If a drawing is not validated, another drawing will be conducted to determine the four numbers, which will be the winning set of numbers. The drawing shall not be invalidated based on the liability of the lottery.

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AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

WAC 315-36-090 What are the odds of winning Lucky for Life? The odds of winning any prize are 1 in ((7)) 4.6. The odds of winning specific prizes are as follows:

"Lifetime Cash" type Grand Prize:	((1:3,921,225)) 1:1,749,060
"\$50,000 Prize":	((1:1,960,613)) 1:874,530
"(((\$25,000)) \$20,000 Prize":	((1:980,306)) 1:437,265
"\$10,000 Prize":	((1:653,538)) 1:291,510
"\$5,000 Prize":	((1:490,153)) 1:218,633
Match three numbers (((\$50)) \$25 Prize:	((1:486)) 1:267
Match two numbers (((\$4)) \$2 Prize:	((1:7)) 1:5

AMENDATORY SECTION (Amending WSR 98-15-115, filed 7/20/98, effective 8/20/98)

WAC 315-36-110 How is the "Lifetime Cash" type grand prize paid? (1) You must be a natural person (e.g., not a legal entity such as a corporation) to claim the prize of \$1,000 per week for life.

(2) ((At the discretion of the director, winners may be permitted to choose grand prize payments either made once a year for \$52,000 or made once per week for \$1,000 per week for a total of 52 payments in one calendar year. The first payment will be made after validation of the winning ticket.

(3) Your prize becomes payable on the first business day following the drawing in which the winning numbers were drawn. If both payment methods are allowed and you select the annual payment, your first payment after ticket validation will be based on the number of weeks remaining in the calendar year in which you claim the prize. The number of weeks will be based on the first business day after the drawing in which the winning numbers were drawn. For example, if the drawing is on a Wednesday, and there are 17 Thursdays left in the calendar year (including the first business day after the drawing), you will be entitled to \$17,000 for the payment in the calendar year in which you claim your prize. Annual payments of \$52,000 will be paid in January of each qualifying year.

(4) If both payment methods are allowed and you select the annual payment, you are entitled to the \$52,000 payment if you live until January 1, even if you do not live until the end of the calendar year. If you select the weekly payment and live until January 1, but you do not live the entire calendar year, your estate will be entitled to receive your weekly payments until the end of the calendar year.

(5) If both payment methods are allowed and you select the weekly payment, you must furnish the lottery with a bank account number for electronic funds transfer (EFT) of your weekly payments, within 30 days of claiming your prize.

Failure to provide a bank account number may result in paying your prize in one annual payment. You may choose to change your payment method to an annual payment by so notifying the lottery, which will calculate within 45 days the remainder due for the calendar year. Persons selecting an annual payment may not change their selection to weekly payments.

(6) If both payment methods are allowed and you select the weekly payment, your first payment will be based on the number of weekly payments which have accrued since the first business day after the drawing in which your winning numbers were selected. Thereafter, your payments will be \$1,000 per week.

(7) If only one payment method is allowed by the director, then the grand prize will be paid as one annual payment as set forth above.

(8) The director has the discretion to revise the payment method or methods or select one payment method if it is in the best interests of the lottery, so long as each winner of the "Lifetime Cash" type prize receives a total of \$52,000 for each calendar year after the year in which he/she claims the prize.

(9) The "Lifetime Cash" type grand prize is paid annually as one payment of \$52,000 per year. The date of the first payment shall be the date the claim is validated. Subsequent annual payments shall be paid on the anniversary date of the drawing in which the winning numbers were selected; however, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment.

(3) If you are under eighteen at the time of claiming the grand prize, ((weekly or annual payments will begin on your eighteenth birthday. For purposes of calculating your initial payment, the day before your eighteenth birthday will be treated as the date of the drawing of the winning numbers)) your initial payment will commence on your eighteenth birthday. Subsequent payments will commence in the calendar year following your eighteenth birthday, on the anniversary date of the drawing in which the winning numbers were selected. At the director's discretion, the lottery may designate an alternate payment date for regular prize payment. You must notify the lottery where your payments should be sent ((and whether you choose weekly or annual payments)) at least ((30)) 60 days preceding your eighteenth birthday.

((10)) (4) "Lifetime Cash" winners are responsible to inform the lottery of any address or bank account changes affecting receipt of payments, at least ((30)) 60 days preceding the ((address or account change)) annual payment date.

((11)) (5) "Lifetime Cash" winners are responsible to verify by notarized letter each year that they continue to be entitled to their annual lifetime prize. Verification is due to the lottery 60 days preceding the annual payment date.

(6) If a winner dies before payment of \$250,000 under this section, the winner's successor-in-interest will be entitled to receive a lump sum payment in the amount necessary to bring the amount paid as a prize under this section up to a total of \$250,000. Any successor-in-interest must provide the lottery with the necessary documentation and a court order directing payment of the final amount to the successor or successors entitled to payment. The determination of the sufficiency of the documentation shall lie within the discre-

tion of the director of the lottery. Payment to the successor or successors shall be governed by all applicable laws, including WAC 315-06-120, 315-06-123, and 315-06-130.

~~((12))~~ (7) The winner's successor-in-interest must notify the lottery of the death of the winner. If the lottery makes a payment after the winner's death, the lottery shall require return of the payment, except, at the director's discretion, the payment may be deducted from any lump sum payment due to the winner's estate.

**WSR 01-17-022
PERMANENT RULES
WASHINGTON STATE LOTTERY**

[Filed August 6, 2001, 1:21 p.m.]

Date of Adoption: July 27, 2001.

Purpose: To amend chapter 315-34 WAC to revise Lotto prizes and methods for dealing with prizes.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 01-11-082 on May 16, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, 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.

August 3, 2001

Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-24-076, filed 12/2/97, effective 1/2/98)

WAC 315-34-040 Prizes for Lotto. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories (~~(vary due to parimutuel calculation of prizes-))~~ are as follows:

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize ((Jackpot))	Jackpot	1:13,983,816
Any five but not six winning numbers in one play	Second Prize	\$1,000	1:54,201

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
Any four but not five or six winning numbers in one play	Third Prize	\$35	1:1,033
Any three but not four, five or six winning numbers in one play	Fourth Prize	\$3	1:57

(2) ~~((Reserved-~~

~~3))~~ Prize amounts.

(a) First prize (jackpot). The first prize will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

~~(b) Second prize. ((2.3 percent of the Lotto sales for the drawing shall be divided equally among all players)) The second prize will be \$1,000, which will be paid to each player who selected five of the six winning numbers in one play (in any sequence).~~

~~(c) Third prize. ((4.6 percent of the Lotto sales for the drawing shall be divided equally among all players)) The third prize will be \$35, which will be paid to each player who selected four of the six winning numbers in one play (in any sequence).~~

(d) Fourth prize. A \$3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) ~~((Reserved-~~

~~(f) Second and third prizes will be rounded down to the nearest dollar.~~

~~(g))~~ The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

~~((h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.~~

~~(i))~~ (f) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

~~((4) Roll-over feature.~~

~~(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.~~

~~(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing.~~

~~(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing.)~~ (3) The amendments to chapter 315-34 WAC, as adopted at the July 2001 lottery commission meeting, shall take effect on Sep-

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tember 30, 2001, or on a date to be designated by the director and advertised to the public. The provisions of the existing chapter 315-36 WAC shall remain in effect until September 30, 2001, or until the date designated by the director for the commencement of this amended rule.

AMENDATORY SECTION (Amending WSR 97-24-076, filed 12/2/97, effective 1/2/98)

WAC 315-34-050 Ticket purchases. (1) Lotto tickets may be purchased or redeemed during no less than seventeen hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) Lotto tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, drawing date and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, and the ticket serial number.

~~((4) At the time of ticket purchase, the player may elect the cash option method of jackpot prize payment.~~

~~((5) The election of payment method at the time of purchase is final and irrevocable.))~~

AMENDATORY SECTION (Amending WSR 99-19-103, filed 9/20/99, effective 10/21/99)

WAC 315-34-057 Lotto prize claim and payment methods. The following sets forth requirements for claims and payment of Lotto prizes:

(1) Claims for prize payment shall be made in accordance with WAC 315-30-030(6).

(2) Prize payments shall be made as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date. ~~((The only exception to this final choice may be a one-time opportunity designated by the lottery for winners to choose to cash out their prize annuities during some period from July 1, 1999, to December 31, 2000.))~~

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

WSR 01-17-033

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed August 8, 2001, 11:17 a.m., effective September 1, 2001]

Date of Adoption: August 8, 2001.

Purpose: Chapter 296-307 WAC, Safety standards for agriculture and minor housekeeping changes throughout chapters 296-24, 296-36, 296-45, 296-54, 296-56, 296-62, 296-78, 296-155 and 296-350 WAC, WISHA administrative rules.

As a result of the new safety and health core rules, chapter 296-800 WAC, which were adopted on May 9, 2001, additional clarifying and housekeeping changes were needed. The majority of the changes are references that needed to be updated throughout WISHA's other rules. Also, the agricultural industry voiced their concern at the public hearings for the Safety and Health Core Rules that some of the core rules would apply to them. We subsequently met with stakeholders in the agricultural industry to address their concerns. It was agreed that some of the rules in the safety and health core rule book, which were taken from chapter 296-62 WAC, General occupational health standards, should be included in chapter 296-307 WAC, Safety standards for agriculture. They are:

- Employer chemical hazard communication.
- Lighting.
- Environmental tobacco smoke.

Also, the first-aid requirements in chapter 296-307 WAC were updated, making them more current; allowing two options for employers to ensure that there will be first-aid trained staff.

A summary of the adopted rules follows:

WAC 296-24-23505 Cabs.

- Added a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-260 Helicopters.

- Added a reference to subsection (21) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-33009 Container and portable tank storage.

- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-33015 Service stations.

- Added a reference to subsection (8) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

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WAC 296-24-47509 Systems utilizing containers other than DOT containers.

- Added a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47513 Storage of containers awaiting use or resale.

- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47517 Liquefied petroleum gas service stations.

- Added a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-55001 Definitions.

- Deleted the following definitions: "Means of egress," "exit access," "exit," "exit discharge," "low hazard contents," "high hazard contents" and "ordinary hazard contents."

WAC 296-24-59203 Exemptions.

- These requirements are located in WAC 296-800-300.
- Repealed this section.

WAC 296-24-631 Employee alarm systems.

- Requirements relating to employee alarm systems are located in WAC 296-800-300.
- Repealed this section.

WAC 296-24-63101 Scope and application.

- Repealed this section.

WAC 296-24-63103 General requirements.

- Repealed this section.

WAC 296-24-63105 Installation and restoration.

- Repealed this section.

WAC 296-24-63107 Maintenance and testing.

- Repealed this section.

WAC 296-24-63109 Manual operation.

- Repealed this section.

WAC 296-24-63199 Appendix A—Employee alarm systems.

- Repealed this section.

WAC 296-24-68215 Public exhibitions and demonstrations.

- Added a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-75003 Protection for floor openings.

- Requirements relating to guarding of stairway floor openings are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to guarding of temporary floor openings are located in 296-800-250 and 296-800-260.

- Requirements relating to guarding of floor holes are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to floor hole covers are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to doors or gates opening directly on a stairway are located in WAC 296-800-250.

WAC 296-24-75007 Protection of open-sided floors, platforms and runways.

- Requirements relating to the guarding of open-sided floors or platforms four feet or more above adjacent floor or ground level are located in WAC 296-800-250.
- Deleted the words "floors" and "platforms" from the title of this section.

WAC 296-24-75009 Stairway railings and guards.

- Requirements relating to stairway railings and guards are located in WAC 296-800-250.
- Repealed this section.

WAC 296-24-78003 Application of requirements.

- Deleted the words "care and use" from this section. Requirements relating to the care and use of ladders are located in WAC 296-800-290.

WAC 296-24-78005 Materials.

- Moved the table from WAC 296-24-78009, relating to the classification of various species of wood acceptable for use in a ladder, to this section for better organization of information.

WAC 296-24-78009 Care and use of ladders.

- Requirements relating to the care and use of ladders are located in WAC 296-800-290.
- Moved the table relating to the classification of various species of wood acceptable for use in a ladder to WAC 296-24-78005 for better organization of information.
- Remaining requirements left in this section relate to ladder tests.
- Changed the title of this section to "ladder tests."

WAC 296-36-190 Fire prevention and fire fighting.

- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-45-67545 Refueling operations.

- Added a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-54-521 Motor vehicles.

- Added a reference to subsection (9) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.

- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60083 Cranes and derricks.

- Added a reference to subsection (6) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60171 General requirements.

- Added a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60207 General requirements.

- Added a reference to subsection (4) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-59-105 Handcharge makeup methods.

- Added a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-62-05209 Access to records.

- Updated a reference.

WAC 296-62-07619 Hygiene facilities and practices.

- Updated a reference.

WAC 296-62-07719 Hygiene facilities and practices.

- Updated references.

WAC 296-62-09001 Definitions.

- Deleted the definition of "Illumination." This definition is located in the safety and health core rules, chapter 296-800 WAC.
- Renumbered section.

WAC 296-62-31335 Showers and change rooms.

- Updated a reference.

WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory).

- Added a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-78-56505 Boats and mechanical devices on water.

- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-270 Flammable and combustible liquids.

- Added a reference to subsection (4) referencing the portable fire extinguisher requirements located in WAC 296-800-300.
- Added a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-275 Liquefied petroleum gas (LP-gas).

- Added a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-525 Cranes and derricks.

- Added a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-575 Helicopters and helicopter cranes.

- Added a reference to subsection (20) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-730 Tunnels and shafts.

- Added a reference to subsection (22) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-745 Compressed air.

- Added a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-307-018 What are the employer's responsibilities?

- Updated a reference in subsection (4).

WAC 296-307-039 How many people at the worksite must be first-aid trained?

- Changed the title of this section to "First-aid rule summary."

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first-aid.

- Created this section to include requirements relating to first-aid trained personnel being available.

WAC 296-307-03910 Make sure first-aid training contains required subjects.

- Created this section to include requirements relating to first-aid training.

WAC 296-307-03915 Document your first-aid training.

- Created this section to include requirements relating to documenting first-aid training.

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available.

- Created this section to include requirements relating to appropriate first-aid supplies.

WAC 296-307-03925 Provide a first-aid station when required.

- Created this section to include requirements relating to first-aid stations.

WAC 296-307-042 Must an employer provide first-aid kits?

- Repealed this section. Requirements are located in WAC 296-307-03920.

WAC 296-307-07013 What rules apply to vehicles used to transport employees?

- Added a reference relating to first-aid in subsection (12).

WAC 296-307-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130.

- Updated a reference in the note.

WAC 296-307-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.

- Updated a reference in the note.

WAC 296-307-14505 What records must an employer keep for pesticide applications?

- Deleted a reference in subsection (17).

Chapter 296-307 WAC, Part Y, Occupational health standards.

- Created this part to incorporate related health standards currently located in chapter 296-800 WAC that are applicable to the agriculture industry.

WAC 296-307-550 Employer chemical hazard communication—Introduction.

- Created this section to include an introduction and summary relating to an employer's chemical hazard communication program.

WAC 296-307-55005 Develop, implement, maintain, and make available a written chemical hazard communication program.

- Created this section to include requirements relating to developing, implementing, maintaining, and making available a written chemical hazard communication program.

WAC 296-307-55010 Identify and list all the hazardous chemicals present in your workplace.

- Created this section to include requirements relating to identifying and listing all the hazardous chemicals in your workplace.

WAC 296-307-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

- Created this section to include requirements relating to obtaining and maintaining material safety data sheets for each hazardous chemical used.

WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees.

- Created this section to include requirements relating to making sure that material safety data sheets are readily accessible to your employees.

WAC 296-307-55025 Label containers holding hazardous chemicals.

- Created this section to include requirements relating to labeling containers that hold hazardous chemicals.

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

- Created this section to include requirements relating to informing and training your employees about hazardous chemicals in your workplace.

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Created this section to include requirements relating to laboratories using hazardous chemicals.

WAC 296-307-55040 Follow these rules for handling chemicals in factory-sealed containers.

- Created this section to include requirements relating to handling chemicals in factory-sealed containers.

WAC 296-307-55045 Translate certain chemical hazard communication documents upon request.

- Created this section to include requirements relating to the department translating chemical hazard communication documents upon request.

WAC 296-307-55050 Attempt to obtain a material safety data sheet (MSDS) upon request.

- Created this section to include requirements relating to the department attempt to obtain a material safety data sheet upon request.

WAC 296-307-55055 Items or chemicals exempt from the rule, and exemptions from labeling.

- Created this section to include items or chemicals exempt from this rule, and exemptions from labeling.

WAC 296-307-55060 Definitions.

- Created this section to include applicable definitions.

WAC 296-307-570 Lighting.

- Created this section to include lighting requirements.

WAC 296-307-57005 Provide and maintain adequate lighting.

- Created this section to include requirements relating to providing and maintaining adequate lighting.

WAC 296-307-590 Environmental tobacco smoke in the office.

- Created this section to include environmental tobacco smoke requirements.

WAC 296-307-59005 Control tobacco smoke in your building.

- Created this section to include requirements relating to controlling tobacco smoke in your building.

WAC 296-307-59010 Control tobacco smoke that comes in from the outside.

- Created this section to include requirements relating to controlling tobacco smoke that comes in from the outside.

WAC 296-350-60025 Reassuming jurisdiction or forwarding an appeal to the board.

- These requirements are located in WAC 296-800-350.
- Repealed this section.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-24-23505 Cabs, 296-24-260 Helicopters, 296-24-33009 Container and portable tank storage, 296-24-33015 Service stations, 296-24-47509 Systems utilizing containers other than DOT containers, 296-24-47513 Storage

of containers awaiting use or resale, 296-24-47517 Liquefied petroleum gas service stations, 296-24-55001 Definitions, 296-24-68215 Public exhibitions and demonstrations, 296-24-75003 Protection for floor openings, 296-24-75007 Protection of open-sided floors, platforms and runways, 296-24-78003 Application of requirements, 296-24-78005 Materials, 296-24-78009 Care and use of ladders, 296-36-190 Fire prevention and fire fighting, 296-45-67545 Refueling operations, 296-54-521 Motor vehicles, 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters, 296-56-60083 Cranes and derricks, 296-56-60171 General requirements, 296-56-60207 General requirements, 296-59-105 Handcharge makeup methods, 296-62-05209 Access to records, 296-62-07619 Hygiene facilities and practices, 296-62-07719 Hygiene facilities and practices, 296-62-09001 Definitions, 296-62-31335 Showers and change rooms, 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory), 296-78-56505 Boats and mechanical devices on water, 296-155-270 Flammable and combustible liquids, 296-155-275 Liquefied petroleum gas (LP-gas), 296-155-525 Cranes and derricks, 296-155-575 Helicopters and helicopter cranes, 296-155-730 Tunnels and shafts, 296-155-745 Compressed air, 296-307-018 What are the employer's responsibilities?, 296-307-039 How many people at the worksite must be first-aid trained?, 296-307-07013 What rules apply to vehicles used to transport employees?, 296-307-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130, 296-307-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230 and 296-307-14505 What records must an employer keep for pesticide applications?; and repealing WAC 296-24-59203 Exemptions, 296-24-631 Employee alarm systems, 296-24-63101 Scope and application, 296-24-63103 General requirements, 296-24-63105 Installation and restoration, 296-24-63107 Maintenance and testing, 296-24-63109 Manual operation, 296-24-63199 Appendix A—Employee alarm systems, 296-24-75009 Stairway railings and guards, 296-307-042 Must an employer provide first-aid kits?, and 296-350-60025 Reassessing jurisdiction or forwarding an appeal to the board.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 01-12-103 on June 20 [6], 2001.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following changes are as a result of the public hearings, to clarify language or for better organization:

WAC 296-307-039 First aid rule summary.

- Added the words "first aid" to the title of this section.
- In the definition of "first aid" removed the following language, "Tests, such as X rays, must not be confused with treatment. For example, an employee thought he broke his arm and went to the hospital to get X rays. If the X rays show no broken bones, they are not considered first aid. On the other hand, if they do show a broken bone, they would be considered medical treatment."
- Deleted the definition of "First-aid station."

WAC 296-307-03910 Make sure first-aid training contains required subjects.

- Modified the first bullet in this section to read, "Make sure that every two years, employees successfully complete first-aid training in the following core elements:"

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available.

- Removed the language in the first-aid kit table relating to "ten package," "24 package" and "36 package" and replaced it with "first-aid kit." Also, added a reference in the table to see "WAC 296-307-03925" for first-aid station requirements.
- Added a note that reads, "Kits should be checked at least weekly to ensure adequate number of needed items are available."
- Added a note that reads, "Kits may be carried in any motor vehicle that is used near the crew."

WAC 296-307-03925 Provide a first-aid station when required.

- Delete the requirement relating to the first-aid station having to be "well marked."

WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees.

- Modified the language in the second bullet to read, "Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)"

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

- Added the following note that reads, "The Employer Chemical Hazard Communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the Worker protection standards, WAC 296-307-12040."

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 24, Amended 44, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, Amended 44, Repealed 11.

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 24, Amended 44, Repealed 11.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The environmental tobacco smoke, lighting and hazard communication requirements from chapter 296-62 WAC, General occupational health standards, were incorporated into chapter 296-800 WAC, Safety and health core rules, which were adopted on May 9, 2001, and effective on September 1, 2001. Even though chapter 296-800 WAC was adopted, the agriculture industry is required to follow rules in chapter 296-62 WAC. Since the requirements were removed from chapter 296-62 WAC with the safety and health core rule filing we need to incorporate these requirements into chapter 296-307 WAC, Safety standards for agriculture. As a result, the effective date for these rules will be September 1, 2001, which is less than the required thirty day time period normally followed, RCW 34.05.380. The department believes the earlier effective date is necessary because of imminent peril to the public health, safety, or welfare and to ensure continued protection for the agriculture industry.

Effective Date of Rule: September 1, 2001.

August 8, 2001

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-018 What are the employer's responsibilities? You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.
- (4) Implement a hazard communication program as required by (~~chapter 296-62 WAC, Part C~~) WAC 296-307-550.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.
- (7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.
- (8) Implement the requirements of WAC 296-62-145 through 296-62-14529 to ensure the safety of employees who are exposed to confined spaces in the workplace.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-039 ((How many people at the work-site must be first-aid trained?)) First-aid rule summary. ((1) During working hours, each farm or crew must have at least one person qualified to give first-aid.

"Qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content and hours.

"Current certificate" means a first-aid training certificate that has not expired.

Note: ~~The local department of labor and industries service location has a list of first-aid courses.~~

~~(2) The above requirement is met if the farm operator or spouse holds a current first-aid certificate and is available during working hours.~~

~~(3) Exception: The above requirements do not apply to employees whose duties require them to work alone at isolated work stations. However, employees working alone must be checked at intervals by some method agreed upon by you and the employee.)~~ **Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.**

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-307-03905.

Make sure first-aid training contains required subjects.

WAC 296-307-03910.

Keep current and document your first-aid training.

WAC 296-307-03915.

Make sure appropriate first-aid supplies are readily available.

WAC 296-307-03920.

Provide a first-aid station when required.

WAC 296-307-03925.

Note: Additional requirements relating to first-aid are also located in the following sections:

- = WAC 296-307-07013(12). What rules apply to vehicles used to transport employees?
- = WAC 296-307-16175. First-aid requirements for operators of temporary worker housing.
- = WAC 296-307-16380. First-aid requirements for operators of cherry harvest camps.

Definitions:

First aid: The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Emergency medical service: Medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

NEW SECTION

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first aid. You must:

- Choose one of the following two options to make sure that your employees have access to personnel who are trained in first aid.

Option 1:

Make sure first-aid trained persons are in your workplace to help your employees if they become hurt or ill on the job by doing the following:

- Make sure that:

- ◆ Each person in charge of employees has first-aid training; or

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◆ Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.

Note: This rule is met if persons other than an employee, such as the farm operator or spouse, hold a current first-aid certificate and are available during working hours.

EXCEPTION: This rule does not apply to individual employees whose duties require them to work alone at isolated workstations. However, employees working alone must be checked at intervals by some method agreed upon by you and the employee.

- Adequately post emergency telephone numbers in your workplace.

Option 2:

Develop and maintain a written first-aid response plan for your workplace. If you choose this option, you must do all of the following:

- Determine how many, if any, employees should be trained in first aid, based on the following factors:

- ◆ What type(s) of occupational hazards are present in your workplace?
- ◆ How likely is it that a workplace injury or illness will occur?
- ◆ How serious are the occupational hazards in your workplace?
- ◆ How remote is your workplace?
- ◆ How complex is your worksite in terms of size, design, etc.?
- ◆ What medical emergencies have occurred at your workplace in the past?
- ◆ How far away and how long does it take to get to emergency medical services?

Note: Employers who require their employees to provide first aid must comply with the bloodborne pathogen rule, WAC 296-62-080.

You must:

- Make sure your first-aid response plan:
 - Fits your work location, type of work, and environmental conditions.
 - Identifies the available emergency medical services and access numbers and where they are posted.
 - Describes the type of first-aid training employees receive, if applicable.
 - Identifies the location(s) of first-aid supplies and/or first-aid stations.
 - Identifies the contents of first-aid kits.
 - Describes how first-aid supplies or kits will be inspected and maintained.
 - Describes how injured or ill employees will have access to first-aid trained employees.

NEW SECTION

WAC 296-307-03910 Make sure first-aid training contains required subjects.

Note: Assess your workplace to determine if there are certain job hazards, if the time and distance from emergency medical services indicate a need for training beyond the items listed below.

You must:

- Make sure that every two years, employees successfully complete first-aid training in the following core elements:
 - Role and responsibilities of the first-aid provider.
 - Assessing a scene.
 - Performing an initial and ongoing assessment of an injured or ill person.
 - Scene safety.
 - Body substance isolation/bloodborne pathogens.
 - Performing an emergency move.
 - Placing an ill person in the recovery position.
 - Opening and maintaining an airway.
 - Providing rescue breathing.
 - Managing an obstructed airway.
 - Performing adult/one-rescuer CPR.
 - Recognizing the warning signs and symptoms of medical problems.
 - Recognizing and caring for an injured or ill person with decreased levels of responsiveness.
 - Controlling external bleeding and recognizing internal bleeding.
 - Recognizing and caring for victims of shock.
 - Recognizing and stabilizing spinal injury.
 - Recognizing and manually stabilizing suspected skeletal injuries.
 - Knowledge of voluntary provisions of first aid, consent and confidentiality.

NEW SECTION

WAC 296-307-03915 Document your first-aid training. You must:

- Keep a written record of your employees' first-aid training by keeping rosters, first-aid cards, or certificates. You may store your documentation on a computer, as long as the information is readily available when requested by personnel of the department of labor and industries.

NEW SECTION

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available. You must:

- Make sure first-aid supplies are readily available. (See first-aid kit table.)
- Make sure first-aid supplies at your workplace are appropriate to:
 - Your occupational setting.
 - The response time of your emergency medical services.

First-Aid Kit Table

Number of employees normally assigned to worksite	Minimum first-aid supplies required at worksite
1 - 15 Employees	1 First-aid kit
16 - 30 Employees	2 First-aid kits
31 - 50 Employees	3 First-aid kits
Over 50 Employees (within 1/2 mile radius of supplies)	First-aid station (see WAC 296-307-03925)

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- Note:
- First-aid kits from your local retailer or safety supplier should be adequate for most nonindustrial employers.
 - The following is a list of suggested items for your first-aid kit:
 - 1 absorbent compress, 4 x 8 inches
 - 16 adhesive bandages, 1 x 3 inches
 - 1 adhesive tape, 5 yards long
 - 10 antiseptic single-use packages, 0.5 g application
 - 6 burn treatment single-use packages, 0.5 g application
 - 1 eye covering (for two eyes)
 - 1 eye wash, 1 fluid ounce
 - 4 sterile pads, 3 x 3 inches
 - 2 pair of medical exam gloves
 - 1 triangular bandage, 39 x 39 x 55 inches
 - Optional first-aid kit contents
 - Bandage compresses, 2 x 2 inches, 3 x 3 inches and 5 x 5 inches
 - Self-activating cold packs, 4 x 5 inches
 - Roller bandages, 6 yards long
 - Mouth-to-mouth barrier for CPR
 - Kits should be checked at least weekly to ensure adequate number of needed items are available.
 - Kits may be carried in any motor vehicle that is used near the crew.

You must:

- Make sure that first-aid supplies are:
 - Easily accessible to all your employees.
 - Stored in containers that protect them from damage, deterioration, or contamination. Containers must be clearly marked, not locked, and may be sealed.
 - Able to be moved to the location of an injured or acutely ill worker.

NEW SECTION**WAC 296-307-03925 Provide a first-aid station when required. You must:**

- Provide a first-aid station with at least one first-aid trained employee available if there are fifty or more employees per shift at one location.
- Make sure the first-aid station:
 - Is available to employees during all working hours.
 - Is equipped with first-aid supplies that are appropriate for your number of employees, occupational setting, and working conditions.
 - Has at least one portable first-aid kit.

Note: Kits may be carried in any motor vehicle that is used near the crew. The vehicle may be considered a first-aid station when it is identified as one and when the driver is trained in first-aid.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-07013 What rules apply to vehicles used to transport employees? You must ensure that motor vehicles used regularly to transport employees meet the following requirements:

(1) The vehicles are well equipped, covered against the weather, and maintained in good mechanical condition at all times.

(2) A sufficient number of properly secured seats are provided in each vehicle to accommodate the number of employees transported. When emergency conditions make it necessary to transport more employees than the seating

capacity can accommodate, all employees must ride within the vehicle. No employee may ride on fenders or running boards of the vehicle.

(3) No employees may ride in or on any vehicle with their legs hanging over the end or sides. All trucks without tail gates should have safety bars.

(4) The vehicles have storage strong enough to retain sharp tools that could present a hazard to employees being transported.

(5) All dump-trucks used to transport employees have an adequate safety chain or locking device to ensure that the body of the truck is not raised while employees are riding in it.

(6) Explosives or highly inflammable materials are not carried in or on the vehicle while it is used to transport employees.

(7) Exhaust systems are installed and maintained in proper condition, and are designed to eliminate the employee exposure to exhaust gases and fumes.

(8) Within the cab, crew trucks must carry only the number of passengers for which they are designed. In any seating arrangement, the driver must be able to maintain full freedom of motion. The driver's normal vision must be free from obstruction by passengers or the seating arrangement.

(9) All enclosed crew trucks have an emergency exit in addition to the regular entrance.

(10) Trucks used for hauling gravel may be used as crew trucks if they meet the following requirements:

- (a) Steps in proper places;
- (b) Wooden floors;
- (c) Securely fastened seats;
- (d) Truck is properly covered; and
- (e) Compliance with all other general regulations covering crew trucks.

(11) Half-ton vehicles must haul no more than six persons including driver. Three-quarter-ton vehicles must haul no more than eight persons including driver.

(12) The vehicle is equipped with the first-aid supplies required by WAC 296-307-042, two blankets, and a fire extinguisher.

Note: Additional requirements relating to first aid are located in WAC 296-307-039.

(13) Heating units with open fires are not used in vehicles transporting crews.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130. (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

Note: *In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with WAC ((296-62-*

054 through 296-62-05427-)) 296-307-550. Employer chemicalhazard communication.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 296-307-12020 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this part applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the training requirements of chapter 17.21 RCW.

(c) A worker who satisfies the handler training requirements of WAC 296-307-13025(3).

(d) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: Provided, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-307-13025 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department

of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iv) Satisfy the training requirements in WAC 296-307-13025(3).

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body, including information on wearing work clothing that protects the body from pesticide residues.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including preventing pesticides from entering the body by:

■ Emergency eyeflushing techniques;

■ Washing work clothes separately from other clothes before wearing them again;

■ Washing before eating, drinking, using chewing gum or tobacco, or using the toilet;

■ Washing/showering with soap and water, shampooing hair, and putting on clean clothes after work; and

■ Washing immediately in the nearest clean water if pesticides are spilled on the body. As soon as possible shower, shampoo, and change into clean clothes.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this part designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in subsection (4)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved Worker Protection Standard worker training card, then the requirements of subsection (1) of this section will have been met.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230. (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

Note: In addition to the training required by this section, the agricultural employer shall assure, without exception, that all employees are trained in accordance with WAC ((296-62-054 through 296-62-05427,)) 296-307-550. Employer chemical hazard communication.

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: Provided, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-307-13025 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information

such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this part that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved Worker Protection Standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-14505 What records must an employer keep for pesticide applications? (1) If you apply pesticides, or have pesticides applied for you, related to the production of an agricultural crop, you must keep records for each application. The records must include the following:

(a) The address or exact location where the pesticide was applied or stored;

Note: If you apply pesticides to one acre or more, the location must be shown on the map on the required form for at least the first application.

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(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide applied;

(g) The total area to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual(s) making the application;

(i) The direction and estimated velocity of the wind at the time the pesticide was applied;

Exception: Wind information does not have to be recorded for applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the department.

(2) A commercial pesticide applicator must provide a copy of the pesticide application records to the owner or lessee of the lands to which the pesticide is applied. Pesticide application records may be provided on any form that includes all required information.

(3) You must update records on the same day that a pesticide is applied. You may use a copy as the record of the pesticide application. You must maintain the records for at least seven years after the date of the application.

(4) You must ensure that pesticide application records are readily accessible to employees and their designated representatives in a central location in the workplace. The records must be available beginning on the day the application is made and for at least thirty days after. You may view the pesticide application records and make your own record from that information.

(5) New or newly assigned employees must be made aware of the accessibility of the application records before working with pesticides or in an area containing pesticides.

(6) When storing pesticides, you must, at least once a year, perform an inventory of the pesticides stored in any work area.

(7) The pesticide inventory records must include the following information:

(a) The location where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(8) You must maintain a record of pesticide purchases made between the annual inventory dates.

(a) Instead of this purchase record, you may obtain from distributors from whom you buy pesticides, a statement obli-

gating the distributor to maintain the purchase records on your behalf to meet the requirements of this section.

(b) We may require you to submit all purchase records covering the purchases during a specified period of time or in a specified geographical area.

(9) When you end all pesticide activities, you must file the records with us. Anyone who succeeds or replaces you must retain the records required by this section, but that person is not liable for any violations you commit.

(10) You must ensure that the records required under this section are readily accessible to us for inspection. You must also provide copies of the records on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries;

(b) Treating health care personnel; or

(c) The pesticide incident reporting and tracking review panel.

(11) The designated representative or treating health care personnel are not required to identify the employee represented or treated.

(12) We will keep the name of any affected employee confidential according to RCW 49.17.080(1).

(13) When treating health care personnel request records under this section, and the record is required to determine treatment, you must provide copies of the record immediately. Information for treating health care personnel must be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, you must provide copies of the records within seventy-two hours.

(14) If requested, you must provide copies of records on a form provided by the department.

(15) If you suspect that an employee is ill or injured because of an exposure to one or more pesticides, you must immediately provide the employee with a copy of the relevant pesticide application records.

(16) If you refuse to provide a copy of a requested record, the requester may notify the department of the request and your refusal.

(a) Within seven working days, we will request that you provide us with all pertinent copies of the records, except that in a medical emergency we will request within two working days.

(b) You must provide copies of the records to us within twenty-four hours after we request.

(17) We inspect for the records required under this section as part of any on-site inspection of a workplace conducted under this chapter or chapter 49.17 RCW. We will determine, during the inspection, whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, your records will not be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, we may conduct reasonable multiple inspections, according to department rules. ~~((See WAC 296-27-16018, Compliance inspections, and WAC 296-27-16026, Programmed inspections.))~~ Nothing in this section limits our inspection of records pertaining to pes-

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ticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If you fail to maintain the records, or provide access to or copies of the records required under this section, you will be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture will jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100.

PART Y - OCCUPATIONAL HEALTH STANDARDS

NEW SECTION

WAC 296-307-550 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with Chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

EXEMPTIONS:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer
 - ◆ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program

WAC 296-307-55005

Identify and list all the hazardous chemicals present in your workplace

WAC 296-307-55010

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

WAC 296-307-55015

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees

WAC 296-307-55020

Label containers holding hazardous chemicals

WAC 296-307-55025

Inform and train your employees about hazardous chemicals in your workplace

WAC 296-307-55030

Follow these rules for laboratories using hazardous chemicals

WAC 296-307-55035

Follow these rules for handling chemicals in factory sealed containers

WAC 296-307-55040

The department must:

Translate certain chemical hazard communication documents upon request

WAC 296-307-55045

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Attempt to obtain a material safety data sheet (MSDS) upon request

WAC 296-307-55050

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling

WAC 296-307-55055

Definitions

WAC 296-307-55060

NEW SECTION

WAC 296-307-55005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program. You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specifically for your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

- A list of hazardous chemicals known to be present in your workplace
- Procedures for making sure all containers are properly labeled
- A description of how you are going to obtain and maintain your material safety data sheets (MSDSs)
- A description of how you are going to train and inform your employees about hazardous chemicals in their workplace
- A description of how you are going to inform your employees about:

- ◆ Chemical hazards used during nonroutine tasks
- ◆ The hazards associated with chemicals contained in unlabeled pipes in their work areas

You must:

- Make sure your written Chemical Hazard Communication Program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) may be exposed:

- Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a central location at the workplace
- Inform the other employer(s) of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies
- Describe how to inform the other employer(s) of the labeling system used in the workplace

Note:

- Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.
- Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and employees of other employers have the right to get the information from you when they are working at your workplace.
- Include in your written Chemical Hazard Communication Program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:
 - Access to MSDSs

- Precautionary measures such as personal protective equipment (PPE) and emergency plans

- Any labeling systems used at the workplace.

If you rely on another employer's chemical hazard communication program to share the information required and the program meets the requirements of this rule, document in your own written Chemical Hazard Communication Program.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

NEW SECTION

WAC 296-307-55010 Identify and list all the hazardous chemicals present in your workplace. You must:

- Identify all hazardous chemicals in your workplace. This includes any chemical that is known to be present in your workplace in such a way that employees may be exposed to it under normal conditions of use or in a foreseeable emergency.

- Create a list of these chemicals using the chemical or common name on the material safety data sheet (MSDS). This list:

- Must be compiled for the workplace as a whole, or for individual work areas.
- Is necessary to make sure that all hazardous chemicals are identified and that MSDS, and labeling rules are met.
- Must be current.

Note: The following are some ways to determine whether a product is hazardous:

- Look for words on the label, such as "CAUTION," "WARNING," or "DANGER."
- Look for words or "hazard coding" that indicate that the chemical is flammable, an irritant, corrosive, carcinogenic, etc. "Hazard coding" refers to words, numbers, or colors that tell you a chemical is dangerous.
- Check the product's MSDS for hazard information.

Examples of hazardous chemicals are: Acids, adhesives, caustics, fuels, paints, varnishes, shellacs and pesticides. Too many other classes of hazardous chemicals exist to list them all here. If you have any questions about a chemical you have at your workplace, contact your local L&I office.

NEW SECTION

WAC 296-370-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used. You must:

- Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.

- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the:
Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610
- Include in your request:
 - A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor
 - The name of the product suspected of containing a hazardous chemical
 - The identification number of the product, if available
 - A copy of the product label, if available
 - The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained

You must:

- Maintain a MSDS for each hazardous chemical:
 - Keep copies of the required MSDSs for each hazardous chemical present in your workplace. These may be kept in any form, including as a part of operating procedures.
 - Each MSDS must be in English. You may also keep copies in other languages.

Note:

- If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the chemical hazard communication standard for manufacturers, importers, and distributors, WAC 296-62-054.
- It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDSs can be designed to cover groups of hazardous chemicals in a work area.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 296-370-55015 is probably intended to be WAC 296-307-55015.

NEW SECTION

WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees. You must:

- Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift to employees when they are in their work area(s).
- Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)

Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.

- Barriers to immediate access of electronic MSDSs may include:
 - Power outages
 - Equipment failure
 - System delays
 - Deficient user knowledge to operate equipment
 - Location of equipment outside the work area
 Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

NEW SECTION

WAC 296-307-55025 Label containers holding hazardous chemicals.

- EXEMPTIONS:** The following is a summary of items that are exempt from this rule. For complete information about each of these, see WAC 296-307-55055.
- Pesticides, when labeled as required by the Environmental Protection Agency (EPA)
 - Food, food additives, color additives, drugs, cosmetics, or medical/veterinary devices or products
 - Alcoholic beverages not intended for industrial use
 - Consumer products labeled, as required, by the Consumer Product Safety Commission
 - Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act

Note: You are not required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the chemical is used and controlled by the employee who performed the transfer within the same shift.

You must:

- Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:
 - The identity of the hazardous chemical(s) using either the chemical or common name

Note: You are not required to list each component in a hazardous mixture on the label. If a mixture is referred to on a material safety data sheet (MSDS) by a product name, then the product name should be used as the identifier.

- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as information about organs most likely to be affected by the chemicals.

EXAMPLES OF LABEL:

Name of Chemical Physical Hazards Health Hazards; • Health effects information • Affected Target Organs

- For individual stationary process containers, you may use alternate labeling methods such as:

- ◆ Signs
- ◆ Placards
- ◆ Process sheets
- ◆ Batch tickets
- ◆ Operating procedures or

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◆ Other such written materials, as long as the alternate method identifies the containers and conveys the required label information.

Note:

- You may use words, pictures, symbols or any combination to communicate the hazards of the chemical. Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.



- Some alternative labeling systems do not communicate target organ information, so the employee will have to rely on training provided by the employer to obtain this information.

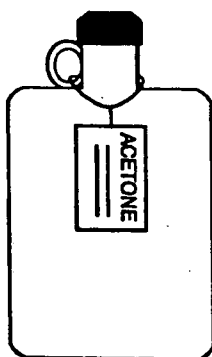
You must:

- Not remove or deface existing labels on incoming containers of hazardous chemicals (such as those marked with United States Department of Transportation (USDOT) markings, placards, and labels), unless the container is immediately labeled with the required information. You do not need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.

- Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note:

- Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.



- Above is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

You must:

- Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

NEW SECTION

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

Note: The employer chemical hazard communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the worker protection standards, WAC 296-307-12040.

You must:

- Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

– Inform employees of:

- ◆ The requirements of this rule.
- ◆ Any operations in their work area where hazardous chemicals are present.

- ◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

- Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained. Make sure that employee training includes:

- Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released
- ◆ Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

- ◆ Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- Appropriate work practices
- Engineering controls
- Emergency procedures
- Personal protective equipment to be used
- Details of the Chemical Hazard Communication Program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

- Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.

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• Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note:

- Interactive computer-based training or training videos can be used provided they are effective.
- Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

NEW SECTION

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

Note: Laboratories are required to have a written Chemical Hygiene Plan under WAC 296-62-400, if applicable. They are not required to have a written Chemical Hazard Communication Program.

You may combine your Accident Prevention Program and Chemical Hazard Communication Program to assist you in developing a Chemical Hygiene Plan for your laboratory.

You must:

(1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.

(2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their work areas.

(3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-307-55030, except for the part about the location and availability of the written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, "Hazard communication standards for chemical manufacturers, importers and distributors," WAC 296-62-054.

NEW SECTION

WAC 296-307-55040 Follow these rules for handling chemicals in factory-sealed containers. You must:

This applies to situations where employees only handle chemicals in factory-sealed containers that are not opened under normal use (such as those found in marine cargo handling, trucking, warehousing, or retail sales). **You must:**

(1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.

(2) Keep or obtain material safety data sheets.

• Keep any MSDSs that are received with incoming shipments of the sealed containers of hazardous chemicals

• If a factory-sealed container of hazardous chemicals comes without a MSDS, obtain one as soon as possible, if an employee requests it

(3) Make sure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s).

(4) Inform and train your employees about hazardous chemicals in your workplace, to protect them in case of a hazardous chemical spill or leak from a factory-sealed container. You do not have to cover the location and availability of the written Chemical Hazard Communication Program.

NEW SECTION

WAC 296-307-55045 Translate certain chemical hazard communication documents upon request. The department must:

• Upon receipt of a written or verbal request, prepare and make available (within available resources) to employers or the public, a translation into Cambodian, Chinese, Korean, Spanish, or Vietnamese of any of the following:

– An employer's written Chemical Hazard Communication Program

– A material safety data sheet or

– Written materials prepared by the department to inform employees of their rights described in this rule, regarding chemical hazard communication

Note: Written requests for translations should be directed to:
Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610

NEW SECTION

WAC 296-307-55050 Attempt to obtain a material safety data sheet (MSDS) upon request. The department must:

• Upon receipt of an employer's written request for a material safety data sheet, attempt to obtain the MSDS from the chemical manufacturer, importer, or distributor. When the department receives the MSDS, the department must forward a copy of it to the purchaser at no cost. Small business employers will be given priority for this service.

NEW SECTION

WAC 296-307-55055 Items or chemicals exempt from the rule, and exemptions from labeling.

• Listed below are the full descriptions of the items or chemicals that are exempt, or not covered, by this rule:

– Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where you can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

– Any hazardous waste, defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology,

that describes specific safety, labeling, personnel training, and other rules for the accumulation, handling, and management of hazardous waste.

- Any hazardous waste, defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency.

- Any hazardous substance, defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.

- Tobacco or tobacco products.

- Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility. Wood or wood products that have been treated with hazardous chemicals covered by this rule, and wood that may be subsequently sawed or cut, generating dust, are not exempt.

- Articles, meaning manufactured items other than a fluid or particle that:

- ◆ Are formed to a specific shape or design during manufacture;

- ◆ Have end use function(s) dependent in whole or in part upon their shape or design during end use; and

- ◆ Under normal conditions of use, do not release more than very small quantities, for example minute or trace amounts of a hazardous chemical such as emissions from a marking pen or a newly varnished wood chair, and do not pose a physical hazard or health risk to employees.

- Food or alcoholic beverages that are sold, used, or prepared in a retail establishment such as a grocery store, restaurant, or drinking place, and foods intended for personal consumption by employees while in the workplace.

- Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (for example, tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (for example over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (for example, first-aid supplies). Aerosolized or cytotoxic drugs administered by a health care worker are not excluded.

- Cosmetics packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the *workplace*.

- Ionizing and nonionizing radiation.

- Biological hazards.

- This rule does not require labeling of the following chemicals:

- Any pesticide, defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency.

- Any chemical substance or mixture, in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act, and labeling requirements issued under that act by the Environmental Protection Agency.

- Any food, food additive, color additive, drug, cosmetic, or medical/veterinary device or product, including materials intended for use as ingredients in such products (for example, flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the Department of Agriculture.

- Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms.

- Any consumer product or hazardous substance, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety rule or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

- Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.), and the labeling requirements issued under that act by the Department of Agriculture.

NEW SECTION

WAC 296-307-55060 Definitions.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

- The chemical abstracts service (CAS) rules of nomenclature

OR

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

An arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

Any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C).

Container

Any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank.

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with manufacturers, distributors and importers - hazard communication.

Employee

The term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is per-

sonal labor for an employer under this standard whether by way of manual labor or otherwise.

Employer

An employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposure or exposed

An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
 - Handled
 - Stored
 - Generated
- OR
- Present.

Flammable

A chemical covered by one of the following categories:

• Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;

- Gas, flammable means:

– A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less; or

– A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit;

• Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

• Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

– Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

– Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Foreseeable emergency

Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Hazardous chemical

Any chemical that is a physical or health hazard.

Hazard warning

Can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Health hazard

Any chemical with the potential to cause acute or chronic health effects in exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- Chemicals which are carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants

- Corrosives
- Sensitizers
- Hepatotoxins
- Nephrotoxins
- Neurotoxins
- Agents which act on the hematopoietic system
- Agents which damage the lungs, skin, eyes, or mucous membranes.

See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.

See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.

Identity

Any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs.

Importer

The first business within the customs territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA.

See WAC 296-62-054 for requirements dealing with manufacturers, importers and distributors - hazard communication.

Material safety data sheet (MSDS)

Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.

For requirements for developing MSDSs see WAC 296-62-054—manufacturers, importers, and distributors - hazard communication.

Mixture

Any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure

to any 8-hour work shift of a 40-hour work week and must not be exceeded.

• **Permissible exposure limits - Short-term exposure limit (PEL-STEL)** is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.

• **Permissible exposure limits - Ceiling (PEL-C)** is the employee's exposure which must not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.

• **Skin notation** is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

Physical hazard

A chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive.

Produce

Any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Purchaser

An employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Responsible party

Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical abstracts service (CAS) registry number

• Any other information that reveals the precise chemical designation of the substance.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information.

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Unstable (reactive)

An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

Means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Work area

A room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace

The term workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

NEW SECTION

WAC 296-307-570 Lighting rule. Your responsibility: To provide and maintain adequate lighting in your workplace.

NEW SECTION

WAC 296-307-57005 Provide and maintain adequate lighting.

Note: This section establishes minimal levels of lighting for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting, ANSI/IES RP7-1979.

You must:

• Provide and maintain adequate lighting for all work activities in your workplace. See the following table.

Lighting Table		
Activity	Minimum Acceptable average lighting level in an area:	Any one single measurement used to determine the average lighting level*cannot be less than:
	(Foot-candles)	(Foot-candles)
Indoor task	10	5
Outdoor task	5	2.5
Nontask activities for both indoor and outdoor	3	1.5

- Lighting levels must be measured at thirty inches above the floor/working surface or at the task.

You must:

- Have adequate light for employees to see nearby objects that might be potential hazards or to see to operate emergency controls or other equipment, if general lighting is not available.

- Note:
- Lighting levels can be measured with a light meter.
 - Conversion information: 1 foot candle = 1 lumen incident per square foot = 10.76 lux.

NEW SECTION

WAC 296-307-590 Environmental tobacco smoke in the office. Your responsibility:

To control exposure to environmental tobacco smoke in your office work environment

You must:

Control tobacco smoke in your building

WAC 296-307-59005

Control tobacco smoke that comes in from the outside

WAC 296-307-59010

Note: This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

Definitions: *Office work environment* is an indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning.

NEW SECTION

WAC 296-307-59005 Control tobacco smoke in your building.

EXEMPTION: The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos.

You must:

- Prohibit smoking in your office work environment

OR

• Restrict smoking inside your office work environment to designated enclosed smoking rooms that meet the following minimum criteria:

- Identify smoking rooms clearly with signs.
- Make sure the designated smoking rooms are not in common areas, such as:
 - ◆ Places where nonsmoking employees are required to work or visit

- ◆ Restrooms
- ◆ Washrooms
- ◆ Hallways
- ◆ Stairways
- ◆ Cafeterias/lunchrooms
- ◆ Meeting rooms

- Make sure that no employee is required to enter a designated smoking room while someone is smoking there.
- Conduct cleaning and maintenance work in designated smoking rooms when smokers are not present.

You must:

• Ventilate designated smoking rooms at a rate of at least 60 cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.

- Maintain enough negative air pressure in designated smoking areas to prevent smoke from migrating into nonsmoking areas, at all times.

- Operate a separate mechanical exhaust system in designated smoking rooms, to make sure exhausted air moves directly outside, and does not recirculate into nonsmoking areas.

- Prohibit use of the designated smoking room if the mechanical exhaust system is not working properly, until repairs are completed.

Note: This ventilation rate is recommended for occupancies of no more than 7 people for every 100 square feet of net occupied space in the designated smoking room.

NEW SECTION

WAC 296-307-59010 Control tobacco smoke that comes in from the outside. You must:

• Use engineering or administrative controls to minimize the amount of tobacco smoke that comes into your office(s) from outside the building.

- Make sure that outside smoking areas used by your employees are not close to doorways, air intakes, and other openings that may allow airflow directly into an office.

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Note: By changing the way workers do their job, you can reduce work exposure to potential hazards. These changes are called administrative controls and include such things as:

- Job rotation
- Wetting down dusty areas
- Having employees shower after exposure to potentially harmful substances
- Maintaining equipment properly
- Cleaning up work areas to control the effect of potential hazards

Engineering controls let you plan or physically change the machinery or work environment to prevent employee exposure to potential hazards. This includes any modification of plant equipment, processes, or materials to reduce employees' exposure to toxic materials or harmful physical agents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-307-042 Must an employer provide first-aid kits?

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-350-60025 Reassuming jurisdiction or forwarding an appeal to the board.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-23505 Cabs. (1) Cab location.

(a) The general arrangement of the cab and the location of control and protective equipment shall be such that all operating handles are within convenient reach of the operator when facing the area to be served by the load hook, or while facing the direction of travel of the cab. The arrangement shall allow the operator a full view of the load hook in all positions.

(b) The cab shall be located to afford a minimum of 3 inches clearance from all fixed structures within its area of possible movement.

(c) The clearance of the cab above the working floor or passageway should be not less than seven feet.

(2) Access to crane. Access to the cab and/or bridge walkway shall be by a conveniently placed fixed ladder, stairs, or platform, requiring no step over any gap exceeding 12 inches. Fixed ladders shall be in conformance with the American National Standards Institute, Safety Code for Fixed Ladders, ANSI A14.3-1956.

(3) Fire extinguisher. A carbon dioxide, dry-chemical, or equivalent hand fire extinguisher should be kept in the cab. Carbon tetrachloride extinguishers shall not be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(4) Lighting. Light in the cab shall be sufficient to enable the operator to see clearly enough to perform the work.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-260 Helicopters. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chin straps.

(b) Loose-fitting clothing likely to flap in the downwash and thus be snagged on hoist line shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Handsignals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(21) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically

bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(22) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (21)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-33009 Container and portable tank storage. (1) Scope.

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

(i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations - October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet

of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II	Class III
Glass or approved plastic _____	1 pt.	1 qu.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums) _____	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans _____	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT spec.) _____	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks _____	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions:

(i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away," to meet specifications set forth in WAC 296-24-140.

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door,

and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead wood-screws. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13
STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. Ft./floor area)
Yes _____	2 hours _____	500 sq.ft. _____	10
No _____	2 hours _____	500 sq.ft. _____	4
Yes _____	1 hour _____	150 sq.ft. _____	5
No _____	1 hour _____	150 sq.ft. _____	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment within inside storage rooms used to store Class I liquids shall comply with the provisions of chapter 296-24 WAC Part L for

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Class I, Division 2 locations. For inside storage rooms used to store Class II and III liquids the pertinent provisions chapter 296-24 WAC Part L apply.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores.

(i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14
INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

Note 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(Numbers in parentheses indicate corresponding number of 55-gal. drums.)

Note 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	

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TABLE H-15
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- Note 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
- Note 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings.

(i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or stand-pipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16
OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 & 4)	5 Distance to street, alley, public way (see note 4)
	gal.	ft.	ft.	ft.
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17

OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley, public way
	gal.	ft.	ft.	ft.
IA	2,200	5	20	10
IB	4,400	5	20	10
IC	8,800	5	20	10
II	17,600	5	10	5
III	44,000	5	10	5

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- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with chapter 296-24 WAC, Part G-3.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-24-33015 Service stations. (1) Storage and handling.

(a) General provisions.

(i) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in (b) of this subsection, or in aboveground tanks as provided for in (3)(b)(i), (ii), (iii) and (iv) of this section.

(ii) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(iii) Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(iv) The provisions of subsection (1) of this section shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(A) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385-1966.

(B) The dispensing is done on premises not open to the public.

(C) The dispensing hose does not exceed 50 feet in length.

(D) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(vi) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(vii) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

(b) Special enclosures.

(i) When installation of tanks in accordance with WAC 296-24-33005(3) is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(ii) The enclosure shall be substantially liquid and vapor-tight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any liquid or vapors which might accumulate should leakage occur.

(iii) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing Class I liquids, installed of necessity in accordance with subsection (1)(b)(ii) of this section, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.

(c) Inside buildings.

(i) Except where stored in tanks as provided in subsection (1)(b) of this section, no Class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(ii) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station

building provided the electrical installation complies with Table H-19 and provided that any heating equipment complies with subsection (5) of this section.

(iii) Class II and Class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(d) Labeling. No sale or purchase of any Class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(e) Dispensing into portable containers. No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) Dispensing systems.

(a) Location. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(b) Inside location. Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(c) Emergency power cutoff. A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(d) Dispensing units.

(i) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(ii) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(iii) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismounting of the nozzle.

(iv) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(v) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(e) Remote pumping systems.

(i) This subdivision shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(ii) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which is/ or may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in (b) of this subsection, or in pits as provided in (e)(iii) of this subsection. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(iii) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(iv) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(v) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(vi) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(f) Delivery nozzles.

(i) A listed manual or automatic-closing type hose nozzle valve shall be provided on dispensers used for the dispensing of Class I liquids.

(ii) Manual-closing type valves shall be held open manually during dispensing. Automatic-closing type valves may be used in conjunction with an approved latch-open device.

(g) Special type dispensers.

(i) Emergency controls shall be installed at an acceptable location, but controls shall not be more than 100 feet from dispensers.

(ii) Instructions for the operation of dispensers shall be conspicuously posted.

(3) Marine service stations.

(a) Dispensing.

(i) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at

least 20 feet from any activity involving fixed sources of ignition.

(ii) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(iii) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(b) Tanks and pumps.

(i) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided below.

(ii) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of WAC 296-24-33005 relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(iii) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(iv) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in WAC 296-24-33005 (2)(h)(ii), so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(c) Piping.

(i) Piping between shore tanks and dispensing units shall be as described in WAC 296-24-33007, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(ii) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(iii) Piping shall be located so as to be protected from physical damage.

(iv) Piping handling Class I liquids shall be grounded to control stray currents.

(4) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed according to the provisions of chapter 296-24 WAC Part L for ordinary locations.

(b) All electrical equipment and wiring shall be of a type specified by and shall be installed according to chapter 296-24 WAC Part L.

(c) So far as it applies, Table H-19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition.

(d) The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	Class I, Group D division	Extent of classified area
Underground tank:		
Fill opening _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Vent—Discharging		
upward _____	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
Dispenser:		
Pits _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure _____	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Outdoor _____	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Indoor:		
With mechanical ventilation _____	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation _____	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.

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TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	Class I, Group D division	Extent of classified area
Remote pump—Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote pump—Indoor	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or service room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Dispenser for Class I liquids	2	Within 3 feet of any fill or dispensing point, extending in all directions.
Special enclosure inside building per WAC 296-24-33013 (1)(b)	1	Entire enclosure.
Sales, storage and rest rooms	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division I.

(5) Heating equipment.

(a) Conformance. Heating equipment shall be installed as provided in (b) through (e) of this subsection.

(b) Application. Heating equipment may be installed in the conventional manner in an area except as provided in (c), (d) or (e) of this subsection.

(c) Special room. Heating equipment may be installed in a special room separated from an area classified by Table H-19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H-19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(d) Work areas. Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(e) Electric heat. Electrical heating equipment shall conform to subsection (4) of this section.

(6) Drainage and waste disposal. Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

(7) Sources of ignition. In addition to the previous restrictions of this section, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

(8) Fire control. Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-47509 Systems utilizing containers other than DOT containers. (1) Application. This section applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. WAC 296-24-47505 of this section applies to this section unless otherwise noted in WAC 296-24-47505.

(2) Design pressure and classification of storage containers. Storage containers shall be designed and classified in accordance with Table H-31.

(3) Container valves and accessories, filler pipes, and discharge pipes.

(a) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125

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gallons or more, such terminals shall be located not less than 10 feet from any building (see WAC 296-24-47505 (6)(b)), and preferably not less than 5 feet from any driveway, and shall be located in a protective housing built for the purpose.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F (37.8°C.)	Minimum design pressures of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68 U-69)	1949 edition of Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code ³
80 ¹	80 ¹	80 ¹	100 ¹
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200 ²	215	200	250

¹New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

²Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designations when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

³Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(b) The filling connection shall be fitted with one of the following:

(i) Combination back-pressure check valve and excess flow valve.

(ii) One double or two single back-pressure check valves.

(iii) A positive shut-off valve in conjunction with either:

(A) An internal back pressure valve, or

(B) An internal excess flow valve.

(c) All openings in a container shall be equipped with approved automatic excess flow valves except in the following: Filling connections as provided in (3)(b) of this section; safety relief connections, liquid-level gaging devices as provided in WAC 296-24-47505 (7)(d), (19)(c) and (19)(h); pressure gage connections as provided in WAC 296-24-47505 (7)(e), as provided in (3)(d), (f) and (g) of this section.

(d) An excess flow valve is not required in the withdrawal service line providing the following are complied with:

(i) Such systems' total water capacity does not exceed 2,000 U.S. gallons.

(ii) The discharge from the service outlet is controlled by a suitable manually operated shut-off valve which is:

(A) Threaded directly into the service outlet of the container; or

(B) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or

(C) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.

(iii) The shut-off valve is equipped with an attached handwheel or the equivalent.

(iv) The controlling orifice between the contents of the container and the outlet of the shut-off valve does not exceed five-sixteenths inch in diameter for vapor withdrawal systems and one-eighth inch in diameter for liquid withdrawal systems.

(v) An approved pressure-reducing regulator is directly attached to the outlet of the shut-off valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shut-off valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank.

(e) All inlet and outlet connections except safety relief valves, liquid level gaging devices and pressure gages on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(f) In lieu of an excess flow valve openings may be fitted with a quick-closing internal valve which, except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over 220°F melting point) which will cause the internal valve to close automatically in case of fire.

(g) Not more than two plugged openings shall be permitted on a container of 2,000 gallons or less water capacity.

(h) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall be provided with an approved device for liquid evacuation, the size of which shall be three-fourths inch national pipe thread minimum. A plugged opening will not satisfy this requirements.

(4) Safety devices.

(a) All safety devices shall comply with the following:

(i) All container safety relief devices shall be located on the containers and shall have direct communication with the vapor space of the container.

(ii) In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(iii) Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.

(iv) If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area

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of the individual discharge lines, and that the setting of safety relief valves are the same.

(v) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gage.

(vi) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

(vii) When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

(b) Safety devices for aboveground containers shall be provided as follows:

(i) Containers of 1,200 gallons water capacity or less which may contain liquid fuel when installed above ground shall have the rate of discharge required by WAC 296-24-47505 (10)(b) provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve(s) suitable fuse plug(s) may be used provided the total discharge area of the fuse plug(s) for each container does not exceed 0.25 square inch.

(ii) The fusible metal of the fuse plugs shall have a yield temperature of 208°F minimum and 220°F maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(iii) On a container having a water capacity greater than 125 gallons, but not over 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate which may accumulate in the relief valve or its discharge pipe.

(iv) On containers of 125 gallons water capacity or less, the discharge from safety relief devices shall be located not less than 5 feet horizontally away from any opening into the building below the level of such discharge.

(v) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of product escaping from the drain.

(c) On all containers which are installed underground and which contain no liquid fuel until buried and covered, the

rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30 percent of the rate of discharge specified in WAC 296-24-47505 (10)(b). Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed under ground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(d) On underground containers of more than 2,000 gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least 7 feet above the ground.

Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

(e) Safety devices for vaporizers shall be provided as follows:

(i) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities referred to in WAC 296-24-47505(2), demonstrate that the assembly is safe without safety relief valves.

(ii) No vaporizer shall be equipped with fusible plugs.

(iii) In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

(5) Reinstallation of containers. Containers may be reinstalled if they do not show any evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition (see (7)(f) of this section). Where containers are reinstalled above ground, the safety devices and gaging devices shall comply with (4) of this section and WAC 296-24-47505(19) respectively for aboveground containers.

(6) Capacity of containers. A storage container shall not exceed 90,000 gallons water capacity.

(7) Installation of storage containers.

(a) Containers installed above ground, except as provided in (7)(g) of this section, shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

(b) Aboveground containers shall be supported as follows:

(i) Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(ii) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance

from the outside bottom of the container shell to the concrete pad, footing, or the ground does not exceed 24 inches.

(c) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed 5 feet, provided the container is in an isolated location.

(d) Containers may be partially buried providing the following requirements are met:

(i) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(ii) Spacing requirements shall be as specified for underground tanks in WAC 296-24-47505 (6)(b).

(iii) Relief valve capacity shall be as required for above-ground containers.

(iv) Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

(v) Filling densities shall be as required for aboveground containers as specified in Table H-27. See WAC 296-24-47505.

(e) Containers buried underground shall be placed so that the top of the container is not less than 6 inches below grade. Where an underground container might be subject to abrasive action or physical damage due to vehicular traffic or other causes, then it shall be:

(i) Placed not less than 2 feet below grade, or

(ii) Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

(f) Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

(i) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(g) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(i) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(ii) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(iii) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(iv) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(v) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(vi) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(h) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

(i) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high floodwater might occur.

(j) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100°F. The use of nonmetallic hose is prohibited for permanently interconnecting such containers.

(k) Container assemblies listed for interchangeable installation above ground or under ground shall conform to the requirements for aboveground installations with respect to safety relief capacity and filling density. For installation above ground all other requirements for aboveground installations shall apply. For installation under ground all other requirements for underground installations shall apply.

(8) Protection of container accessories.

(a) Valves, regulating, gaging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of containers intended for installation underground.

(b) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be so installed that all the above openings, including the regulator vent, are located above the normal maximum water table.

(c) All connections to the underground containers shall be located within a substantial dome, housing, or manhole and with access thereto protected by a substantial cover.

(9) Drips for condensed gas. Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for revaporization of the condensate.

(10) Damage from vehicles. When damage to LP-gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

(11) Pits and drains. Every effort should be made to avoid the use of pits, except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff lines shall be directed into or in proximity to sewer systems used for other purposes.

(12) General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.

(a) When standard watch service is provided, it shall be extended to the LP-gas installation and personnel properly trained.

(b) If loading and unloading are normally done during other than daylight hours, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(c) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(d) To minimize trespassing or tampering, the area which includes container appurtenances, pumping equipment, loading and unloading facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial type fence unless otherwise adequately protected. There shall be at least two means of emergency access.

(13) Container-charging plants.

(a) The container-charging room shall be located not less than:

(i) Ten feet from bulk storage containers.

(ii) Twenty-five feet from line of adjoining property which may be built upon.

(b) Tank truck filling station outlets shall be located not less than:

(i) Twenty-five feet from line of adjoining property which may be built upon.

(ii) Ten feet from pumps and compressors if housed in one or more separate buildings.

(c) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in separate building, such building (a small noncombustible weather cover is not to be construed as a building) shall be located not less than:

(i) Ten feet from bulk storage tanks.

(ii) Twenty-five feet from line of adjoining property which may be built upon.

(iii) Twenty-five feet from sources of ignition.

(d) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof in a manner to effect a permanent gas-tight joint.

(e) Electrical equipment and installations shall conform with WAC 296-24-47505 (17) and (18).

(14) Fire protection.

(a) Each bulk plant shall be provided with at least one approved portable fire extinguisher having a minimum rating of 12-B, C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of firehose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

(15) Painting. Aboveground containers shall be kept properly painted.

(16) Lighting. Electrical equipment and installations shall conform to WAC 296-24-47505 (17) and (18).

(17) Vaporizers for internal combustion engines. The provisions of WAC 296-24-47511(8) shall apply.

(18) Gas regulating and mixing equipment for internal combustion engines. The provisions of WAC 296-24-47511(9) shall apply.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-47513 Storage of containers awaiting use or resale. (1) Application. This section shall apply to the storage of portable containers not in excess of one thousand pounds water capacity, filled or partially filled, at user location but not connected for use, or in storage for resale by dealers or resellers. This section shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP-gas or other petroleum products.

(2) General.

(a) Containers in storage shall be located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

(b) Containers when stored inside shall not be located near exits, stairways, or in areas normally used or intended for the safe exit of people.

(c) Container valves shall be protected while in storage as follows:

(i) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(d) The outlet valves of containers in storage shall be closed.

(e) Empty containers which have been in LP-gas service should preferably be stored in the open. When stored inside, they shall be considered as full containers for the purpose of determining the maximum quantity of LP-gas permitted by this section.

(3) Storage within buildings frequented by the public.

(a) DOT specification containers having a maximum individual water capacity of two and one-half pounds, used with completely self-contained hand torches and similar applications, are permitted to be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of twenty-four units of each brand and size. The total quantity on display and in storage shall not exceed two hundred pounds LP-gas.

(b) Storage as provided in subsection (5) of this section shall not be permitted within or attached to such a building.

(4) Storage within buildings not frequented by the public (such as industrial buildings).

(a) The quantity of LP-gas stored shall not exceed three hundred pounds (approximately two thousand five hundred fifty cubic feet in vapor form) except as provided in subsection (5) of this section.

(b) Containers carried as a part of service equipment on highway mobile vehicles are not to be considered in the total storage capacity in (a) of this subsection provided such vehicles are stored in private garages, and are limited to one container per vehicle with an LP-gas capacity of not more than one hundred pounds. All container valves shall be closed.

(5) Storage within special buildings or rooms.

(a) The quantity of LP-gas stored in special buildings or rooms shall not exceed ten thousand pounds.

(b) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a two-hour fire resistance rating.

(c) A portion of the exterior walls or roof having an area not less than ten percent of that of the combined area of the enclosing walls and roof shall be of explosion relieving construction.

(d) Each opening from such storage rooms to other parts of the building shall be protected by a one and one-half-hour "(B)" fire door listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(e) Such rooms shall have no open flames for heating or lighting.

(f) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least five feet away from any other opening into any building.

(g) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(h) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

(i) Fixed electrical equipment shall be installed in accordance with WAC 296-24-47505(18).

(6) Storage outside of buildings.

(a) Storage outside of buildings, for containers awaiting use or resale, shall be located in accordance with Table H-33 with respect to:

(i) The nearest important building or group of buildings;

(ii) The line of adjoining property which may be built upon;

(iii) Busy thoroughfares;

(vi) The line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering.

TABLE H-33

Quantity of LP-Gas Stored:	Distance
500 pounds or less _____	0
501 to 2,500 pounds _____	0*
2,501 to 6,000 pounds _____	10 feet
6,001 to 10,000 pounds _____	20 feet
Over 10,000 pounds _____	25 feet

*Container or containers shall be at least ten feet from any building on adjoining property, any sidewalk, or any of the exposures described in (a)(iii) or (iv) of this subsection.

(b) Containers shall be in a suitable enclosure or otherwise protected against tampering.

(7) Fire protection. Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-47517 Liquefied petroleum gas service stations. (1) Application. This section applies to storage containers, and dispensing devices, and pertinent equipment in service stations where LP-gas is stored and is dispensed into fuel tanks of motor vehicles. See WAC 296-24-47511 for requirements covering use of LP-gas as a motor fuel. All requirements of WAC 296-24-47505 apply to this section unless otherwise noted.

(2) Design pressure and classification of storage containers. Storage containers shall be designed and classified in accordance with Table H-34.

(3) Container valves and accessories.

(a) A filling connection on the container shall be fitted with one of the following:

(i) A combination back-pressure check and excess flow valve.

(ii) One double or two single back-pressure valves.

(iii) A positive shutoff valve, in conjunction with either:

(A) An internal back-pressure valve, or

(B) An internal excess flow valve.

In lieu of an excess flow valve, filling connections may be fitted with a quick-closing internal valve, which shall remain closed except during operating periods. The mechanism for such valves may be provided with a secondary control which will cause it to close automatically in case of fire.

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When a fusible plug is used its melting point shall not exceed 220°F.

TABLE H-34

Container type	For gases with vapor press. not to exceed lb. per sq. in. gage at 100°F. (37.8°C.)	Minimum design pressure of container, lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code ²
200 ¹	215	200	250

¹Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

²Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(b) A filling pipe inlet terminal not on the container shall be fitted with a positive shutoff valve in conjunction with either:

- (i) A back pressure check valve, or
- (ii) An excess flow check valve.

(c) All openings in the container except those listed below shall be equipped with approved excess flow check valves:

- (i) Filling connections as provided in (3)(a) of this section.
- (ii) Safety relief connections as provided in WAC 296-24-47505 (7)(b).
- (iii) Liquid-level gaging devices as provided in WAC 296-24-47505 (7)(d) and (19)(d).
- (iv) Pressure gage connections as provided in WAC 296-24-47505 (7)(e).

(d) All container inlets and outlets except those listed below shall be labeled to designate whether they connect with vapor or liquid (labels may be on valves):

- (i) Safety relief valves.
- (ii) Liquid-level gaging devices.
- (iii) Pressure gages.

(e) Each storage container shall be provided with a suitable pressure gage.

(4) Safety-relief valves.

(a) All safety-relief devices shall be installed as follows:

(i) On the container and directly connected with the vapor space.

(ii) Safety-relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.

(iii) The discharge from two or more safety relief valves having the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the individual discharges.

(iv) Discharge from any safety relief device shall not terminate in any building nor beneath any building.

(b) Aboveground containers shall be provided with safety relief valves as follows:

(i) The rate of discharge, which may be provided by one or more valves, shall be not less than that specified in WAC 296-24-47505 (10)(b).

(ii) The discharge from safety relief valves shall be vented to the open air unobstructed and vertically upwards in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container. Suitable provisions shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of the product escaping from the drain.

(c) Underground containers shall be provided with safety relief valves as follows:

(i) The discharge from safety-relief valves shall be piped vertically upward to a point at least 10 feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.

(ii) Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines should be above the highest probable water level.

(iii) If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to not less than 30 percent of the rate shown in WAC 296-24-47505 (10)(b). If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground containers. Such containers shall not be uncovered until emptied of liquid fuel.

(5) Capacity of liquid containers. Individual storage containers shall not exceed 30,000 gallons water capacity.

(6) Installation of storage containers.

(a) Each storage container used exclusively in service station operation shall comply with the following table which specifies minimum distances to a building, groups of buildings, and adjoining property lines which may be built upon.

Water capacity per container (gallons)	Minimum distances	
	Aboveground and underground (feet)	Between aboveground containers (feet)
Up to 2,000	25	3
Over 2,000	50	5

Note: The above distances may be reduced to not less than 10 feet for service station buildings of other than wood frame construction.

(i) Readily ignitable material including weeds and long dry grass, shall be removed within 10 feet of containers.

(ii) The minimum separation between LP-gas containers and flammable liquid tanks shall be 20 feet and the minimum separation between a container and the centerline of the dike shall be 10 feet.

PERMANENT

(iii) LP-gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

(iv) LP-gas containers shall not be located within diked areas for flammable liquid containers.

(v) Field welding is permitted only on saddle plates or brackets which were applied by the container manufacturer.

(vi) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100°F. The use of nonmetallic hose is prohibited for interconnecting such containers.

(vii) Where high water table or flood conditions may be encountered protection against container flotation shall be provided.

(b) Aboveground containers shall be installed in accordance with this section.

(i) Containers may be installed horizontally or vertically.

(ii) Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location. Vehicles shall not be serviced within 10 feet of containers.

(iii) Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles which shall permit expansion and contraction, and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank-mounting areas. Structural metal container supports shall be protected against fire. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than 24 inches above ground and whose water capacity is 2,000 gallons or less if the piping connected to the storage and pump assembly is sufficiently flexible to minimize the possibility of breakage or leakage in the event of failure of the container supports.

(c) Underground containers shall be installed in accordance with this section.

(i) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to minimize abrasion or other damage to the coating. Damage to the coating shall be repaired before back-filling.

(ii) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(iii) A minimum of 2 feet of earth cover shall be provided. Where ground conditions make compliance with this requirement impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached need not be covered. If the location is subjected to vehicular traffic, containers shall be protected by a concrete slab or other cover

adequate to prevent the weight of a loaded vehicle imposing concentrated direct loads on the container shell.

(7) Protection of container fittings. Valves, regulators, gages, and other container fittings shall be protected against tampering and physical damage.

(8) Transport truck unloading point.

(a) During unloading, the transport truck shall not be parked on public thoroughfares and shall be at least 5 feet from storage containers and shall be positioned so that shut-off valves are readily accessible.

(b) The filling pipe inlet terminal shall not be located within a building nor within 10 feet of any building or driveway. It shall be protected against physical damage.

(9) Piping, valves, and fittings.

(a) Piping may be underground, above ground, or a combination of both. It shall be well supported and protected against physical damage and corrosion.

(b) Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(c) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, or steel tubing and shall be suitable for a minimum pressure of 250 p.s.i.g. Pipe joints may be screwed, flanged, brazed, or welded. The use of aluminum alloy piping or tubing is prohibited.

(d) All shutoff valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressure shall have a rated working pressure of at least 250 p.s.i.g.

(e) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-gas.

(f) Fittings shall be steel, malleable iron, or brass having a minimum working pressure of 250 p.s.i.g. Cast iron pipe fittings, such as ells, tees and unions shall not be used.

(g) All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

(h) Provision shall be made for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(10) Pumps and accessories. All pumps and accessory equipment shall be suitable for LP-gas service, and designed for not less than the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of 250 p.s.i.g. Positive displacement pumps shall be equipped with suitable pressure actuated bypass valves permitting flow from pump discharge to storage container or pump suction.

(11) Dispensing devices.

(a) Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-gas service and shall be designed for a minimum working pressure of 250 p.s.i.g.

(b) Provisions shall be made for venting LP-gas contained in a dispensing device to a safe location.

(c) Pumps used to transfer LP-gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

(d) A manual shutoff valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

(i) Dispensing hose shall be resistant to the action of LP-gas in the liquid phase and designed for a minimum bursting pressure of 1,250 p.s.i.g.

(ii) An excess flow check valve or automatic shutoff valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

(e) LP-gas dispensing devices shall be located not less than 10 feet from aboveground storage containers greater than 2,000 gallons water capacity. The dispensing devices shall not be less than 20 feet from any building (not including canopies), basement, cellar, pit, or line of adjoining property which may be built upon and not less than 10 feet from sidewalks, streets, or thoroughfares. No drains or blowoff lines shall be directed into or in proximity to the sewer systems used for other purposes.

(i) LP-gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

(ii) LP-gas dispensing devices shall not be installed within a building except that they may be located under a weather shelter or canopy provided this area is not enclosed on more than two sides. If the enclosing sides are adjacent to each other, the area shall be properly ventilated.

(f) The dispensing of LP-gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-gas dispenser during the entire transfer operation.

(12) Additional standards. There shall be no smoking on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be not less than 4 inches high. The motors of all vehicles being fueled shall be shut off during the fueling operations.

(13) Electrical. Electrical equipment and installations shall conform to WAC 296-24-47505 (17) and (18).

(14) Fire protection. Each service station shall be provided with at least one approved portable fire extinguisher having at least an 8-B, C, rating.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-55001 Definitions. ~~(((1)) Means of egress. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: The way of exit access, the exit, and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.~~

~~(2) Exit access. Exit access is that portion of a means of egress which leads to an entrance to an exit.~~

~~(3) Exit. Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these standards to provide a protected way of travel to the exit of discharge.~~

~~(4) Exit discharge. Exit discharge is that portion of a means of egress between the termination of an exit and a public way.~~

~~(5) Low hazard contents. Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger requiring the use of emergency exits will be from panic, fumes, or smoke, or fire from some external source.~~

~~(6) High hazard contents. High hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire.~~

~~(7) Ordinary hazard contents. Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity and to give off a considerable volume of smoke but from which neither poisonous fumes nor explosions are to be feared in case of fire.~~

~~(8))~~ (1) Approved. For the purposes of chapter 296-24 WAC, Parts G-1, G-2 and G-3, approved shall mean listed or approved equipment by a nationally recognized testing laboratory. Refer to WAC 296-24-58503 (3)(c)(iv)(A) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

~~((9))~~ (2) Emergency action plan. A plan for a workplace, or parts thereof, describing what procedures the employer and employees must take to ensure employee safety from fire or other emergencies.

~~((10))~~ (3) Emergency escape route. The route that employees are directed to follow in the event they are required to evacuate the workplace or seek a designated refuge area.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-68215 Public exhibitions and demonstrations. (1) Installation requirements. Installation and operation of welding, cutting, and related equipment shall be done by, or under the supervision of, a competent operator to insure the personal protection of viewers and demonstrators as well as the protection from fire, of materials in and around the site and the building itself.

(2) Procedures.

(a) Cylinders containing compressed gases for use at the site shall not be charged in excess of one-half their maximum permissible content. (Cylinders of nonliquefied gases and acetylene shall be charged to not more than one-half their maximum permissible charged pressure in p.s.i.g. Cylinders of liquefied gases shall be charged to not more than one-half the maximum permissible capacity in pounds.)

(b) Cylinders located at the site shall be connected for use except that enough additional cylinders may be stored at the site to furnish approximately 1 day's consumption of each

gas used. Other cylinders shall be stored, in an approved storage area, preferably outdoors, but this storage area shall not be located near a building exit.

(c) Cylinders in excess of 40 pounds total weight being transported to or from the site shall be carried on a hand or motorized truck.

(d) The site shall be constructed, equipped, and operated in such a manner that the demonstration will be carried out so as to minimize the possibility of injury to viewers.

(e) Sites involving the use of compressed gases shall be located so as not to interfere with the egress of people during an emergency.

(f) The fire department shall be notified in advance of such use of the site.

(g) Each site shall be provided with a portable fire extinguisher of appropriate size and type and with a pail of water.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(h) The public and combustible materials at the site shall be protected from flames, sparks, and molten metal.

(i) Hoses shall be located and protected so that they will not be physically damaged.

(j) Cylinder valves shall be closed when equipment is unattended.

(k) Where caps are provided for valve protection, such caps shall be in place except when the cylinders are in service or connected ready for service.

(l) Cylinders shall be located or secured so that they cannot be knocked over.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-75003 Protection for floor openings.

~~((1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with WAC 296-24-75011. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.), the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).~~

~~(2)) (1) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.~~

~~((3)) (2) Every hatchway and chute floor opening shall be guarded by one of the following:~~

~~(a) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.~~

~~(b) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings~~

shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(c) The area under floor openings shall, where practical, be fenced off. When this is not practical, the areas shall be plainly marked with yellow lines and telltales shall be installed to hang within five and one-half feet of ground or floor level.

(d) Where floor openings are used to drop materials from one level to another, audible warning systems shall be installed and used to indicate to employees on the lower level that material is to be dropped.

~~((4)) (3) Every skylight opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.~~

~~((5)) (4) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.~~

~~((6)) (5) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.~~

~~((7) Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.~~

~~(8) Every floor hole into which persons can accidentally walk shall be guarded by either:~~

~~(a) A standard railing with standard toeboard on all exposed sides, or~~

~~(b) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.~~

~~(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.~~

~~(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.))~~

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-75007 Protection of open-sided

~~((floors, platforms and)) runways. ((1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in WAC 296-24-75011(3)) on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,~~

(a) Person can pass;
 (b) There is moving machinery, or
 (c) There is equipment with which falling materials could create a hazard.)) (1) Railings must be provided with a toeboard wherever, beneath the open sides:

(a) Person can pass;
 (b) There is moving machinery; or
 (c) There is equipment with which falling materials could create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in WAC 296-24-75011(3) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than is here specified may be essential for protection.

(3) Regardless of height, (~~open-sided floors, walkways, platforms, or~~) runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

~~((4) Tools and loose materials shall not be left on overhead platforms and scaffolds.))~~

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-78003 Application of requirements. This section is intended to prescribe rules and establish minimum requirements for the construction, (~~care, and use~~) of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Other types of special ladders, fruit-picker's ladders, industrial tripod ladders, combination step and extension ladders, stockroom step ladders, aisle-way step ladders, shelf ladders, and library ladders are not specifically covered by this section.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-78005 Materials. (1) Requirements applicable to all wood parts.

(a) All wood parts shall be of the species specified in Table D-5, seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low-density wood shall not be used.

(b) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with

black streaks when present in the part, shall be limited as specified for pitch and bark pockets.

(2) Permissible irregularities in side rails and back rails.

(a) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(b) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.

(c) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.

(d) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.

(e) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(3) Permissible irregularities in flat steps, rungs, and cleats.

(a) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(b) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(c) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of

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flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(4) Classification of species of wood. Table D-5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(a) All minimum dimensions and specifications set forth in (b)(ii) for side rails and flat steps are based on the species of wood listed in Group 3 in Table D-5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D-5 for suggested methods of size adjustment.)

(b) All minimum dimensions and specifications set forth in the following "factor for increase in" for rungs and cleats are based on the species of wood listed in Group 1 in Table D-5. The cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subsection (based on the percentages of Table D-5) for the species group of which the cleats are to be made.

FACTOR FOR INCREASE IN

Species group	Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.26

Table D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand one hundred fifty pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than ten percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than fifteen percent smaller if used edgewise (as in a rail) or twenty-five percent smaller if used flatwise (as in a tread).

- White ash *Fraxinus americana, pennsylvanica, quadrangulata*
- Beech *Fagus grandifolia*
- Birch *Betula lenta, alleghaniensis, nigra (2)*
- Rock elm *Ulmus thomasii*
- Hickory *Carya ovata, laciniosa, tomentosa, glabra*
- Locust* *Robinia pseudoacacia, Gleditsia triacanthos*
- Hard maple *Acer nigrum, saccharum*
- Red maple *Acer rubrum (3)*
- Red oak *Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos*
- White oak *Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblonifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba*
- Pecan *Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)*
- Persimmon *Diospyros virginiana*

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than seven and one-half percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than eleven percent smaller if used edgewise (as in a rail) or twenty percent smaller if used flatwise (as in a tread).

- Douglas fir (coast region) *Pseudotsuga menziesii*
- Western larch *Larix occidentalis*
- Southern yellow pine *Pinus taeda, palustris, echinata, elliotii, rigida, virginiana*

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand six hundred pounds per square inch.

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<u>Red alder</u>	<u><i>Alnus rubra, rhombifolia</i> (2)</u>	<u>White fir</u>	<u><i>Abies concolor, grandis, amabilis, lasiocarpa, magnifica</i></u>
<u>Oregon ash</u>	<u><i>Fraxinus latifolia</i></u>	<u>Hackberry</u>	<u><i>Celtis occidentalis, laevigata</i> (2)</u>
<u>Pumpkin ash</u>	<u><i>Fraxinus profunda</i></u>	<u>Eastern hemlock</u>	<u><i>Tsuga canadensis</i></u>
<u>Alaska cedar*</u>	<u><i>Chamaecyparis nootkaten-sis</i></u>	<u>Holly</u>	<u><i>Ilex opaca</i></u>
<u>Port Orford cedar*</u>	<u><i>Chamaecyparis lawsoniana</i></u>	<u>Soft maple</u>	<u><i>Acer saccharinum</i></u>
<u>Cucumber</u>	<u><i>Magnolia acuminata</i></u>	<u>Lodgepole pine</u>	<u><i>Pinus contorta</i></u>
<u>Cypress*</u>	<u><i>Taxodium distichum</i></u>	<u>Idaho white pine</u>	<u><i>Pinus monticola</i></u>
<u>Soft elm</u>	<u><i>Ulmus americana, rubra</i></u>	<u>Northern white pine</u>	<u><i>Pinus strobus</i></u>
<u>Douglas fir (Rocky Mountain type)</u>	<u><i>Pseudotsuga menziesii var. glauca</i></u>	<u>Ponderosa pine</u>	<u><i>Pinus ponderosa, pinus jeffreyi</i> (Jeffrey pine)</u>
<u>Noble fir</u>	<u><i>Abies procera</i></u>	<u>Sugar pine</u>	<u><i>Pinus lambertiana</i></u>
<u>Gum</u>	<u><i>Liquidambar styraciflua</i></u>	<u>Engelmann spruce</u>	<u><i>Picea engelmannii</i></u>
<u>West coast hemlock</u>	<u><i>Tsuga heterophylla</i></u>		
<u>Magnolia</u>	<u><i>Magnolia grandiflora</i></u>		
<u>Oregon maple</u>	<u><i>Acer macrophyllum</i></u>		
<u>Norway pine</u>	<u><i>Pinus resinosa</i></u>		
<u>Poplar</u>	<u><i>Liriodendron tulipifera</i></u>		
<u>Redwood*</u>	<u><i>Sequoia sempervirens</i></u>		
<u>Eastern spruce</u>	<u><i>Picea glauca, rubens</i></u>		
<u>Sitka spruce</u>	<u><i>Picea sitchensis</i></u>		
<u>Sycamore</u>	<u><i>Platanus occidentalis</i></u>		
<u>Tamarack</u>	<u><i>Larix laricina</i></u>		
<u>Tupelo</u>	<u><i>Nyssa aquatica, sylvatica</i></u>		

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand three hundred seventy-five pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least five percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least seven and one-half percent greater if used edgewise (as in a rail) or fifteen percent greater if used flatwise (as in a tread).

<u>Aspen</u>	<u><i>Populus tremuloides, grandidentata</i></u>
<u>Basswood</u>	<u><i>Tilia americana, heterophylla</i> (2)</u>
<u>Buckeye</u>	<u><i>Aesculus octandra, glabra</i> (2)</u>
<u>Butternut</u>	<u><i>Juglanscinerea</i></u>
<u>Incense cedar*</u>	<u><i>Libocedrus decurrens</i></u>
<u>Western red cedar*</u>	<u><i>Thuja plicata</i></u>
<u>Cottonwood</u>	<u><i>Populus balsamifera, deltoides, sargentii, heterophylla</i></u>

Note 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, *Check List of Native and Naturalized Trees of the United States (including Alaska)*, by Elbert L. Little. These publications can be obtained from the U.S. Government Printing Office, North Capital and "H" Streets Northwest, Washington D.C. 20401.

Note 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the forest products laboratory.

Note 3: Included under soft maple in American Lumber Standards nomenclature.

Note 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

(5) Metal parts. All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended, and shall be properly coated and protected so as to be rust resistant.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-78009 (~~Care and use of ladders.~~) **Ladder tests.** ~~((1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:~~

~~(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.~~

~~(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.~~

~~(c) Frayed or badly worn rope shall be replaced.~~

~~(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.~~

~~(e) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.~~

(f) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(g) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(h) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(i) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(j) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(k) Rungs should be kept free of grease and oil.

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(b) Ladders for which dimensions are specified should not be used by more than one person at a time nor with ladder jacks and scaffold planks where use by more than one person is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured.

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames.

(g) When ascending or descending, the user should face the ladder.

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(i) Short ladders shall not be spliced together to provide long sections.

(j) Ladders made by fastening cleats across a single rail shall not be used.

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes.

(l) Tops of the ordinary types of stepladders shall not be used as steps.

(m) On two section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007 (3)(b)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor.

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least three feet above the point of support, at eave, gutter, or roof line.

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

(v) Stepladders shall not be used as single ladders.

(w) Separate ladders for ascending and descending shall be provided in building construction of more than two stories in height, or where traffic is heavy.

(x) Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down."

(y) Ladder rungs shall not be used to support more than one section of plank, and not more than two persons shall work on such section of planking at one and the same time. When two persons are working on the same section of plank, their work should be so arranged that their weight is equally distributed between two ladders as nearly as possible.

(z) When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.

(aa) Before climbing ladders, workers shall see that their shoes are free and clean of greasy or slippery substances.

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(bb) When working from a stepladder over five feet high a worker shall not stand on a step higher than the third step from the top of the stepladder.

(cc) Ladders shall not be placed or used in elevator shafts or hoistways except where used by workers engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.

(dd) Workers shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(ee)) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a two hundred pound load, the ladder must support this load for ten minutes without permanent set and without showing any sign of failure. The maximum deflection shall not be greater than shown in the enclosed table.

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12	3	2 3/4
16	3	6 3/4
20	3	11 1/2
24	3	16 1/2
28	3	21 1/2
30	3	23 1/2
34	6	26
36	6	29
40	6	37
44	9	41

((ff) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(gg) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(hh) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over thirty feet from the ground or floor while working on a ladder.

TABLE D-5
CLASSIFICATION OF VARIOUS SPECIES OF WOOD
ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand one hundred fifty pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than ten percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than fifteen percent smaller if used edgewise (as in a rail) or twenty-five percent smaller if used flatwise (as in a tread).

- White ash Fraxinus americana, pennsylvanica, quadrangulata
- Beech Fagus grandifolia
- Birch Betula lenta, alleghaniensis, nigra (2)
- Rock elm Ulmus thomasii
- Hickory Carya ovata, laciniosa, tomentosa, glabra
- Locust* Robinia pseudoacacia, Gloditsia triacanthos
- Hard maple Acer nigrum, saccharum
- Red maple Acer rubrum (3)
- Red oak Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
- White oak Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muhlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
- Pecan Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
- Persimmon Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than seven and one-half percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than eleven percent smaller if used edgewise (as in a rail) or twenty percent smaller if used flatwise (as in a tread).

- Douglas fir (coast region) Pseudotsuga menziesii
- Western larch Larix occidentalis
- Southern yellow pine Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand six hundred pounds per square inch.

- Red alder Alnus rubra, rhombifolia (2)
- Oregon ash Fraxinus latifolia
- Pumpkin ash Fraxinus profunda
- Alaska cedar* Chamaecyparis nootkatensis
- Port Orford cedar* Chamaecyparis lawsoniana
- Cucumber Magnolia acuminata

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Cypress*	Taxodium distichum
Soft elm	Ulmus americana, rubra
Douglas fir (Rocky Mountain type)	Pseudotsuga menziesii var. glauca
Noble fir	Abies procera
Gum	Liquidambar styraciflua
West coast hemlock	Tsuga heterophylla
Magnolia	Magnolia grandiflora
Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand three hundred seventy five pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least five percent greater for each cross section dimension, or the thickness may remain unchanged, in which case the width shall be at least seven and one half percent greater if used edgewise (as in a rail) or fifteen percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus octandra, glabra (2)
Butternut	Juglans inerea
Incense cedar*	Libocedrus decurrens
Western red cedar*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce	Picea engelmannii

Note 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the U.S. Government Printing Office, North Capital and "H" Streets Northwest, Washington D.C. 20401.

Note 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no

strength tests have been made on it at the Forest Products Laboratory:

Note 3: Included under soft maple in American Lumber Standards nomenclature.

Note 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-59203	Exemptions.
WAC 296-24-631	Employee alarm systems.
WAC 296-24-63101	Scope and application.
WAC 296-24-63103	General requirements.
WAC 296-24-63105	Installation and restoration.
WAC 296-24-63107	Maintenance and testing.
WAC 296-24-63109	Manual operation.
WAC 296-24-63199	Appendix A—Employee alarm systems.
WAC 296-24-75009	Stairway railings and guards.

AMENDATORY SECTION (Amending Rules (Part XVI), filed 12/28/62)

WAC 296-36-190 Fire prevention and fire fighting.

(1) **General.** Every building and every flammable structure above ground and all places underground shall be within easy range of fire fighting equipment, which shall at all times be maintained in proper working conditions and ready for use.

(2) **Smoking.** No person shall smoke or carry lighted smoking materials in compressed air. No matches, mechanical or chemical igniters will be permitted in the working chamber except those necessary for welding or flame cutting operations.

(3) **Welding or flame cutting.** While welding or flame cutting is being done in compressed air, a watchman with a fire hose or approved extinguisher shall stand by until such operation is completed. Acetylene shall not be used in compressed air at acetylene pressure exceeding 15 pounds per square inch gage, or 30 pounds per square inch absolute.

(4) **Fire hose.** Fire hose shall be at least 1-1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to insure an uninterrupted flow. Fire hose when not in use shall be so located or guarded to prevent injury thereto.

Every power house, compressor house and every building housing ventilating equipment shall be provided with at least one hose connection in the water line with the fire hose connected thereto. A fire hose shall be maintained within easy reach of structures of wood over or near shafts.

(5) **Shafts and caissons.** Every shaft and every caisson containing flammable material of any kind, either above or below ground, shall be provided with a water line and a fire

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hose connected thereto, so arranged that all points of the shaft or caisson are within easy reach of the hose stream.

(6) **Tunnels.** Every tunnel shall be provided with a water line extending into the working chamber and to within 100 feet of the working face. Such lines shall have hose outlets with 100 feet of fire hose properly attached and maintained as follows: One at the working face, one immediately inside of the bulkhead of the working chamber, and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(7) **Fire extinguishers.** In addition to required fire hose protection, on every floor of every building used in connection with compressed air work, there shall be provided at least one extinguisher of adequate size approved for the class of hazard involved, except that extinguishers containing carbon tetrachloride or methyl bromide shall not be used. Extinguishers shall be so located as to be readily available and protected from damage.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-45-67545 Refueling operations. (1) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(2) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted.

Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(3) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (2)(a) through (g) of this section.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-521 Motor vehicles. (1) The seats of each vehicle must be securely fastened.

(2) Each school bus type vehicle that will transport nine or more passengers must have a substantial barricade behind the driver. The barricade must extend from the floor to at least a level even with the top of the driver's head.

(3) Adequate provision must be made for safe entrance and exits. Each vehicle must have mounting steps and handholds wherever it is necessary to prevent an employee injury when entering or leaving the vehicle.

(4) When equipment or tools are carried inside the vehicle, the employer must provide and use racks, boxes, holsters or other means to transport tools so that a hazard is not created for any vehicle operator or passenger.

(5) No one may enter or exit any vehicle until the vehicle is completely stopped.

(6) Employees must keep all parts of the body within the vehicle.

(7) Heat and light must be available in the passenger area of the vehicle. Use of stoves in vehicles is prohibited.

(8) Vehicles designed to transport nine or more passengers must have an emergency exit that:

(a) Is at least six and one-half square feet in area, with the smallest dimension being at least 18 inches;

(b) Is placed at the back of the vehicle or near the back on the side opposite the regular entrance; and

(c) Has an unobstructed route to and from the exit.

(9) When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher must be kept in the passenger compartment. When fuel is transported on the crew vehicle according to subsection (12) of this section, a minimum rated 10/BC dry chemical fire extinguisher must be kept in the passenger compartment. The extinguishing agent must be nontoxic and preferably noncorrosive.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(10) Exhaust systems must be designed and maintained to eliminate the exposure of passengers to toxic agents.

(11) Operating and maintenance instructions must be available in each vehicle. Each vehicle operator and maintenance employee must comply with the operating and maintenance instructions.

(12) Fuel must be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored must be vented so that a hazardous concentration of fumes cannot accumulate. All containers or drums must be properly secured to the vehicle while being transported. Commercially built pick-up or flatbed trucks with a maximum seating capacity of six persons may be used to carry fuel in or on the bed of such vehicles, if the fuel is not carried in the crew compartment. Van-type vehicles may be used to carry fuel only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. A maximum of forty-two gallons of gasoline may be carried or stored in the compartment and each container must have a maximum capacity seven gallons.

(13) Motor vehicles used regularly to transport employees must be covered against the weather and equipped and operated according to applicable state of Washington motor vehicle laws.

(14) All operators of crew vehicles must be experienced drivers and have a valid operator's license for the class of vehicle being operated.

(15) Dump trucks must only be used in an emergency to transport workers and have adequate safety chains or locking devices that eliminate the possibility of the body of the truck being raised while employees are riding in the truck. "Emergency" means any unforeseen circumstances that call for immediate action when danger to life or danger from fire exists.

(16) An effective means of signaling must be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(17) The passenger load limit of a crew vehicle must not exceed the seating capacity of the vehicle.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.

(1) Before starting the boat motor, any spilled fuel must be removed and vapors must be exhausted from any area in which they may accumulate.

(2) The bilge area must be kept clean and oil, grease, fuel, or highly combustible materials must not be allowed to accumulate.

(3) Adequate ventilation equipment must be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment must be provided and used for the cabin area on enclosed-cabin boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting must be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated between sunset to sunrise, or in conditions of restricted visibility, must display navigation lights as required by the United States Coast Guard. Searchlights or floodlights must be provided for safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) On craft used by employees wearing calked shoes, all areas where employees must stand or walk must be made of or be covered with wood or other suitable matting or nonslip material. The covering must be maintained in good condition.

(7) Each boat must:

(a) Be provided with a fire extinguisher; and

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Have a life ring with at least fifty feet of one-fourth inch line attached.

Note: On log broncs, boomscoters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, must be provided. The life rings must be spaced at intervals not exceeding two hundred feet and must be easily visible and readily accessible.

(a) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached must be provided in the immediate vicinity of the work assigned.

(b) Lines attached to life rings on fixed installations must be at least ninety feet long, at least one-fourth-inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats must be at least fifty feet long.

(c) Life rings must be United States Coast Guard approved thirty-inch size.

(d) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(e) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements must be made with and approved by the department of labor and industries prior to such assignment.

(9) Log broncs, boomscoters, and boomboats must not be loaded with employees or equipment in a way that adversely affects stability or seaworthiness.

(10) Boats must not be operated at excessive speed or handled recklessly.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60083 Cranes and derricks. (1) Scope.

(a) This section through WAC 296-56-60103 applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included.

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideload stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) Overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signal person, when one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, or the operator's view.

(f) A seat (lap) belt, meeting the requirements of 49 CFR 571.208-210 for a Type 1 seat belt assembly, shall be installed on the operator's seat of high speed container gantry cranes where the seat trolleys.

(g) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be available.

(h) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be available. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(i) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(j) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(k) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(l) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(m) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(n) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(o) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(p) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(q) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(r) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection does not apply if rail sweeps are present.

(s) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(t) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the

cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) Each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet (0.91 m) shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective audible and visible travel warning device which shall be used to warn employees who may be in the path of the moving crane.

(j) Communications.

(i) Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-

mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity shall be equipped with a voice hailing device (PA system) from the operator to the ground, audible within one hundred feet.

(k) Limit switch bypass systems shall be secured during all cargo operations. Such bypass systems shall not be used except in an emergency or during noncargo handling operations such as stowing cranes or derricks or performing repairs. When a situation requiring the use of a bypass system or the readjustment of a limit switch arises, it shall be done only under the direction of a crane mechanic.

(l) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes, derricks, and crane operations.

(m) Signal persons. A signal person shall be required when a crane operator's visibility is obstructed. When a signal person is required to transmit hand signals, they shall be in such a position that the operator can plainly see the signals.

(n) Signals. All operators and signal persons shall use standard signals as illustrated for longshore crane operations. (See Appendices C and D, at the end of this chapter.)

(o) Signal person for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall be instructed as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator can clearly see the draft itself or see the signals of any signal person associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(p) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (3.05 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall be either 10 feet (3.05 m) plus 0.4 inch (10.16 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (1.22 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signal person.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches (7.62 cm), in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(j) Employees shall not be hoisted on intermodal container spreaders while a load is engaged.

Additional requirements are located in WAC 296-24-23533.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60171 General requirements. (1) Adequate lighting shall be provided at each landing and in the shaftway.

(2) A sign bearing the following information shall be conspicuously posted within the car:

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(3) A fire extinguisher in proper working condition shall be available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60207 General requirements. (1) No person other than an employee or duly authorized person shall ride or be permitted to ride in the car.

(2) Escape ladders shall be installed extending the full length of the hoistway and shall be located in a position so that, in an emergency, a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign shall be posted at the bottom of a ladder when the face of the ladder is less than thirty inches from any structure.

(3) An automatic safety dog or device which will prevent the car from leaving the landing until manually released by the operator shall be installed at the bottom landing.

(4) A fire extinguisher in proper working condition shall be available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-05209 Access to records. (1) General.

(a) Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the record within fifteen working days, the employer shall within fifteen working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

(b) The employer may require of the requester only such information as should be readily known to the requester and which may be necessary to locate or identify the records being requested (e.g., dates and locations where the employee worked during the time period in question).

(c) Whenever an employee or designated representative requests a copy of a record, the employer shall assure that either:

(i) A copy of the record is provided without cost to the employee or representative;

(ii) The necessary mechanical copying facilities (e.g., photocopying) are made available without cost to the employee or representative for copying the record;

(iii) The record is loaned to the employee or representative for a reasonable time to enable a copy to be made; or

(iv) In the case of an original x-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the x-ray.

(d) Whenever a record has been previously provided without cost to an employee or designated representative, the employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record, except that:

(i) An employer shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided; and

(ii) An employer shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.

(e) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

(2) Employee and designated representative access.

(a) Employee exposure records. Except as limited by WAC ((296-62-05211)) 296-62-053, each employer shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, an exposure record relevant to the employee consists of:

(i) A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been exposed;

(ii) In the absence of such directly relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those of the employee to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which the employee is or has been subjected; and

(iii) Exposure records to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents at workplaces or under working conditions to which the employee is being assigned or transferred.

(iv) Requests by designated representatives for unconsented access to employee exposure records shall be in writing and shall specify with reasonable particularity:

(A) The records requested to be disclosed; and

(B) The occupational health need for gaining access to these records.

(b) Employee medical records.

(i) Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except as provided in (b)(iv) of this subsection.

(ii) Each employer shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent. Appendix A to this section contains a sample form which may be used to establish specific written consent for access to employee medical records.

(iii) Whenever access to employee medical records is requested, a physician representing the employer may recommend that the employee or designated representative:

(A) Consult with the physician for the purposes of reviewing and discussing the records requested;

(B) Accept a summary of material facts and opinions in lieu of the records requested; or

(C) Accept release of the requested records only to a physician or other designated representative.

(iv) Whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, the employer may inform the employee that access will only be provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, the employer shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.

(v) A physician, nurse, or other responsible health care personnel maintaining employee medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

(c) Analyses using exposure or medical records.

(i) Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

(ii) Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.) the employer shall assure that personal identifiers are removed before access is provided. If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

(3) Department access.

(a) Each employer shall upon request, and without derogation of any rights under the Constitution or the Washington Industrial Safety and Health Act, that the employer chooses to exercise, assure the prompt access of representatives of the director of the department of labor and industries to employee exposure and medical records and to analyses

using exposure or medical records. Rules of agency practice and procedures governing WISHA access to employee medical records are contained in this chapter.

(b) Whenever the department seeks access to personally identifiable employee medical information by presenting to the employer a written access order, the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen working days.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-62-07619 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees, who must wear protective clothing, or who must use protective equipment because of their exposure to MDA.

(b) Change rooms must be equipped with separate storage for protective clothing and equipment and for street clothes which prevents MDA contamination of street clothes.

(2) Showers.

(a) The employer shall ensure that employees, who work in areas where there is the potential for exposure resulting from airborne MDA (e.g., particulates or vapors) above the action level, shower at the end of the work shift.

(i) Shower facilities required by this section shall comply with WAC ((~~296-24-12009(3)~~) 296-24-12010).

(ii) The employer shall ensure that employees who are required to shower pursuant to the provisions contained herein do not leave the workplace wearing any protective clothing or equipment worn during the work shift.

(b) Where dermal exposure to MDA occurs, the employer shall ensure that materials spilled or deposited on the skin are removed as soon as possible by methods which do not facilitate the dermal absorption of MDA.

(3) Lunch facilities.

(a) Availability and construction.

(i) Whenever food or beverages are consumed at the worksite and employees are exposed to MDA at or above the PEL or are subject to dermal exposure to MDA the employer shall provide readily accessible lunch areas.

(ii) Lunch areas located within the workplace and in areas where there is the potential for airborne exposure to MDA at or above the PEL shall have a positive pressure, temperature controlled, filtered air supply.

(iii) Lunch areas may not be located in areas within the workplace where the potential for dermal exposure to MDA exists.

(b) The employer shall ensure that employees who have been subjected to dermal exposure to MDA or who have been exposed to MDA above the PEL wash their hands and faces with soap and water prior to eating, drinking, smoking, or applying cosmetics.

(c) The employer shall ensure that employees exposed to MDA do not enter lunch facilities with MDA-contaminated protective work clothing or equipment.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07719 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC ((~~296-24-12009(3)~~) 296-24-12010).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.

(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.

(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.

(B) Shower area. Shower facilities shall be provided which comply with WAC ((~~296-24-12009(3)~~) 296-24-12010), unless the employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:

(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or

(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.

(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(ii) Decontamination area entry procedures. The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a

regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723 shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-62-09001 Definitions. (1) "Physical agents" shall mean, but are not limited to: Illumination, ionizing radiation, nonionizing radiation, pressure, vibration, temperature and humidity, and noise.

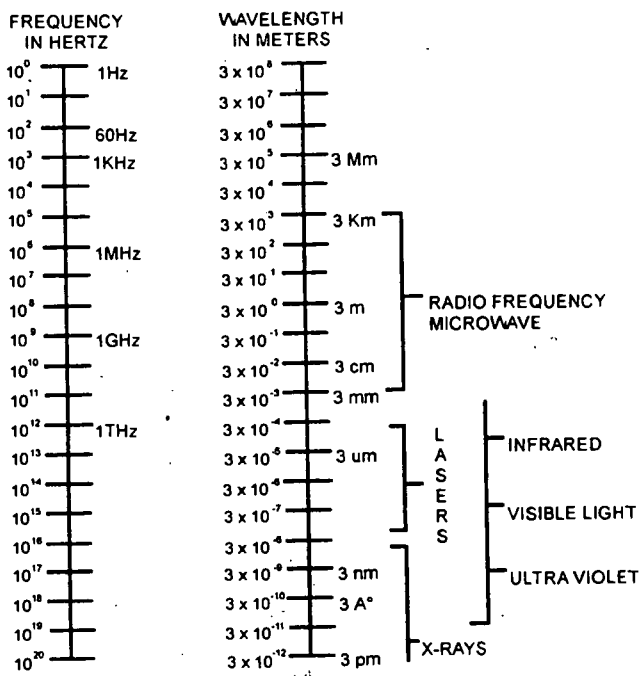
(2) (~~"Illumination" means radiant energy evaluated according to its capacity to produce visual sensation.~~

(3)) "Nonionizing radiation" as related to industrial sources, means electromagnetic radiation within the spectral range of approximately 200 nanometers to 3 kilometers including ultraviolet, visible, infrared and radiofrequency/

microwave radiation. The electromagnetic spectrum is shown graphically in Figure 1 below.

ELECTROMAGNETIC SPECTRUM

Figure 1



(2) Change rooms must be provided and must meet the requirements of WAC 296-24-12011. Change rooms must consist of two separate change areas separated by the shower area required in (1) of this subsection. One change area, with an exit leading off the worksite, must provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, must provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(3) Showers and change rooms must be located in areas where exposures are below the permissible exposure limits and published exposure levels. If this cannot be accomplished, then a ventilation system must be provided that will supply air that is below the permissible exposure limits and published exposure levels.

(4) Employers must assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory). (1) Table of contents.

- (a) General principles.
 - (i) Minimize all chemical exposures.
 - (ii) Avoid underestimation of risk.
 - (iii) Provide adequate ventilation.
 - (iv) Institute a chemical hygiene program.
 - (v) Observe the PELs and TLVs.
- (b) Responsibilities.
 - (i) Chief executive officer.
 - (ii) Supervisor of administrative unit.
 - (iii) Chemical hygiene officer.
 - (iv) Laboratory supervisor.
 - (v) Project director.
 - (vi) Laboratory worker.
- (c) The laboratory facility.
 - (i) Design.
 - (ii) Maintenance.
 - (iii) Usage.
 - (iv) Ventilation.
- (d) Components of the chemical hygiene plan.
 - (i) Basic rules and procedures.
 - (ii) Chemical procurement, distribution, and storage.
 - (iii) Environmental monitoring.
 - (iv) Housekeeping, maintenance, and inspections.
 - (v) Medical program.
 - (vi) Personal protective apparel and equipment.
 - (vii) Records.
 - (viii) Signs and labels.
 - (ix) Spills and accidents.
 - (x) Training and information.
 - (xi) Waste disposal.
- (e) General procedures for working with chemicals.
 - (i) General rules for all laboratory work with chemicals.

((4)) (3) Pressure is a barometric force. Positive pressure would be that above 14.7 lbs. per square inch absolute and negative pressure would be that below 14.7 lbs. per square inch absolute. 14.7 lbs. per square inch equals 760 mm. mercury.

((5)) (4) "Vibration" means rapid movement to and fro or oscillating movement.

((6)) (5) "Noise" means unwanted sound or loud discordant or disagreeable sound or sounds.

((7)) (6) "Temperature" means the degree of hotness or coldness measured by use of a thermometer.

((8)) (7) "Radiant heat" means infrared radiation emitted from hot surfaces.

((9)) (8) "Relative humidity" means the percent of moisture in the air compared to the maximum amount of moisture the air could contain at the same temperature.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-31335 Showers and change rooms.

When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer must provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(1) Showers must be provided and must meet the requirements of WAC ((296-24-12009(3))) 296-24-12010.

PERMANENT

- (ii) Allergens and embryotoxins.
- (iii) Chemicals of moderate chronic or high acute toxicity.
- (iv) Chemicals of high chronic toxicity.
- (v) Animal work with chemicals of high chronic toxicity.
- (f) Safety recommendations.
- (g) Material safety data sheets.
- (2) Foreword.

(a) As guidance for each employer's development of an appropriate laboratory chemical hygiene plan, the following nonmandatory recommendations are provided. They were extracted from "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices"), which was published in 1981 by the National Research Council and is available from the National Academy Press, 2101 Constitution Ave., N.W., Washington DC 20418.

(b) "Prudent practices" is cited because of its wide distribution and acceptance and because of its preparation by members of the laboratory community through the sponsorship of the National Research Council. However, none of the recommendations given here will modify any requirements of the laboratory standard. This appendix merely presents pertinent recommendations from "prudent practices," organized into a form convenient for quick reference during operation of a laboratory facility and during development and application of a chemical hygiene plan. Users of this appendix should consult "prudent practices" for a more extended presentation and justification for each recommendation.

(c) "Prudent practices" deals with both safety and chemical hazards while the laboratory standard is concerned primarily with chemical hazards. Therefore, only those recommendations directed primarily toward control of toxic exposures are cited in this appendix, with the term "chemical hygiene" being substituted for the word "safety." However, since conditions producing or threatening physical injury often pose toxic risks as well, page references concerning major categories of safety hazards in the laboratory are given in section F.

(d) The recommendations from "prudent practices" have been paraphrased, combined, or otherwise reorganized, and headings have been added. However, their sense has not been changed.

(e) Corresponding sections of the standard and this appendix.

(f) The following table is given for the convenience of those who are developing a chemical hygiene plan which will satisfy the requirements of WAC 296-62-40009. It indicates those sections of this appendix which are most pertinent to each of the sections of WAC 296-62-40009 and related sections.

Subsection and Topic in Laboratory Standard	Relevant Appendix Section
(3)(a) Standard operating procedure for handling toxic chemicals.	(c)(d)(e)
(3)(b) Criteria to be used for implementation of measures to reduce exposures.	(d)
(3)(c) Fume hood performance.	(c)(iv)(B)

(3)(d) Employee information and training (including emergency procedures).	(d)(x), (d)(ix)
(3)(e) Requirements for prior approval of laboratory activities.	(e)(ii)(B), (e)(v)(B)
(3)(f) Medical consultation and medical examinations.	(d)(v), (e)(v)(G)
(3)(g) Chemical hygiene responsibilities.	(b)
(3)(h) Special precautions for work with particularly hazardous substances.	(e)(ii)(iii)(v)

(3) In this appendix, those recommendations directed primarily at administrators and supervisors are given in sections (a) through (d). Those recommendations of primary concern to employees who are actually handling laboratory chemicals are given in section E. (Reference to page numbers in "prudent practices" are given in parentheses.)

(a) General principles for work with laboratory chemicals in addition to the more detailed recommendations listed below in sections (b) through (e), "prudent practices" expresses certain general principles, including the following:

(i) It is prudent to minimize all chemical exposures. Because few laboratory chemicals are without hazards, general precautions for handling all laboratory chemicals should be adopted, rather than specific guidelines for particular chemicals (2, 10). Skin contact with chemicals should be avoided as a cardinal rule (198).

(ii) Avoid underestimation of risk. Even for substances of no known significant hazard, exposure should be minimized; for work with substances which present special hazards, special precautions should be taken (10, 37, 38). One should assume that any mixture will be more toxic than its most toxic component (30, 103) and that all substances of unknown toxicity are toxic (3, 34).

(iii) Provide adequate ventilation. The best way to prevent exposure to airborne substances is to prevent their escape into the working atmosphere by use of hoods and other ventilation devices (32, 198).

(iv) Institute a chemical hygiene program. A mandatory chemical hygiene program designed to minimize exposures is needed; it should be a regular, continuing effort, not merely a standby or short-term activity (6, 11). Its recommendations should be followed in academic teaching laboratories as well as by full-time laboratory workers (13).

(v) Observe the PELs, TLVs. The permissible exposure limits of WISHA and the threshold limit values of the American Conference of Governmental Industrial Hygienists should not be exceeded (13).

(b) Chemical hygiene responsibilities. Responsibility for chemical hygiene rests at all levels (6, 11, 21) including the:

(i) Chief executive officer, who has ultimate responsibility for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene (7, 11).

(ii) Supervisor of the department or other administrative unit, who is responsible for chemical hygiene in that unit (7).

(iii) Chemical hygiene officer(s), whose appointment is essential (7) and who must:

(A) Work with administrators and other employees to develop and implement appropriate chemical hygiene policies and practices (7);

(B) Monitor procurement, use, and disposal of chemicals used in the lab (8);

(C) See that appropriate audits are maintained (8);

(D) Help project directors develop precautions and adequate facilities (10);

(E) Know the current legal requirements concerning regulated substances (50); and

(F) Seek ways to improve the chemical hygiene program (8, 11).

(iv) Laboratory supervisor, who has overall responsibility for chemical hygiene in the laboratory (21) including responsibility to:

(A) Ensure that workers know and follow the chemical hygiene rules, that protective equipment is available and in working order, and that appropriate training has been provided (21, 22);

(B) Provide regular, formal chemical hygiene and house-keeping inspections including routine inspections of emergency equipment (21, 171);

(C) Know the current legal requirements concerning regulated substances (50, 231);

(D) Determine the required levels of protective apparel and equipment (156, 160, 162); and

(E) Ensure that facilities and training for use of any material being ordered are adequate (215).

(v) Project director or director of other specific operation, who has primary responsibility for chemical hygiene procedures for that operation (7).

(vi) Laboratory worker, who is responsible for:

(A) Planning and conducting each operation in accordance with the institutional chemical hygiene procedures (7, 21, 22, 230); and

(B) Developing good personal chemical hygiene habits (22).

(c) The laboratory facility:

(i) Design. The laboratory facility should have:

(A) An appropriate general ventilation system (see C4 below) with air intakes and exhausts located so as to avoid intake of contaminated air (194);

(B) Adequate, well-ventilated stockrooms/storerooms (218, 219);

(C) Laboratory hoods and sinks (12, 162);

(D) Other safety equipment including eyewash fountains and drench showers (162, 169); and

(E) Arrangements for waste disposal (12, 240).

(ii) Maintenance. Chemical-hygiene-related equipment (hoods, incinerator, etc.) should undergo continuing appraisal and be modified if inadequate (11, 12).

(iii) Usage. The work conducted (10) and its scale (12) must be appropriate to the physical facilities available and, especially, to the quality of ventilation (13).

(iv) Ventilation.

(A) General laboratory ventilation. This system should: Provide a source of air for breathing and for input to local ventilation devices (199); it should not be relied on for protection from toxic substances released into the laboratory (198); ensure that laboratory air is continually replaced, preventing increase of air concentrations of toxic substances during the working day (194); direct air flow into the labora-

tory from nonlaboratory areas and out to the exterior of the building (194).

(B) Hoods. A laboratory hood with 2.5 linear feet of hood space per person should be provided for every 2 workers if they spend most of their time working with chemicals (199); each hood should have a continuous monitoring device to allow convenient confirmation of adequate hood performance before use (200, 209). If this is not possible, work with substances of unknown toxicity should be avoided (13) or other types of local ventilation devices should be provided (199). (See pp. 201-206 for a discussion of hood design, construction, and evaluation.)

(C) Other local ventilation devices. Ventilated storage cabinets, canopy hoods, snorkels, etc., should be provided as needed (199). Each canopy hood and snorkel should have a separate exhaust duct (207).

(D) Special ventilation areas. Exhaust air from glove boxes and isolation rooms should be passed through scrubbers or other treatment before release into the regular exhaust system (208). Cold rooms and warm rooms should have provisions for rapid escape and for escape in the event of electrical failure (209).

(E) Modifications. Any alteration of the ventilation system should be made only if thorough testing indicates that worker protection from airborne toxic substances will continue to be adequate (12, 193, 204).

(F) Performance. Rate: 4-12 room air changes/hour is normally adequate general ventilation if local exhaust systems such as hoods are used as the primary method of control (194).

(G) Quality. General air flow should not be turbulent and should be relatively uniform throughout the laboratory, with no high velocity or static areas (194, 195); airflow into and within the hood should not be excessively turbulent (200); hood face velocity should be adequate (typically 60-100 fpm) (200, 204).

(H) Evaluation. Quality and quantity of ventilation should be evaluated on installation (202), regularly monitored (at least every 3 months) (6, 12, 14, 195), and reevaluated whenever a change in local ventilation devices is made (12, 195, 207). See pp. 195-198 for methods of evaluation and for calculation of estimated airborne contaminant concentrations.

(d) Components of the chemical hygiene plan:

(i) Basic rules and procedures (recommendations for these are given in section (e), below).

(ii) Chemical procurement, distribution, and storage.

(A) Procurement. Before a substance is received, information on proper handling, storage, and disposal should be known to those who will be involved (215, 216). No container should be accepted without an adequate identifying label (216). Preferably, all substances should be received in a central location (216).

(B) Stockrooms/storerooms. Toxic substances should be segregated in a well-identified area with local exhaust ventilation (221). Chemicals which are highly toxic (227) or other chemicals whose containers have been opened should be in unbreakable secondary containers (219). Stored chemicals should be examined periodically (at least annually) for replacement, deterioration, and container integrity (218-19).

(C) Stockrooms/storerooms should not be used as preparation or repackaging areas, should be open during normal working hours, and should be controlled by one person (219).

(D) Distribution. When chemicals are hand carried, the container should be placed in an outside container or bucket. Freight-only elevators should be used if possible (223).

(E) Laboratory storage. Amounts permitted should be as small as practical. Storage on bench tops and in hoods is inadvisable. Exposure to heat or direct sunlight should be avoided. Periodic inventories should be conducted, with unneeded items being discarded or returned to the storeroom/stockroom (225-6, 229).

(iii) Environmental monitoring. Regular instrumental monitoring of airborne concentrations is not usually justified or practical in laboratories but may be appropriate when testing or redesigning hoods or other ventilation devices (12) or when a highly toxic substance is stored or used regularly (e.g., 3 times/week) (13).

(iv) Housekeeping, maintenance, and inspections.

(A) Cleaning. Floors should be cleaned regularly (24).

(B) Inspections. Formal housekeeping and chemical hygiene inspections should be held at least quarterly (6, 21) for units which have frequent personnel changes and semiannually for others; informal inspections should be continual (21).

(C) Maintenance. Eye wash fountains should be inspected at intervals of not less than 3 months (6). Respirators for routine use should be inspected periodically by the laboratory supervisor (169). Safety showers should be tested routinely (169). Other safety equipment should be inspected regularly. (E.g., every 3-6 months) (6, 24, 171). Procedures to prevent restarting of out-of-service equipment should be established (25).

(D) Passageways. Stairways and hallways should not be used as storage areas (24). Access to exits, emergency equipment, and utility controls should never be blocked (24).

(v) Medical program.

(A) Compliance with regulations. Regular medical surveillance should be established to the extent required by regulations (12).

(B) Routine surveillance. Anyone whose work involves regular and frequent handling of toxicologically significant quantities of a chemical should consult a qualified physician to determine on an individual basis whether a regular schedule of medical surveillance is desirable (11, 50).

(C) First aid. Personnel trained in first aid should be available during working hours and an emergency room with medical personnel should be nearby (173). See pp. 176-178 for description of some emergency first-aid procedures.

(vi) Protective apparel and equipment. These should include for each laboratory:

(A) Protective apparel compatible with the required degree of protection for substances being handled (158-161);

(B) An easily accessible drench-type safety shower (162, 169);

(C) An eyewash fountain (162);

(D) A fire extinguisher (162-164);

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(E) Respiratory protection (164-9), fire alarm and telephone for emergency use (162) should be available nearby; and

(F) Other items designated by the laboratory supervisor (156, 160).

(vii) Records.

(A) Accident records should be written and retained (174).

(B) Chemical hygiene plan records should document that the facilities and precautions were compatible with current knowledge and regulations (7).

(C) Inventory and usage records for high-risk substances should be kept as specified in sections E3e below.

(D) Medical records should be retained by the institution in accordance with the requirements of state and federal regulations (12).

(viii) Signs and labels. Prominent signs and labels of the following types should be posted:

(A) Emergency telephone numbers of emergency personnel/ facilities, supervisors, and laboratory workers (28);

(B) Identity labels, showing contents of containers (including waste receptacles) and associated hazards (27, 48);

(C) Location signs for safety showers, eyewash stations, other safety and first aid equipment, exits (27) and areas where food and beverage consumption and storage are permitted (24); and

(D) Warnings at areas or equipment where special or unusual hazards exist (27).

(ix) Spills and accidents.

(A) A written emergency plan should be established and communicated to all personnel; it should include procedures for ventilation failure (200), evacuation, medical care, reporting, and drills (172).

(B) There should be an alarm system to alert people in all parts of the facility including isolation areas such as cold rooms (172).

(C) A spill control policy should be developed and should include consideration of prevention, containment, cleanup, and reporting (175).

(D) All accidents or near accidents should be carefully analyzed with the results distributed to all who might benefit (8, 28).

(x) Information and training program.

(A) Aim: To assure that all individuals at risk are adequately informed about the work in the laboratory, its risks, and what to do if an accident occurs (5, 15).

(B) Emergency and personal protection training: Every laboratory worker should know the location and proper use of available protective apparel and equipment (154, 169).

(C) Some of the full-time personnel of the laboratory should be trained in the proper use of emergency equipment and procedures (6).

(D) Such training as well as first-aid instruction should be available to (154) and encouraged for (176) everyone who might need it.

(E) Receiving and stockroom/storeroom personnel should know about hazards, handling equipment, protective apparel, and relevant regulations (217).

(F) Frequency of training: The training and education program should be a regular, continuing activity—not simply an annual presentation (15).

(G) Literature/consultation: Literature and consulting advice concerning chemical hygiene should be readily available to laboratory personnel, who should be encouraged to use these information resources (14).

(xi) Waste disposal program.

(A) Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal of waste laboratory chemicals (5).

(B) Content (14, 232, 233, 240): The waste disposal program should specify how waste is to be collected, segregated, stored, and transported and include consideration of what materials can be incinerated. Transport from the institution must be in accordance with DOT regulations (244).

(C) Discarding chemical stocks: Unlabeled containers of chemicals and solutions should undergo prompt disposal; if partially used, they should not be opened (24, 27).

(D) Before a worker's employment in the laboratory ends, chemicals for which that person was responsible should be discarded or returned to storage (226).

(E) Frequency of disposal: Waste should be removed from laboratories to a central waste storage area at least once per week and from the central waste storage area at regular intervals (14).

(F) Method of disposal: Incineration in an environmentally acceptable manner is the most practical disposal method for combustible laboratory waste (14, 238, 241).

(G) Indiscriminate disposal by pouring waste chemicals down the drain (14, 231, 242) or adding them to mixed refuse for landfill burial is unacceptable (14).

(H) Hoods should not be used as a means of disposal for volatile chemicals (40, 200).

(I) Disposal by recycling (233, 243) or chemical decontamination (40, 230) should be used when possible.

(e) Basic rules and procedures for working with chemicals. The chemical hygiene plan should require that laboratory workers know and follow its rules and procedures. In addition to the procedures of the subprograms mentioned above, these should include the general rules following:

(i) General rules. The following should be used for essentially all laboratory work with chemicals:

(A) Accidents and spills—Eye contact: Promptly flush eyes with water for a prolonged period (15 minutes) and seek medical attention (33, 172).

(B) Ingestion: Encourage the victim to drink large amounts of water (178).

(C) Skin contact: Promptly flush the affected area with water (33, 172, 178) and remove any contaminated clothing (172, 178). If symptoms persist after washing, seek medical attention (33).

(D) Clean-up. Promptly clean up spills, using appropriate protective apparel and equipment and proper disposal (24, 33). See pp. 233-237 for specific clean-up recommendations.

(E) Avoidance of "routine" exposure: Develop and encourage safe habits (23); avoid unnecessary exposure to chemicals by any route (23);

(F) Do not smell or taste chemicals (32). Vent apparatus which may discharge toxic chemicals (vacuum pumps, distillation columns, etc.) into local exhaust devices (199).

(G) Inspect gloves (157) and test glove boxes (208) before use.

(H) Do not allow release of toxic substances in cold rooms and warm rooms, since these have contained recirculated atmospheres (209).

(I) Choice of chemicals: Use only those chemicals for which the quality of the available ventilation system is appropriate (13).

(J) Eating, smoking, etc.: Avoid eating, drinking, smoking, gum chewing, or application of cosmetics in areas where laboratory chemicals are present (22, 24, 32, 40); wash hands before conducting these activities (23, 24).

(K) Avoid storage, handling, or consumption of food or beverages in storage areas, refrigerators, glassware, or utensils which are also used for laboratory operations (23, 24, 226).

(L) Equipment and glassware: Handle and store laboratory glassware with care to avoid damage; do not use damaged glassware (25). Use extra care with Dewar flasks and other evacuated glass apparatus; shield or wrap them to contain chemicals and fragments should implosion occur (25). Use equipment only for its designed purpose (23, 26).

(M) Exiting: Wash areas of exposed skin well before leaving the laboratory (23).

(N) Horseplay: Avoid practical jokes or other behavior which might confuse, startle, or distract another worker (23).

(O) Mouth suction: Do not use mouth suction for pipetting or starting a siphon (23, 32).

(P) Personal apparel: Confine long hair and loose clothing (23, 158). Wear shoes at all times in the laboratory but do not wear sandals, perforated shoes, or sneakers (158).

(Q) Personal housekeeping: Keep the work area clean and uncluttered, with chemicals and equipment being properly labeled and stored; clean up the work area on completion of an operation or at the end of each day (24).

(R) Personal protection: Assure that appropriate eye protection (154-156) is worn by all persons, including visitors, where chemicals are stored or handled (22, 23, 33, 154).

(S) Wear appropriate gloves when the potential for contact with toxic materials exists (157); inspect the gloves before each use, wash them before removal, and replace them periodically (157). (A table of resistance to chemicals of common glove materials is given p. 159.)

(T) Use appropriate (164-168) respiratory equipment when air contaminant concentrations are not sufficiently restricted by engineering controls (164-5), inspecting the respirator before use (169).

(U) Use any other protective and emergency apparel and equipment as appropriate (22, 157-162).

(V) Void use of contact lenses in the laboratory unless necessary; if they are used, inform supervisor so special precautions can be taken (155).

(W) Remove laboratory coats immediately on significant contamination (161).

(X) Planning: Seek information and advice about hazards (7), plan appropriate protective procedures, and plan

positioning of equipment before beginning any new operation (22, 23).

(Y) Unattended operations: Leave lights on, place an appropriate sign on the door, and provide for containment of toxic substances in the event of failure of a utility service (such as cooling water) to an unattended operation (27, 128).

(Z) Use of hood: Use the hood for operations which might result in release of toxic chemical vapors or dust (198-9).

(AA) As a rule of thumb, use a hood or other local ventilation device when working with any appreciably volatile substance with a TLV of less than 50 ppm (13).

(BB) Confirm adequate hood performance before use; keep hood closed at all times except when adjustments within the hood are being made (200); keep materials stored in hoods to a minimum and do not allow them to block vents or air flow (200).

(CC) Leave the hood "on" when it is not in active use if toxic substances are stored in it or if it is uncertain whether adequate general laboratory ventilation will be maintained when it is "off" (200).

(DD) Vigilance: Be alert to unsafe conditions and see that they are corrected when detected (22).

(EE) Waste disposal: Assure that the plan for each laboratory operation includes plans and training for waste disposal (230).

(FF) Deposit chemical waste in appropriately labeled receptacles and follow all other waste disposal procedures of the chemical hygiene plan (22, 24).

(GG) Do not discharge to the sewer concentrated acids or bases (231); highly toxic, malodorous, or lachrymatory substances (231); or any substances which might interfere with the biological activity of waste water treatment plants, create fire or explosion hazards, cause structural damage, or obstruct flow (242).

(HH) Working alone: Avoid working alone in a building; do not work alone in a laboratory if the procedures being conducted are hazardous (28).

(ii) Working with allergens and embryotoxins.

(A) Allergens (examples: Diazomethane, isocyanates, bichromates): Wear suitable gloves to prevent hand contact with allergens or substances of unknown allergenic activity (35).

(B) Embryotoxins (34-5) (examples: Organomercurials, lead compounds, formamide): Women of childbearing age shall handle these substances only in a hood whose satisfactory performance has been confirmed, using appropriate protective apparel (especially gloves) to prevent skin contact.

(C) Review each use of these materials with the research supervisor and review continuing uses annually or whenever a procedural change is made.

(D) Store these substances, properly labeled, in an adequately ventilated area in an unbreakable secondary container.

(E) Notify supervisors of all incidents of exposure or spills; consult a qualified physician when appropriate.

(iii) Work with chemicals of moderate chronic or high acute toxicity.

Examples: diisopropylfluorophosphate (41), hydrofluoric acid (43), hydrogen cyanide (45).

(iv) Supplemental rules to be followed in addition to those mentioned above (Procedure B of "prudent practices," pp. 39-41):

(A) Aim: To minimize exposure to these toxic substances by any route using all reasonable precautions (39).

(B) Applicability: These precautions are appropriate for substances with moderate chronic or high acute toxicity used in significant quantities (39).

(C) Location: Use and store these substances only in areas of restricted access with special warning signs (40, 229).

(D) Always use a hood (previously evaluated to confirm adequate performance with a face velocity of at least 60 linear feet per minute) (40) or other containment device for procedures which may result in the generation of aerosols or vapors containing the substance (39); trap released vapors to prevent their discharge with the hood exhaust (40).

(E) Personal protection: Always avoid skin contact by use of gloves and long sleeves (and other protective apparel as appropriate) (39). Always wash hands and arms immediately after working with these materials (40).

(F) Records: Maintain records of the amounts of these materials on hand, amounts used, and the names of the workers involved (40, 229).

(G) Prevention of spills and accidents: Be prepared for accidents and spills (41).

(H) Assure that at least 2 people are present at all times if a compound in use is highly toxic or of unknown toxicity (39).

(I) Store breakable containers of these substances in chemically resistant trays; also work and mount apparatus above such trays or cover work and storage surfaces with removable, absorbent, plastic backed paper (40).

(J) If a major spill occurs outside the hood, evacuate the area; assure that cleanup personnel wear suitable protective apparel and equipment (41).

(K) Waste: Thoroughly decontaminate or incinerate contaminated clothing or shoes (41). If possible, chemically decontaminate by chemical conversion (40).

(L) Store contaminated waste in closed, suitably labeled, impervious containers (for liquids, in glass or plastic bottles half-filled with vermiculite) (40).

(v) Work with chemicals of high chronic toxicity.

Examples: Dimethylmercury and nickel carbonyl (48), benzo-a-pyrene (51), N-nitrosodiethylamine (54), other human carcinogens or substances with high carcinogenic potency in animals (38).

(vi) Further supplemental rules to be followed, in addition to all these mentioned above, for work with substances of known high chronic toxicity (in quantities above a few milligrams to a few grams, depending on the substance) (47). (Procedure A of "Prudent Practices" pp. 47-50).

(A) Access: Conduct all transfers and work with these substances in a "controlled area": A restricted access hood, glove box, or portion of a lab, designated for use of highly toxic substances, for which all people with access are aware of the substances being used and necessary precautions (48).

(B) Approvals: Prepare a plan for use and disposal of these materials and obtain the approval of the laboratory supervisor (48).

(C) Noncontamination/decontamination: Protect vacuum pumps against contamination by scrubbers or HEPA filters and vent them into the hood (49). Decontaminate vacuum pumps or other contaminated equipment, including glassware, in the hood before removing them from the controlled area (49, 50).

(D) Decontaminate the controlled area before normal work is resumed there (50).

(E) Exiting: On leaving a controlled area, remove any protective apparel (placing it in an appropriate, labeled container) and thoroughly wash hands, forearms, face, and neck (49).

(F) Housekeeping: Use a wet mop or a vacuum cleaner equipped with a HEPA filter instead of dry sweeping if the toxic substance was a dry powder (50).

(G) Medical surveillance: If using toxicologically significant quantities of such a substance on a regular basis (e.g., 3 times per week), consult a qualified physician concerning desirability of regular medical surveillance (50).

(H) Records: Keep accurate records of the amounts of these substances stored (229) and used, the dates of use, and names of users (48).

(I) Signs and labels: Assure that the controlled area is conspicuously marked with warning and restricted access signs (49) and that all containers of these substances are appropriately labeled with identity and warning labels (48).

(J) Spills: Assure that contingency plans, equipment, and materials to minimize exposures of people and property in case of accident are available (233-4).

(K) Storage: Store containers of these chemicals only in a ventilated, limited access (48, 227, 229) area in appropriately labeled, unbreakable, chemically resistant, secondary containers (48, 229).

(L) Glove boxes: For a negative pressure glove box, ventilation rate must be at least 2 volume changes/hour and pressure at least 0.5 inches of water (48). For a positive pressure glove box, thoroughly check for leaks before each use (49). In either case, trap the exit gases or filter them through a HEPA filter and then release them into the hood (49).

(M) Waste: Use chemical decontamination whenever possible; ensure that containers of contaminated waste (including washings from contaminated flasks) are transferred from the controlled area in a secondary container under the supervision of authorized personnel (49, 50, 233).

(vii) Animal work with chemicals of high chronic toxicity.

(A) Access: For large scale studies, special facilities with restricted access are preferable (56).

(B) Administration of the toxic substance: When possible, administer the substance by injection or gavage instead of in the diet. If administration is in the diet, use a caging system under negative pressure or under laminar air flow directed toward HEPA filters (56).

(C) Aerosol suppression: Devise procedures which minimize formation and dispersal of contaminated aerosols, including those from food, urine, and feces (e.g., use HEPA filtered vacuum equipment for cleaning, moisten contaminated bedding before removal from the cage, mix diets in closed containers in a hood) (55, 56).

(D) Personal protection: When working in the animal room, wear plastic or rubber gloves, fully buttoned laboratory coat or jumpsuit and, if needed because of incomplete suppression of aerosols, other apparel and equipment (shoe and head coverings, respirator) (56).

(E) Waste disposal: Dispose of contaminated animal tissues and excreta by incineration if the available incinerator can convert the contaminant to nontoxic products (238); otherwise, package the waste appropriately for burial in an EPA-approved site (239).

(f) Safety recommendations. The above recommendations from "prudent practices" do not include those which are directed primarily toward prevention of physical injury rather than toxic exposure. However, failure of precautions against injury will often have the secondary effect of causing toxic exposures. Therefore, we list below page references for recommendations concerning some of the major categories of safety hazards which also have implications for chemical hygiene:

(i) Corrosive agents: (35-6)

(ii) Electrically powered laboratory apparatus: (179-92)

(iii) Fires, explosions: (26, 57-74, 162-4, 174-5, 219-20, 226-7)

(iv) Low temperature procedures: (26, 88)

(v) Pressurized and vacuum operations (including use of compressed gas cylinders): (27, 75-101)

(g) Material safety data sheets. Material safety data sheets are presented in "prudent practices" for the chemicals listed below. (Asterisks denote that comprehensive material safety data sheets are provided.)

*Acetyl peroxide (105) *Acrolein (106) *Acrylonitrile (107) Ammonia (anhydrous) (91) *Aniline (109) *Benzene (110) *Benzo[a]pyrene (112) *Bis(chloromethyl) ether (113) Boron trichloride (91) Boron trifluoride (92) Bromine (114) *Tert-butyl hydroperoxide (148) *Carbon disulfide (116) Carbon monoxide (92) *Carbon tetrachloride (118) *Chlorine (119) Chlorine trifluoride (94) *Chloroform (121) Chloromethane (93) *Diethyl ether (122) Diisopropyl fluorophosphate (41) *Dimethylformamide (123) *Dimethyl sulfate (125) *Dioxane (126) *Ethylene dibromide (128) *fluorine (95) *Formaldehyde (130) *Hydrazine and salts (132) Hydrofluoric acid (43) Hydrogen bromide (98) Hydrogen chloride (98) *Hydrogen cyanide (133) *Hydrogen sulfide (135) Mercury and compounds (52) *Methanol (137) *Morpholine (138) *Nickel carbonyl (99) *Nitrobenzene (139) Nitrogen dioxide (100) N-nitrosodiethylamine (54) *Peracetic acid (141) *Phenol (142) *Phosgene (143) *Pyridine (144) *Sodium azide (145) *Sodium cyanide (147) Sulfur dioxide (101) *Trichloroethylene (149) *Vinyl chloride (150)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

WAC 296-78-56505 Boats and mechanical devices on waters. (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be

complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log broncs, boom-scooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(g) Log broncs, boomscoters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-105 Handcharge makeup methods. General. The department shall recognize two permissible methods concerning handcharges for avalanche control blasting. The descriptions and requirements for each method are contained in this section. Every ski area operation which conducts avalanche control blasting should use Method II "Hand charge makeup room." A well designed and constructed handcharge makeup room can enhance the correct assembly of components which will maintain the best possible control over explosives and components, reduce the probability of an explosives incident, and reduce the incidence of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord (i.e., primacord) shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the handcharge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All class A explosives shall be attended as defined in WAC 296-59-007 at all times when the explosive is out of the class 1 storage magazine.

(j) Disbursement of explosive charges from the class 1 storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed handcharges, or fuse igniters shall not be carried into or stored in a class 1 magazine which contains class A explosives.

(2) Method II. Handcharge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form handcharges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each handcharge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a handcharge until the handcharge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (a)(iii)(A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (iii)(D)(II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be countersunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of class A explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a class 3 storage facility, for one thousand or less blasting caps.

(iii) A class 3 storage facility shall be constructed to meet the following minimum requirements:

(A) A class 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives," except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(iii) Makeup rooms designed to hold the boxes of explosives awaiting makeup and the makeup explosives in avalanche control packs awaiting distribution may be located using the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The makeup room is located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives" for the referenced quantity of explosives at the makeup table.

(I) This separation shall apply only to human proximity to the makeup room and only at such time as there are explosives in the makeup room.

(II) When the makeup room does not contain explosives the separation tables shall not apply.

(B) The concrete walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The concrete walls must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete walls must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" designed to produce walls which will withstand explosion of the referenced quantity explosives.

(C) The boxes of explosives awaiting makeup and the makeup explosives in avalanche control packs awaiting dis-

tribution are located behind separate concrete debris barrier walls which will ensure that detonation of these explosives will not occur if the explosives at the makeup table detonate.

(I) The concrete debris barrier wall must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete debris barrier wall must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives detonate.

(III) Access from the makeup table to the area behind the concrete debris barrier walls shall not be doored. The concrete debris barrier walls will be designed so that the access way from the makeup table to the area behind the concrete debris barrier wall will deflect debris from an explosive blast by inherent design.

(D) The roof shall be designed so that the resistance to an interior explosive blast will be negligible.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at any time must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

(v) This section shall become effective December 1, 1989.

Note: Explosives shall be stored in licensed magazines only. All magazines must be located in compliance with the American Quantity and Distance Separation Tables until the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms approves full containment class 1 magazines for storage at distances less than those specified in the American Standard Quantity and Distance Separation Tables and the Washington state department of labor and industries adopts corresponding amendments.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-155-270 Flammable and combustible liquids. (1) General requirements.

(a) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans, or department of transportation approved containers shall be used for the handling and use of flammable liquids in quantities five gallons or less, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container may be used for storage, use, and handling of flammable liquids.

(b) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(c) Flammable and combustible liquid containers shall be legibly marked to indicate their contents. Each storage container for flammable or combustible liquids, with a capac-

ity of 50 gallons or more, shall have the contents of the container identified by a sign of clearly visible contrasting colors with letters at least 3 inches high, painted on the container at the discharge valve and at the fill point.

(d) Gasoline shall not be used as a solvent or a cleaning agent.

(2) Indoor storage of flammable and combustible liquids.

(a) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see WAC 296-155-275.

(b) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws, when more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep fire away."

(c) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(d)(i) Inside storage room shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1972.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1983, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table D-2 following:

TABLE D-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

Note: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, hazardous locations. For definition of Class 1, Division 1, hazardous locations, see WAC 296-155-456.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with subsection (3) of this section.

(3) Storage outside buildings.

(a) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(b) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(c) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Outdoor portable tank storage.

(i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks

exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(e) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(f) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1972, The Flammable and Combustible Liquids Code.

(g) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of the Flammable and Combustible Liquids Code, NFPA 30-1972.

(4) Fire control for flammable or combustible liquid storage.

(a) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(b) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(c) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1972.

(d) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(5) Dispensing liquids.

(a) Areas in which flammable or combustible liquids are transferred at the same time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-foot distance or by construction having a fire-resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(b) Transfer flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(c) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tank is prohibited.

(d) The dispensing units shall be protected against collision damage.

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(e) Dispensing devices and nozzles for flammable liquids shall be of an approved type, as required by WAC 296-24-33015.

(6) Handling liquids at point of final use.

(a) Flammable liquids shall be kept in closed containers when not actually in use.

(b) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(c) Flammable liquids shall be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(7) Service and refueling areas.

(a) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(b) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1977.

(c) The dispensing hose shall be an approved type.

(d) The dispensing nozzle shall be an approved automatic-closing type.

(e) Underground tanks shall not be abandoned.

(f) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(g)(i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(h) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(i) Conspicuous and legible signs prohibiting smoking shall be posted.

(j) The motor of any equipment being fueled shall be shut off during the fueling operation.

(k) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-275 Liquefied petroleum gas (LP-gas). (1) Approval of equipment and systems.

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(b) All cylinders shall meet the department of transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(2) Welding on LP-gas containers. Welding is prohibited on containers.

(3) Container valves and container accessories.

(a) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service.

(b) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(4) Safety devices.

(a) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(b) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(c) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(5) Dispensing.

(a) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(b) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(6) Requirements for appliances.

(a) LP-gas consuming appliances shall be approved types.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas, and is in good condition, may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(7) Containers and regulating equipment installed outside of buildings or structures. Containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(8) Containers and equipment used inside of buildings or structures.

(a) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impractical, containers and equipment are permitted to be used inside of buildings or structures in accor-

dance with (b) through (k) of this subsection. In addition, there may be provisions of this section that are applicable to the particular use or occupancy.

(b) "Containers in use" means connected for use.

(c) Systems utilizing containers having a water capacity greater than 2 1/2-pounds (nominal 1 pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(d) Regulators, when required, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(e) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-gas capacity) shall be protected from damage while in use or storage.

(f) Aluminum piping or tubing shall not be used.

(g) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practical. Hoses shall be long enough to permit compliance with spacing provisions of (a) through (m) of this subsection, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(h) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the mainburner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 BTU per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

Note: The provisions of this subdivision do not apply to portable heaters under 7,500 BTU per hour input when used with containers having a maximum water capacity of 2 1/2 pounds.

(i) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(j) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(k) Containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(l) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-gas capacity).

(m) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type

heaters shall not be directed toward any LP-gas container within 20 feet.

(n) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(o) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-gas capacity). Such manifolds shall be separated by at least 20 feet.

(p) Storage of containers awaiting use shall be in accordance with subsections (10) and (11) of this section.

(9) Multiple container systems.

(a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic changeover device.

(b) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(c) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(10) Storage of LPG containers. Storage of LPG within building is prohibited.

(11) Storage outside of buildings.

(a) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with Table D-3:

TABLE D-3

Quantity of LP-gas stored:	Distance (feet)
500 lbs. or less	0
501 to 6,000 lbs.	10
6,001 to 10,000 lbs.	20
Over 10,000 lbs.	25

(b) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering, or possible damage by vehicular traffic.

(12) Fire protection. Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

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AMENDATORY SECTION (Amending WSR 95-17-036, filed 8/9/95, effective 9/25/95)

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter 296-24 WAC.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of trans-

portation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or

boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge beackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and

greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-575 Helicopters and helicopter cranes. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Refueling operations.

(a) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine-kerosene) type fuel be permitted while the engines are running.

(b) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(c) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(d) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of available fire extinguishing equipment.

(e) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights for spark producing agents within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(f) Due to the numerous causes of static electricity, it should be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter.

(i) Conductive hose shall not be used to accomplish the bonding.

(ii) All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(g) To control spills:

(i) Fuel shall be pumped either by hand or power.

(ii) Pouring or gravity flow shall not be permitted.

(iii) Selfclosing nozzles shall not be dragged on the ground.

(h) In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.

(i) When ambient temperatures have been in the one hundred degree F range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(21) Hook on persons shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their locations.

(22) Riding the load or hook of a helicopter is prohibited except in the case of emergency and then only with the proper safety gear.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes, manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

- (a) Air monitoring;
- (b) Ventilation;
- (c) Confined space entry procedures;
- (d) Permit-required confined space entry procedures;
- (e) Illumination;
- (f) Communications;
- (g) Flood control;

- (h) Mechanical equipment;
- (i) Personal protective equipment;
- (j) Explosives;
- (k) Fire prevention and protection; and
- (l) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the jobsite. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer must provide self-rescuers certified by the National Institute for Occupational Safety

and Health under 42 CFR part 84. The respirators must be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators must be in accordance with the requirements of chapter 296-62 WAC, Part E.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On jobsites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the jobsite or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On jobsites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the jobsite or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of fire fighting equipment. Qualifications shall be reviewed not less than annually.

(d) On jobsites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the jobsite.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases

measured at 12 inches (304.8 mm) \pm 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in chapter 296-155 WAC, Part H, shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-62 WAC, Part H, shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of jobsite: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the jobsite, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby job-sites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC, Part H.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device certified by MSHA-NIOSH for protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of chapter 296-62 WAC, Part E.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, Part H, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in chapter 296-155 WAC, Part B-1. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the department of

labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(I) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

- (i) Be constructed of fire-resistant materials; and
- (ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of chapter 296-155 WAC, Part B-1, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

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(j) A fire extinguisher of at least 4A:40B:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar

bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment,

including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in chapter 296-155 WAC, Part L.

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in chapter 296-155 WAC, Part M.

(f) Conveyor lockout.

(i) Conveyors shall be de-energized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect person cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in person cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This subsection applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC 296-155-528 contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-528(2) do not apply to the routine access of employees to the underground via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface

entrances, or the load is being moved in the shaft. This subsection does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalperson at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalperson who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same convey-

ance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to chapter 296-155 WAC, Part L, for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of

any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

WAC 296-155-745 Compressed air. (1) General provisions.

(a) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this part in all respects and responsible for full compliance with these and other applicable parts.

(b) Every employee shall be instructed in the rules and regulations which concern their safety or the safety of others.

(2) Medical attendance, examination, and regulations.

(a) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. They shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. They shall be physically qualified and be willing to enter a pressurized environment.

(b) No employee shall be permitted to enter a compressed air environment until they have been examined by the physician and reported to be physically qualified to engage in such work.

(c) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, they shall not resume work until they are reexamined by the physician, and their physical condition reported, as provided in this subsection, to be such as to permit them to work in compressed air.

(d) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, the employee shall be reexamined by the physician to determine if they are still physically qualified to engage in compressed air work.

(e) Such physician shall at all times keep a complete and full record of examinations made by themselves. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(f) Records shall be available for the inspection by the director or his/her representatives, and a copy thereof shall be forwarded to the department within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the director.

(g) A fully equipped first-aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.

(h) Where tunnels are being excavated from portals more than 5 road miles apart, a first-aid station and transportation facilities shall be provided at each portal.

(i) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(j) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.;

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH);

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90°F. nor be less than 70°F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(k) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations;

- (a) The working chamber face;
- (b) The working chamber side of the man lock near the door;
- (c) The interior of the man lock;
- (d) Lock attendant's station;
- (e) The compressor plant;
- (f) The first-aid station;
- (g) The emergency lock (if one is required); and
- (h) The special decompression chamber (if one is required).

(4) Signs and records.

(a) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

..... pounds to pounds in minutes.
 pounds to pounds in minutes.

(Signed by)
 (Superintendent)

This form shall be posted in the man lock at all times.

(b) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(c) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(5) Compression.

(a) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(b) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(c) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(d) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If the employee does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(e) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in an emergency.

(6) Decompression.

(a) Decompression to normal condition shall be in accordance with the decompression tables in Appendix A of this part.

(b) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the

appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(c) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(7) Man locks and special decompression chambers.

(a) Man locks.

(i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this part.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. The lock attendant shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are persons in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in item (viii) of this subdivision.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that the test gauges may be attached whenever necessary

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

PERMANENT

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70°F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires total time of decompression exceeding 75 minutes.

(b) Special decompression chamber.

(i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(A) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(B) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(C) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber.

(D) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(E) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(F) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have

a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(8) Compressor plant and air supply.

(a) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings. Provided; That the gauges and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(b) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(c) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(d) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(e) Switching from one independent source of power supply to the other shall be done periodically to ensure that workability of the apparatus in an emergency.

(f) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(g) All high-pressure and low-pressure air supply lines shall be equipped with check valves.

(h) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(i) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(j) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(9) Ventilation and air quality.

(a) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. The quantity of ventilation air shall be not less than 30 cubic feet per minute.

(b) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in part B of this chapter, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(c) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85°F.

(d) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(e) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(10) Electricity.

(a) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(b) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(c) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of Part I, of this standard, for use in damp, hazardous, high temperature, and compressed air environments.

(d) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(e) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(f) The use of worn or defective portable and pendant conductors is prohibited.

(11) Sanitation.

(a) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(b) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(c) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(12) Fire prevention and protection.

(a) Fire fighting equipment shall be available at all times and shall be maintained in working condition.

(b) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(c) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(d) Fire hose shall be at least 1 1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(e) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(f) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(g) In addition to fire hose protection required by this part, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazards involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(h) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(i) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(j) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(k) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(l) No oil, gasoline, or other combustible materials shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(m) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding subdivision.

(n) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in part T of this chapter.

(13) Bulkheads and safety screens.

(a) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is danger of rapid flooding.

(b) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Part K of this chapter. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(c) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

Purpose: Amend WAC 182-12-200, including changes already made to WAC 182-12-132, which added the option for retirees to waive PEBB insurance while enrolled in other employer sponsored health coverage.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-200.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 01-12-091 on June 6, 2001, and WSR 01-16-079 on July 25, 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2001

Melodie Bankers

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans. A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district-sponsored health plan, may defer enrollment in PEBB retiree medical and dental plans and enroll in the spouse's PEBB or school district-sponsored health plan. If a retiree defers enrollment in a PEBB retiree medical plan, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subsequently enroll in a PEBB retiree medical, or medical and dental, plan(s) if the retiree was continuously enrolled under the spouse's PEBB or school district-sponsored health coverage from the date the retiree was initially eligible for retiree coverage:

(1) During any open enrollment period determined by the HCA; or

(2) Within ~~((34))~~ sixty days of the date the spouse ceases to be enrolled in a PEBB or school district-sponsored health plan as an eligible employee; or

(3) Within ~~((34))~~ sixty days of the date of the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district-sponsored health plan.

WSR 01-17-041

PERMANENT RULES

HEALTH CARE AUTHORITY

[Order 01-00—Filed August 9, 2001, 1:02 p.m.]

Date of Adoption: August 3, 2001.

WSR 01-17-042

PERMANENT RULES

HEALTH CARE AUTHORITY

[Order 01-01—Filed August 9, 2001, 1:04 p.m.]

Date of Adoption: August 3, 2001.

Purpose: Amend WAC 182-12-117 to include Washington school employees retirement system plan 2, plan 3 and Washington public employees retirement system plan 3; include greater detail that adds clarification to existing eligibility; modify participation by employees retiring under a state of Washington higher education retirement plan.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-117.

Statutory Authority for Adoption: RCW 41.05.160.

Adopted under notice filed as WSR 01-12-092 on June 6, 2001, and WSR 01-16-080 on July 25, 2001.

Changes Other than Editing from Proposed to Adopted Version: The adopted version includes restructuring and minor editing based on comments received during the comment period.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 9, 2001

Melodie Bankers

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

WAC 182-12-117 Eligible retirees. (1) (~~"Retirees and disabled employees."~~) Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical(;) and dental (~~and life~~) coverages provided (~~the person~~):

(a) The retiree and covered dependent(s) are eligible for Medicare, elects Medicare Parts A and B if the retiree(, or covered dependents of a retiree,)) retired after July 1, 1991 ((and is eligible for Medicare)); and

(b) The person submits an application form to enroll or waive PEGB medical and dental coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is

eligible under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection:

(c) Except as provided in (c)(vii) of this subsection, the person immediately begins receiving a monthly retirement income benefit from ((sueh)) one or more of the following retirement systems((; or)):

((=)) (i) Law enforcement officers' and fire fighters' retirement system plan 1 or 2;

(ii) Public employees' retirement system plan 1 or 2;

(iii) School employees' retirement system plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers' retirement system plan 1 or 2; or

(vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), 41.32.762(1), 41.32.870(1), 41.35.410(1), 41.35.670(1), 41.40.625(1) or 41.40.815(1).

(d) The person is at least fifty-five years of age with at least ten years service credit and a member of one of the following retirement systems:

(i) Public employees' retirement system plan 3;

(ii) School employees' retirement system plan 3; and

(iii) Teachers' retirement system plan 3.

(e) The person is a member of state of Washington higher education retirement plan, and is:

(i) At least fifty-five years of age with at least ten years service; or

(ii) At least sixty-two years of age; or

(iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system ((PERS)), the person would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of ((PERS-I)) public employees retirement system 1 or ((PERS-H)) 2 for the same period of employment((; or)).

((=)) (g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system((; or

(e) Must have taken a lump sum retirement benefit payment because their monthly benefit would have been under fifty dollars.

~~Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEGB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any PEGB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEGB program at the time of retirement or disability).~~

(2) (~~Retired and disabled school district and educational service district employees.~~) Eligible employees who partici-

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participate in the public employees' benefits board (PEBB) sponsored life insurance as an active employee and meet qualifications for retiree medical benefits as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they apply to the health care authority within sixty days after the date their active PEBB life insurance terminates and their premium is not being waived for any PEBB life insurance plan at the time of application for retiree life insurance.

(3) The following ~~((persons))~~ retired and disabled school district and educational service district employees are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, ~~((be))~~ are also enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

~~(b) ((Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance or have taken a lump sum payment because their benefit would be less than fifty dollars under chapter 41.32 or 41.40 RCW. Individuals in teachers' retirement system, TRS III, not receiving a monthly retirement allowance (defined benefit) must be at least age fifty-five with at least ten years of service at the time of separation. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;~~

~~(e))~~ Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are eligible for medical, dental and life insurance benefits as provided in subsection (2) of this section, provided they apply for retiree coverage before their PEBB active employee coverage ends.

(5) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(6) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

WSR 01-17-053
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 13, 2001, 8:12 a.m., effective September 1, 2001]

Date of Adoption: August 6, 2001.

Purpose: Tighten up the support services program to be as efficient as possible while maintaining program integrity.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 78.08A.340, 74.04.050, and [WSR] 99-14-043.

Adopted under notice filed as WSR 01-12-056 on June 1, 2001.

Changes Other than Editing from Proposed to Adopted Version: Only changes were in wording and ordering to clarify meaning.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: To meet the budgetary reductions mandated by the legislature in ESSB 6153. The start date needs to be September 1, 2001.

Effective Date of Rule: September 1, 2001.

August 6, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-13-106, filed 6/21/00, effective 7/1/00)

WAC 388-310-0800 WorkFirst—Support services.

(1) **Who can get support services?**

~~((a) WorkFirst participants;~~

~~(b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;~~

~~(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:~~

~~(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or~~

~~(ii) Actively working with a social worker to remove the barriers that are preventing the minor from living in a depart-~~

ment approved living arrangement and/or meeting the school requirements.

(d) Former WorkFirst recipients who are looking for work, preparing for work, or working.

(2) Why do I receive support services?

(a) Support services help you participate in work and WorkFirst activities that lead to independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(b) Support services help you to keep working, accept a job, participate in job search, advance in your job and/or increase your wages.

(3) What support services may I receive?

You may receive support services, including but not limited to any of the following:

(a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;

(b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;

(c) Professional services;

(d) Personal needs such as clothing appropriate for job search or other work activities;

(e) Special needs such as accommodations for employment;

(f) Identified specific needs due to location or employment if you are an American Indian;

(g) Job skills training, vocational education and/or basic education if:

(i) It is an approved activity in your individual responsibility plan; and

(ii) You do not qualify for sufficient student financial aid to meet the cost.

(h) Transitional work expense of one thousand dollars if:

(i) You are in unsubsidized employment; or

(ii) You are in subsidized employment that does not use TANF funds or does not end with your grant; and

(iii) You are in the assistance unit and receiving a TANF/SFA grant of one hundred dollars or less a month; and

(iv) You or anyone in your assistance unit is not in sanction status; and

(v) You voluntarily stop receiving your TANF/SFA grant; and

(vi) You are an adult and have never received a transitional work expense.

(4) What are the requirements to get support services?

The department or its agents will decide what support services you will receive, as follows:

(a) You need the support services to do the activities in your individual responsibility plan, do job search, accept employment, do paid work, continue to work, to advance in your job and/or increase your wages; or

(b) You are a pregnant or parenting minor who is income eligible to receive TANF and you need support services to remove barriers that prevent you from living in a department approved living arrangement and/or meet the school requirements; or

(c) Your request is within twenty four months after your TANF/SFA case closed; and

(d) It is within available funds; and

(e) It does not assist, promote, or deter religious activity.

(5) How much support services can I get?

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of three thousand dollars per person per program year (July 1st to June 30th) for support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 for each request
Car repair	\$750 per program year
Clothing—General	Participant—\$250 for each request Each child—\$100 for each request
Clothing/uniforms—Employment	Participant—\$200 per program year
Counseling	No limit
Diapers	\$50 per child per month
Educational expenses	\$300 for each request
Employer reimbursement	No limit
Haircut	\$40 for each request
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year
Lunch	Same rate as established by OFM for state employees
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	Same rate as established by OFM for state employees
Personal hygiene	\$50 for each request (up to three times per program year)
Professional, trade, association, union and bonds	\$300 for each fee
Public transportation	\$150 per month
Relocation	\$1,000 per program year
Rent, housing, deposits	\$500 per program year
Short-term lodging and meals	Same rate as established by OFM for state employees
Testing—Diagnostic	\$200 each
Tools/equipment	\$500 for each request

(6) What if I request more support services than the suggested maximum amounts, or ask for services not specifically covered in the guidelines?

If you request support services from your case manager, you can:

(a) Ask to see a copy of these guidelines;

(b) Ask for additional services, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or

(c) Request a fair hearing, if your request for support services is denied.

(7) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required)) People who can get support services include:

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(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to one year after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

• Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

•• Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

••• Some support services are available if you need them for other required activities in your IRP.

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Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$200 per adult per program year	x		
Diapers	\$50 per child per month	x		
Employer reimbursement	Reimburse 50 percent of employer costs during on-the-job training	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 for each request	x		
Car repair needed to restore car to operable condition	\$500 per program year	x	x	
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

(a) It is within available funds; and

(b) It does not assist, promote, or deter religious activity;
and

(c) There is no other way to meet the cost.

(5) What is a transitional work expense?

(a) A transitional work expense is a special type of support services that is only paid once in a lifetime. It is authorized in two payments of five hundred dollars to cover your work expenses and help you exit TANF sooner and stay off of assistance longer. The first payment is made in the month after your TANF grant closes if you can show you have a plan for staying employed and off of TANF. The second payment is paid if you are still employed and off of TANF three months later.

(b) To qualify for the first transitional work expense payment of five hundred dollars, you must also meet the following conditions:

(i) You are in unsubsidized employment; or

(ii) You are in subsidized employment that does not use TANF funds or does not end with your TANF grant; and

(iii) You are in the assistance unit and getting a TANF/SFA grant of one hundred dollars or less a month; and

(iv) Neither you or anyone else in your assistance unit is in sanction status; and

(v) You voluntarily stop getting your TANF/SFA grant.

(6) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

WSR 01-17-056
PERMANENT RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION

[Filed August 14, 2001, 8:13 a.m.]

Date of Adoption: July 18, 2001.

Purpose: To update agency WAC in four areas: Public records, where information is added regarding Interagency Committee (IAC) support of the Salmon Recovery Funding Board (RCW 79A.25.240) and routine improvements made to improve clarity, revise certain fees, and add definition. Deadlines, where a section on waivers was clarified. Land and water conservation fund, where text was added to ensure eligibility of a specific category of projects. Editorial corrections, where the numbers in a WAC and RCW citation were corrected and the word "appropriately" was changed to "promptly" as indicated in RCW 42.17.320.

Citation of Existing Rules Affected by this Order: Amending chapter 286-06 WAC, WAC 286-13-040, 286-40-020, 286-06-050, 286-06-065, 286-06-080, 286-06-090, 286-06-100, 286-06-110, and 286-06-120.

Statutory Authority for Adoption: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW.

Adopted under notice filed as WSR 01-09-025 on April 10, 2001.

Changes Other than Editing from Proposed to Adopted Version: Numbers in a WAC and RCW citation were corrected and the word "appropriately" was changed to "promptly" as indicated in RCW 42.17.320.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 13, 2001

Greg Lovelady

Rules Coordinator

NEW SECTION

WAC 286-06-045 Committee and the salmon recovery funding board. The committee provides support to the salmon recovery funding board, as directed in RCW 79A.25.240, including administration and management of the salmon board's public records. Such records shall be managed and made available through the committee's public records officer in the same manner as provided for committee records and set forth in this chapter.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-050 Public records available. All public records of the committee and board, as defined in RCW 42.17.260, as now or hereafter amended, are available for public inspection and copying pursuant to this regulation, except as otherwise provided by law, including, but not limited to, RCW 42.17.255 and 42.17.310 and WAC 286-06-100 - Exemptions.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-060 Responsibility. The ~~((committee's))~~ public records shall be ~~((in charge of))~~ available through a public records officer designated by the director. The public records officer shall be responsible for: Implementation of the ~~((committee's))~~ rules and regulations regarding release of public records, coordinating the staff of the committee in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-06-065 Indexes. (1) Through its public records officer, the committee shall maintain indexes for the records and files listed in subsection (2)(a) through ~~((f))~~ (g) of this section. These indexes:

(a) Provide identifying information as to its files and records;

(b) Are available for public inspection and copying at its offices in the Natural Resources Building, Olympia, in the manner provided in this chapter for the inspection and copying of public records;

(c) Are updated at least ~~((once a))~~ every five years and revised at appropriate intervals;

(d) Are public records even if the records to which they refer may not, in all instances, be subject to disclosure.

(2) Indexes of the following records and files are available:

(a) Archived files;

(b) Equipment inventory;

(c) ~~((Summaries and memoranda of committee meetings;~~

~~((General))~~ Committee and board policies and procedures, including manuals;

~~((e))~~ (d) Active project files;

~~((f))~~ (e) Publications ~~((including grant program manuals, state-wide plans, technical assistance))~~ such as brochures and special reports;

~~((g))~~ Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

~~((h))~~ Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

~~((i))~~ Interpretive statements as defined in RCW 34.05.010(8) (each indexed by the committee program);

~~((j))~~ (f) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010~~((14))~~ ~~((also see))~~ (15), including grant program manuals~~((3))~~;

(g) Rule-making files, as described in RCW 34.05.370, for each rule proposed for adoption in the *State Register* and adopted.

(3) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs and/or complexity, however, no master index is maintained.

(a) Administrative files;

(b) Comprehensive park-recreation plans;

(c) Summaries of committee staff meetings;

(d) Closed/inactive project files;

(e) General correspondence;

(f) Attorney general opinions;

(g) Financial records;

(h) Summaries and memoranda of committee and board meetings;

(i) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(j) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the committee or board in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law);

(k) Interpretive statements as defined in RCW 34.05.010(8) (each indexed by the committee or board program).

(4) Before June 30, 1990, the committee maintained no index of:

(a) Declaratory orders containing analysis or decisions of substantial importance to the committee in carrying out its duties;

(b) Interpretive statements as defined in RCW 34.05.010(8);

(c) Policy statements as defined in RCW 34.05.010(14).

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-080 Requests for public records. Consistent with chapter 42.17 RCW, public records may be inspected or copied or copies of such records may be obtained ~~((consistent with chapter 42.17 RCW (unreasonable invasions of privacy, protection from damage/disorganization, and excessive interference)))~~ by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing, preferably on a form prescribed by the director, which shall be available at its Olympia office or electronically. The ~~((form))~~ request shall be presented to the public records officer or designee. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The ~~((time of day and))~~ calendar date on which the request was made;

(c) The nature of the request;

(d) A reference to the requested record as it is described in any current index, if the matter requested is referenced within indexes;

(e) An appropriate description of the record requested, if the requested matter is not identifiable in the indexes.

(2) ~~((In all cases in which))~~ Whenever a member of the public ~~((is making))~~ makes a request, ~~((it shall be the obligation of))~~ the public records officer or designee ~~((to assist))~~ shall ensure the request receives a "date received" stamp or equivalent notation and that assistance is provided in ~~((appropriately))~~ promptly identifying the public record requested as defined in RCW 42.17.320. The agency shall assist to the maximum extent consistent with ongoing operations, and retains the authority to condition records access to prevent unreasonable invasions of privacy, access to other information protected from disclosure by law, damage/disorganiza-

tion, and excessive interference with office operations and equipment.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-090 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The director shall charge a fee of ~~((ten))~~ fifteen cents per page for providing copies of public records and for use of the committee's copy equipment. Copying in other formats shall be subject to a fee established by the director. These charges ~~((are))~~ will be the amount necessary to reimburse the committee for its actual costs incident to such copying.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-100 Exemptions. (1) The committee and/or board and the director reserve~~((s))~~ the right to determine that a public record requested in accordance with the procedures outlined in WAC 286-06-080 is exempt under the provisions of state or federal law, or chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the committee and/or board and the director reserve~~((s))~~ the right to delete identifying details when made available or published in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy, or would disclose information otherwise protected by law.

(3) All denials of requests for public records, in whole or part, ~~((must))~~ will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-110 Review of denials. (1) Any person who objects to the denial of a request for a public record may petition the director for review by ~~((tendering))~~ submitting a written request. The request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying inspection of a public record, the director, or designee, will either affirm or reverse the denial by the end of the second business day following receipt according to RCW 42.17.320. This shall constitute final committee and/or board action. Whenever possible in such matters, the director ~~((or designee))~~ shall first consult with the committee's or board's chair and ~~((or office of the attorney general))~~ members.

AMENDATORY SECTION (Amending WSR 94-17-095, filed 8/17/94, effective 9/17/94)

WAC 286-06-120 Protection of public records. Unless approved by the director, original records shall not be removed from the place designated for their inspection. The

public records officer or designee may make reasonable arrangements for ensuring the security of the record(s) during inspections.

AMENDATORY SECTION (Amending WSR 00-05-008, filed 2/4/00, effective 3/6/00)

WAC 286-40-020 Funding and candidate selection. Funding for projects approved under this chapter is from ~~((the recreation resource account))~~ any eligible account administered by the committee. Candidate project(s) are recommended by the director, and approved by the committee. Selection criteria include:

- (1) How well the project(s) has ranked in the evaluation;
- (2) How well the project(s) meets needs identified in the state-wide comprehensive outdoor recreation planning program and the general goals identified in WAC 286-04-030;
- (3) How well the project(s) meets the criteria in the Land and Water Conservation Fund Grants Manual;
- (4) An assessment of how quickly the project(s) will progress through planning and implementation stages.

AMENDATORY SECTION (Amending WSR 98-08-014, filed 3/18/98, effective 4/18/98)

WAC 286-13-040 Deadlines—Applications, plans, and matching resources. (1) Applications. To allow time for review, applications must be submitted at least four calendar months before the funding meeting at which the applicant's project is first considered. Applications must be completed in final form and on file with the committee at least one calendar month before this meeting. *Excepted* are applications for the National Recreational Trails Funding Act, Riparian Habitat, and Youth Athletic Facilities Programs, and programs where the director specifically establishes another deadline to accomplish new or revised statutory direction.

(2) Plans. For purposes of project evaluation, all non-highway and off-road vehicle program, park, recreation, or habitat plans required for participation in committee grant programs must be complete and on file with the committee at least three calendar months before the funding meeting at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to six years.

(3) Matches. To allow time for development of funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the committee at least one calendar month before the meeting at which the project is to be considered for funding.

(4) Project agreement. An applicant has three calendar months from the date of the committee's mailing of the project agreement to execute and return the agreement to the committee's office. After this period, the committee or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

(5) Waivers. Compliance with these deadlines is required for eligibility unless a waiver is granted by the director. Such waivers are considered based on several factors

which may ~~((include))~~ vary with the type of waiver requested, including:

- (a) When the applicant started the application/planning process (for application and plan deadline waivers);
- (b) ~~((What))~~ Progress ~~((has been))~~ made;
- (c) When final plan adoption will occur (for plan deadline waivers);
- (d) The cause of the delay (procedural or content related, etc.);
- (e) Impact on the committee's evaluation process;
- (f) Equity to other applicants; and
- (g) Such other information as may be relevant.

WSR 01-17-062

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 99-06—Filed August 15, 2001, 11:29 a.m.]

Date of Adoption: August 13, 2001.

Purpose: The main purpose is to update preconstruction permitting programs for consistency with federal rules. Programs amended include PSD, visibility protection, BART and nonattainment new source review. This proposal also updates sections that reference or include federal requirements and updates air operating permit applicability criteria. These changes clarify and streamline agency procedures.

Citation of Existing Rules Affected by this Order: Amending chapters 173-400 and 173-401 WAC.

Statutory Authority for Adoption: Chapter 70.94 RCW, RCW 70.94.141, [70.94.]152, [70.94.]331, and [70.94.]510.

Other Authority: RCW 43.21A.080.

Adopted under notice filed as WSR 01-04-072 on February 6, 2001.

Changes Other than Editing from Proposed to Adopted Version: There are a number of changes, other than editing, from the February 2001 proposed rule amendments to the August 2001 adopted version of chapter 173-400 WAC. The changes are:

- Clarified and revised the meaning of the definitions for "allowable emissions," "attainment area," "BACT," "combustion and incineration units," "criteria pollutant," "fugitive emissions," "federal land manager," "NAAQS," "NESHAP," "NESHAP for source categories," "natural conditions," "NSPS," "nonattainment area," "ozone depleting substances," "particulate matter emissions," "PM-10," "PM-10 emissions," "potential to emit," "total suspended particulate," "TRS," "unclassifiable area," "visibility impairment," and "VOC" in WAC 173-400-030 and other parts of the rule.
- Reinstated the definition of "existing stationary facility," defined "federally enforceable" and "non-road engine," and deleted the definition of "significant visibility impairment" in WAC 173-400-030.
- Revised the language in WAC 173-400-040 (1)(c) clarifying the application to "emissions units."
- Replaced the language in WAC 173-400-035 with 173-400-110(9), clarifying the scope and require-

ments of the section. Deleted WAC 173-400-110(9).

- Added the definition for "commercial and industrial solid waste incineration unit," clarified the definition of "commercial and industrial solid waste" in WAC 173-400-050(4).
- Clarified the exemption criteria for cofired units in WAC 173-400-050(5).
- Added language to WAC 173-400-102 clarifying the scope of the registration program.
- Clarified the meaning of the list of federal MACT standards in WAC 173-400-075(5) and NSPS in WAC 173-400-115(1).
- Deleted the reference to compliance assurance monitoring at the end of WAC 173-400-105.
- Added clarifying language to WAC 173-400-110(2) regarding applicability of new source review to a temporary source.
- Added language to WAC 173-400-110(3) clarifying the relationship between a modification and a major modification.
- Revised the language regarding distribution of a completeness determination in WAC 173-400-110(6).
- Added clarifying language regarding the integrated permit review process in WAC 173-400-110(7) and 173-400-171(b).
- Added language clarifying distribution of major NSR permits in WAC 173-400-110(7).
- Added clarifying language in WAC 173-400-110(10) regarding extensions of construction time periods for PSD permits.
- Added language clarifying requirements for changing permit conditions in WAC 173-400-110(11).
- Clarified and revised the definition of "major modification," "major stationary source," and "net emissions increase" in WAC 173-400-112 and 173-400-113.
- Revised the applicability of emission reductions in WAC 173-400-112 (2)(e)(iii).
- Revised the list of NSPS adopted by reference in WAC 173-400-115.
- Revised WAC 173-400-116(4) regarding the definition of small business.
- Added language clarifying the application distribution in WAC 173-400-117(3).
- Revised the language regarding federal land manager notice and analysis in WAC 173-400-117 (4) and (5).
- Revised the redesignation procedures involving public notice requirements in WAC 173-400-117 (2)(b) and (c).
- Added language clarifying PSD application distribution in WAC 173-400-141(3).
- Added language in WAC 173-400-141(6) clarifying that EPA must receive all information related to considering a PSD application.
- Revised the language in WAC 173-400-151 regarding the meaning and use of the term "existing stationary facility." Clarified and revised the scope and applicability of the section.

- Added language in WAC 173-400-171(1) clarifying the applicability of public notice for a permit extension.
- Added language in WAC 173-400-171(2) clarifying public notice requirements for PSD projects.
- Added language in WAC 173-400-171(5) regarding the applicability of the section to agency actions.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 14, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 9, 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.

August 13, 2001

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

WAC 173-401-300 Applicability. (1) Chapter 401 sources. The provisions of this chapter apply in all areas of the state of Washington to the following sources:

(a) Any source required by the FCAA to have an operating permit. These include the following sources:

(i) Any major source as defined in WAC 173-401-200(18).

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 (Standards of Performance for New Stationary Sources) of the FCAA. A small municipal waste combustion unit constructed on or before August 30, 1999, and regulated under WAC 173-400-050(5) becomes subject to this chapter on July 1, 2002.

(iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) (Prevention of Accidental Releases) of the FCAA.

(iv) Any solid waste incineration units required to obtain permits under section 129 of the FCAA.

A commercial and industrial solid waste incineration unit constructed on or before November 30, 1999, and regulated under WAC 173-400-050(4) becomes subject to this chapter on July 1, 2002.

(v) Any "affected source" regulated under Title IV (Acid Deposition Control) of the FCAA.

(vi) Any source in a source category designated by the EPA pursuant to 40 CFR Part 70, as amended through April 7, 1993.

(b) Any source that the permitting authority determines may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare under RCW 70.94.161(4) using the procedures in subsection (5) of this section.

(c) Any other source which chooses to apply for a permit.

(d) Deferral. A source subject to the secondary aluminum production requirements in 40 CFR Part 63, Subpart RRR (in effect on July 1, 2000) that is not a major source and is not located at a major source as defined under 40 CFR 63.2 and is not otherwise required to obtain a chapter 401 permit is deferred from chapter 173-401 WAC until December 4, 2004. This category includes sweat furnaces, aluminum scrap shredders, thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 2 furnaces (processing clean charge only and no reactive fluxing), dross-only furnaces, and rotary dross coolers.

(e) A municipal solid waste landfill constructed, reconstructed or modified before May 30, 1991, and regulated under WAC 173-400-070(9) becomes subject to this chapter on September 20, 2001.

Note: Under 40 CFR 62.14352(e) (in effect on July 1, 2000), an affected landfill must have submitted its chapter 401 application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), an affected source may not operate if it has not submitted a timely and complete application.

(2) Source category exemptions.

(a) All sources listed in subsection (1)(a) of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA, are exempted from the obligation to obtain a chapter 401 permit until such time that:

(i) Ecology completes a rulemaking to determine whether nonmajor sources should be required to obtain permits. During this rulemaking, ecology will consider the compliance information contained in individual permit applications when evaluating the regulatory effectiveness and administrative feasibility of issuing operating permits to nonmajor sources relative to other regulatory options. This rulemaking must be completed no later than three years after the effective date of the permit program; or

(ii) The administrator completes a rulemaking to determine how the program should be structured for nonmajor sources and determines that such sources must obtain operating permits and ecology completes a rule making to adopt EPS's revised applicability criteria.

(b) Subsection (2)(a) of this section shall not apply to nonmajor sources subject to a standard or other requirement established under either section 111 or section 112 of the FCAA after July 21, 1992, if, during those rulemakings, the administrator determines that such sources must obtain a permit at an earlier date and, subsequently, ecology completes a rule making to adopt EPS's applicability criteria.

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(c) Any source listed in (a) of this subsection exempt from the requirement to obtain a permit under this section may opt to apply for a permit under this chapter.

(d) The following source categories are exempt from the obligation to obtain permit:

(i) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(3) Emissions units and chapter 401 sources.

The permitting authority shall include in the permit all applicable requirements for all relevant emissions units in the source.

(4) Fugitive emissions. Fugitive emissions from a chapter 401 source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(5) Process for determining threat to public health or welfare. The following criteria shall be used to identify sources that are covered pursuant to subsection (1)(b) of this section:

(a) The source may cause or to contribute air pollution in such quantity as to create a violation of any ambient air quality standard as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods; or

(b) The source may cause or contribute to air pollution in such quantity as to create a significant ambient level of any class A or class B toxic air pollutant contained in chapter 173-460 WAC as demonstrated by a dispersion modeling analysis done in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods.

(c) Small business stationary sources otherwise covered under (a) and (b) of this subsection are exempt except when all of the following requirements are satisfied:

(i) The source is in an area that currently exceeds or has been projected by ecology to exceed within five years any federal or state air quality standard. Prior to determining that any area threatens to exceed a standard, ecology shall hold a public hearing or hearings within the threatened area.

(ii) Ecology provides justification that requiring a source to have a permit is necessary to meet or to prevent exceeding a federal or state air quality standard.

(6) Permitting authorities shall develop and maintain a list of names of chapter 401 sources within their jurisdictions. This list shall be made available to the public. A chapter 401 source inadvertently omitted from this list is not exempted from the requirement to obtain a permit under this chapter.

(7) Federally enforceable limits. Any source which is defined as a chapter 401 source solely because its potential to emit exceeds the annual tonnage thresholds defined in WAC 173-401-200(18) shall be exempt from the requirement to obtain an operating permit when federally enforceable conditions which limit that source's potential to emit to levels

below the relevant tonnage thresholds have been established for that source.

(a) In applying for an exemption under this subsection, the owner or operator of the source shall demonstrate to the permitting authority that the source's potential to emit, taking into account any federally enforceable restrictions assumed by the source, does not exceed the tonnage thresholds defined in WAC 173-401-200(18). Such demonstrations shall be in accordance with WAC 173-401-520 and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to support the source's emission calculations.

(b) Permitting authorities may use the following approaches to establish federally enforceable limitations:

(i) Regulatory orders. The permitting authority may establish source-specific conditions in a regulatory order issued pursuant to WAC 173-400-090.

(ii) Notice of construction approvals. The permitting authority may establish source-specific conditions in a notice of construction approval issued pursuant to state or local regulations contained in an EPA-approved state implementation plan; or

(iii) General permits. The permitting authority may establish source-category requirements which limit a source's potential to emit through a general permit issued pursuant to RCW 70.94.161(11). Following EPA approval of the general permit, limitations on potential to emit become federally enforceable against a particular source after that source applies for, and receives coverage under the general permit.

(c) A source receiving a federally enforceable limit on its potential to emit shall annually certify that its potential to emit is less than that which would require the source to obtain an operating permit. Such certifications shall contain the information specified in (a) of this subsection.

(d) Notice of issuance of any order or permit which limits a source's potential to emit shall be published in the permit register pursuant to WAC 173-401-805 (2)(e).

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

WAC 173-401-615 Monitoring and related record-keeping and reporting requirements. (1) Monitoring. Each permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 504(b) or 114 (a)(3) of the FCAA;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection (3) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) Recordkeeping. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

- (i) The date, place as defined in the permit, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used;
- (v) The results of such analyses; and
- (vi) The operating conditions existing at the time of sampling or measurement;

(b) A record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(c) Retention of records of all required monitoring data and support information for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) Reporting. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) Submittal of reports of any required monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with WAC 173-401-520.

(b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define "prompt" in each individual permit in relation to the degree and type of deviation likely to occur and the applicable requirement. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible, but in no case later than twelve hours after the deviation is discovered. The source shall maintain a contemporaneous record of all deviations. Other deviations shall be reported no later than thirty days after the end of the month during which the deviation is discovered or as part of routine emission monitoring reports.

(4) Compliance assurance monitoring. 40 CFR Part 64, in effect on July 1, 2000, is adopted by reference.

AMENDATORY SECTION (Amending Order 96-01, filed 12/23/97, effective 1/23/98)

WAC 173-400-030 Definitions. Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

(1) "**Actual emissions**" means the actual rate of **emissions** of a pollutant from an **emission unit**, as determined in accordance with (a) through (c) of this subsection.

(a) In general, **actual emissions** as of a particular date shall equal the average rate, in tons per year, at which the **emissions unit** actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal **source** operation. **Ecology** or an **authority** shall allow the use of a different time period upon a determination that it is more representative of normal **source** operation. **Actual emissions** shall be calculated using the **emissions unit's** actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) **Ecology** or an **authority** may presume that **source-specific allowable emissions** for the unit are equivalent to the **actual emissions** of the **emissions unit**.

(c) For any **emissions unit** which has not begun normal operations on the particular date, **actual emissions** shall equal the **potential to emit** of the **emissions unit** on that date.

(2) "**Adverse impact on visibility**" (~~means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas~~) is defined in WAC 173-400-117.

(3) "**Air contaminant**" means dust, fumes, mist, smoke, other **particulate matter**, vapor, gas, odorous substance, or any combination thereof. "**Air pollutant**" means the same as "**air contaminant**."

(4) "**Air pollution**" means the presence in the outdoor atmosphere of one or more **air contaminants** in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include **air contaminants** emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "**Allowable emissions**" means the **emission** rate of a (~~stationary~~) **source** calculated using the maximum rated capacity of the (~~stationary~~) **source** (unless the (~~stationary~~) **source** is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as (~~set forth~~) in 40 CFR Part 60 or 61;

(b) Any applicable (~~state implementation plan~~) **SIP emissions limitation** including those with a future compliance date; or

(c) The **emissions** rate specified as a federally enforceable permit condition, including those with a future compliance date.

(6) "**Ambient air**" means the surrounding outside air.

(7) "**Ambient air quality standard**" means an established concentration, exposure time, and frequency of occurrence of air **contaminant(s)** in the ambient air which shall not be exceeded.

(8) "**Approval order**" is defined in "**order of approval**."

(9) "**Attainment area**" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the **National Ambient Air Quality Standard** for a given **criteria pollutant**.

(10) "**Authority**" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(11) "**Begin actual construction**" means, in general, initiation of physical on-site construction activities on an **emission unit** which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(12) "**Best available control technology (BACT)**" means an **emission limitation** based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified **stationary source**, which the permitting **authority**, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such **source** or **modification** through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in **emissions** of any pollutants which will exceed the **emissions** allowed by any applicable standard under 40 CFR Part 60 and Part 61 (~~as they exist on March 1, 1996, or their later enactments as adopted by reference by the director by rule~~). **Emissions** from any **source** utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of **BACT** in the **Federal Clean Air Act** as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(13) "**Best available retrofit technology (BART)**" means an **emission limitation** based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an **existing stationary facility**. The **emission limitation** must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environ-

mental 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.

(14) "**Bubble**" means a set of **emission** limits which allows an increase in **emissions** from a given **emissions unit** in exchange for a decrease in **emissions** from another **emissions unit**, pursuant to RCW 70.94.155 and WAC 173-400-120.

(15) "**Capacity factor**" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(16) "**Class I area**" means any area designated ~~under section 162 or 164 of the Federal Clean Air Act~~ as a Class I area. The following areas are the Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park;
- (h) Pasayten Wilderness; and
- (i) Spokane Indian Reservation.

(17) "**Combustion and incineration (sources) units**" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes **open burning**.

(18)(a) "**Commenced (construction)**" as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) 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.

(b) For the purposes of this definition, "**necessary preconstruction approvals**" means those permits or **orders of approval** required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the **SJP**.

(19) "**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.

(20) "**Criteria pollutant**" means a pollutant for which there is established a **National Ambient Air Quality Standard** at 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

((21)) **"Director"** means director of the Washington state department of ecology or duly authorized representative.

((19)) **(22) "Dispersion technique"** means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

((20)) **(23) "Ecology"** means the Washington state department of ecology.

((24)) **(24) "Emission"** means a release of air contaminants into the ambient air.

((22)) **(25) "Emission reduction credit (ERC)"** means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

((23)) **(26) "Emission standard" and "emission limitation"** means a requirement established under the ((FCAA)) **Federal Clean Air Act** or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard ((promulgated)) adopted under the ((FCAA)) **Federal Clean Air Act** or chapter 70.94 RCW.

((24)) **(27) "Emissions unit"** means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the ((FCAA)) **Federal Clean Air Act**, chapter 70.94 or 70.98 RCW.

((25)) **(28) "Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard.

((26)) **(29) "Excess stack height"** means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

((27)) **(30) "Existing stationary facility (FACILITY)"** ((means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement)) is defined in WAC 173-400-151.

((28)) **(31) "Federal Clean Air Act (FCAA)"** means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

((29)) **(32) "Federal Class I area"** means any federal land that is classified or reclassified **Class I**. The following areas are federal Class I areas in Washington state:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness.

~~((30)) (33) "Federal land manager" means (with respect to any lands in the United States, the Secretary of the department with authority over such lands) the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.~~

((30)) **(34) "Federally enforceable"** means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60 and 61, requirements within any established under 40 CFR 52.21 or under a SIP approved new source review regulation, including operating permits issued under chapter 173-401 WAC and expressly requires adherence to any permit issued under these programs.

(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.

((34)) **(36) "Fugitive dust"** means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

((32)) **(37) "Fugitive emissions"** means emissions which ((do not pass and which)) could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

((33)) **(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.

((34)) **(39) "Good engineering practice (GEP)"** refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

((35)) **(40) "Incinerator"** means a furnace used primarily for the thermal destruction of waste.

((36)) **(41) "In operation"** means engaged in activity related to the primary design function of the source.

~~((37) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.~~

((38)) **(42) "Lowest achievable emission rate (LAER)"** means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent **emission limitation** which is contained in the implementation plan of any state for such class or category of **source**, unless the owner or operator of the proposed new or modified **source** demonstrates that such limitations are not achievable; or

(b) The most stringent **emission limitation** which is achieved in practice by such class or category of **source**.

In no event shall the application of this term permit a proposed new or modified **source** to emit any pollutant in excess of the amount allowable under applicable **New Source Performance Standards**.

~~((39))~~ (43) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the ~~((FCAA))~~ **Federal Clean Air Act**. The following areas are the mandatory Class I federal areas in Washington state ~~((are as follows))~~:

- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) North Cascades National Park;
- (g) Olympic National Park; and
- (h) Pasayten Wilderness;

~~((40))~~ (44)(a) "**Major modification**," ~~((means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:~~

- ~~(a) Routine maintenance, repair, and replacement;~~
- ~~(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;~~
- ~~(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;~~
- ~~(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~
- ~~(e) Use of an alternative fuel or raw material by a stationary source which:~~
 - ~~(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or~~
 - ~~(ii) The stationary source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;~~
 - ~~(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after~~

December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

~~(g) Any change in ownership at a stationary source.~~

~~(41) "Major stationary source" means:~~

~~(a) Any stationary source which:~~

~~(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or~~

~~(ii) Is located in a "marginal" or "moderate" ozone non-attainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.~~

~~(b) Any stationary source (or group of stationary sources) which:~~

~~(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or~~

~~(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.~~

~~(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;~~

~~(d) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;~~

~~(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:~~

- ~~(i) Coal cleaning plants (with thermal dryers);~~
- ~~(ii) Kraft pulp mills;~~
- ~~(iii) Portland cements plants;~~
- ~~(iv) Primary zinc smelters;~~
- ~~(v) Iron and steel mills;~~
- ~~(vi) Primary aluminum ore reduction plants;~~
- ~~(vii) Primary copper smelters;~~
- ~~(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;~~
- ~~(ix) Hydrofluoric, sulfuric, or nitric acid plants;~~
- ~~(x) Petroleum refineries;~~
- ~~(xi) Lime plants;~~
- ~~(xii) Phosphate rock processing plants;~~
- ~~(xiii) Coke oven batteries;~~
- ~~(xiv) Sulfur recovery plants;~~
- ~~(xv) Carbon black plants (furnace process);~~
- ~~(xvi) Primary lead smelters;~~
- ~~(xvii) Fuel conversion plants;~~
- ~~(xviii) Sintering plants;~~
- ~~(xix) Secondary metal production plants;~~
- ~~(xx) Chemical process plants;~~
- ~~(xxi) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;~~
- ~~(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;~~
- ~~(xxiii) Taconite ore processing plants;~~

(xxiv) Glass fiber processing plants;
 (xxv) Charcoal production plants;
 (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(42)) as it applies to sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112.

(b) "Major modification," as it applies to sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

(45)(a) "Major stationary source," as it applies to sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112.

(b) "Major stationary source," as it applies to sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

(46) "Masking" means the mixing of a chemically non-reactive control agent with a malodorous gaseous effluent to change the perceived odor.

((43)) (47) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

((44)) (48) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

((45)) (49) "National Ambient Air Quality Standard (NAAQS)" means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

(50) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal ((regulations set forth)) rules in 40 CFR Part((s)) 61 ((and 63)).

((46)) (51) "National Emission Standards for Hazardous Air Pollutants for Source Categories" means the federal rules in 40 CFR Part 63.

(52) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

((47)) (53)(a) "Net emissions increase," ((means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

~~(48))~~ as it applies to **sources** subject to requirements for **new sources in nonattainment areas**, is defined in WAC 173-400-112.

~~(b)~~ **"Net emissions increase,"** as it applies to **sources** subject to requirements for **new sources in attainment or unclassified areas**, is defined in WAC 173-400-113.

~~(54)~~ **"New source"** means:

(a) The construction or **modification** of a **stationary source** that increases the amount of any **air contaminant** emitted by such **source** or that results in the **emission** of any **air contaminant** not previously emitted; and

(b) Any other project that constitutes a new source under the **Federal Clean Air Act**.

~~((49))~~ ~~(55)~~ **"New Source Performance Standards (NSPS)"** means the federal ~~((regulations set forth))~~ **rules** in 40 CFR Part 60.

~~((50))~~ ~~(56)~~ **"Nonattainment area"** means a ~~((clearly delineated))~~ geographic area ~~((which has been))~~ designated by EPA ~~((promulgation))~~ at 40 CFR Part 81 as exceeding a **National Ambient Air Quality Standard** ~~((or standards))~~ **(NAAQS)** for ~~((one or more of the))~~ a **given criteria pollutant(s)**. **An area is nonattainment only for the pollutants for which the area has been designated nonattainment.**

~~((51))~~ ~~(57)~~ **"Nonroad engine"** means:

(a) Except as discussed in (b) of this subsection, a **nonroad engine** is any internal combustion engine:

(i) **In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or**

(ii) **In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or**

(iii) **That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.**

(b) An internal combustion engine is not a nonroad engine if:

(i) **The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or**

(ii) **The engine is regulated by a **New Source Performance Standard** promulgated under section 111 of the Federal Clean Air Act; or**

(iii) **The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location**

on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

~~(58)~~ **"Notice of construction application"** means a written application to permit construction of a **new source, modification** of an existing **stationary source** or replacement or substantial alteration of control technology at an existing **stationary source**.

~~((52))~~ ~~(59)~~ **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((53))~~ ~~(60)~~ **"Open burning"** means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the **emissions** from the combustion. Wood waste disposal in wigwam burners is not considered **open burning**.

~~((54))~~ ~~(61)~~ **"Order"** means any order issued by **ecology** or a local **air authority** pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms **order**, corrective action order, **order of approval**, and **regulatory order**.

~~((55))~~ ~~(62)~~ **"Order of approval" or "approval order"** means a **regulatory order** issued by **ecology** or the **authority** to approve the **notice of construction application** for a proposed **new source** or **modification**, or the replacement or substantial alteration of control technology at an existing **stationary source**.

~~((56))~~ ~~(63)~~ **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

~~(64)~~ **"Particulate matter" or "particulates"** means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((57))~~ ~~(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))~~ **Title 40, chapter I of the Code of Federal Regulations** or by a test method specified in the ~~((Washington state implementation plan))~~ **SIP**.

~~((58))~~ ~~(66)~~ **"Parts per million (ppm)"** means parts of a contaminant per million parts of gas, by volume, exclusive of water or **particulates**.

~~((59))~~ ~~(67)~~ **"Permitting agency"** means **ecology** or the **local air pollution control authority with jurisdiction over the source**.

~~(68)~~ **"Person"** means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((60))~~ ~~(69)~~ **"PM-10"** means **particulate matter** with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~((61))~~ (70) "PM-10 emissions" means finely divided solid or liquid material, including condensable **particulate matter**, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the **ambient air** as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the ~~((Washington state implementation plan))~~ **SIP**.

~~((62))~~ (71) "**Potential to emit**" means the maximum capacity of a ~~((stationary))~~ **source** to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including **air pollution** control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on **emissions** is federally enforceable. Secondary emissions do not count in determining the **potential to emit** of a ~~((stationary))~~ **source**.

~~((63))~~ (72) "**Prevention of significant deterioration (PSD)**" means the program ~~((set forth))~~ in WAC 173-400-141.

~~((64))~~ (73) "**Projected width**" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the **stack** and the center of the building.

~~((65))~~ (74) "**Reasonably attributable**" means attributable by visual observation or any other technique the state deems appropriate.

~~((66))~~ (75) "**Reasonably available control technology (RACT)**" means the lowest **emission** limit that a particular **source** or **source** category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual **source** or **source** category taking into account the impact of the **source** upon air quality, the availability of additional controls, the **emission** reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any **source** or **source** category shall be adopted only after notice and opportunity for comment are afforded.

~~((67))~~ (76) "**Regulatory order**" means an **order** issued by **ecology** or an **authority** to an **air contaminant source** which applies to that **source**, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for **sources** regulated by a local **air authority**, the regulations of that **authority**.

~~((68))~~ (77)(a) "**Significant,**" ~~((means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:~~

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40

Pollutant	Tons/Year
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

~~((69))~~ "**Significant visibility impairment**" means **visibility impairment** which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the **Class I area**. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the **visibility impairment**, and how these factors correlate with the time of visitor use of the **Class I area** and frequency and timing of **natural conditions** that reduce visibility.) as it applies to sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112.

(b) "**Significant,**" as it applies to **sources** subject to requirements for **new sources in attainment or unclassified areas**, is defined in WAC 173-400-113.

~~((70))~~ (78) "**Source**" means all of the **emissions unit(s)** including quantifiable **fugitive emissions**, that are located on one or more contiguous or adjacent properties, and are under the control of the same **person** or **persons** under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended ~~((by the 1977 Supplement))~~.

~~((71))~~ (79) "**Source category**" means all **sources** of the same type or classification.

~~((72))~~ (80) "**Stack**" means any point in a **source** designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((73))~~ (81) "**Stack height**" means the height of an **emission** point measured from the ground-level elevation at the base of the **stack**.

PERMANENT

((74)) (82) "**Standard conditions**" means a temperature of 20° (68° F) and a pressure of 760 mm (29.92 inches) of mercury.

((75)) (83) "**State implementation plan (SIP)**" or "**Washington SIP**" means the Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the **National Ambient Air Quality Standards**.

(84) "**Stationary source**" means any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a **nonroad engine** or nonroad vehicle as defined in Section 216(11) of the ((FCAA)) **Federal Clean Air Act**.

((76)) (85) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

((77)) (86) "**Synthetic minor**" means any source whose **potential to emit** has been limited below applicable thresholds by means of a federally enforceable **order**, rule, or permit condition.

((78)) (87) "**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 in **Appendix A to 40 CFR Part 60** or an approved equivalent method and expressed as hydrogen sulfide.

((79)) (88) "**Total suspended particulate**" means **particulate matter** as measured by the method described in 40 CFR Part 50 Appendix B ((as in effect on October 17, 1996)).

((80)) (89) "**Toxic air pollutant (TAP)**" or "**toxic air contaminant**" means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include **particulate matter** and **volatile organic compounds** if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include **particulate matter** and **volatile organic compounds** as generic classes of compounds.

((81)) (90) "**Unclassifiable area**" means an area that cannot be designated **attainment** or **nonattainment** on the basis of available information as meeting or not meeting the **National Ambient Air Quality Standard for the criteria pollutant** and that is listed by EPA at 40 CFR Part 81.

(91) "**United States Environmental Protection Agency (USEPA)**" shall be referred to as EPA.

((82)) (92) "**Visibility impairment**" means any **humanly** perceptible ((degradation)) **change** in visibility (**light extinction**, visual range, contrast, or coloration) ((not caused by)) **from that which would have existed under natural conditions**.

((83) "**Visibility impairment of Class I areas**" means ~~visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.~~

(84)) (93) "**Volatile organic compound (VOC)**" means any **carbon** compound ((of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which)) that participates in atmospheric photochemical reactions. ((This includes:))

(a) ((Any such organic compound other than the following, which has been determined to have negligible photochemical reactivity:)) **Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; ((acetones)) perchloroethylene (tetrachloroethylene); 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); 1,1,1,3,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonfluoro-4-methoxy-butane (C₄F₂OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₂)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonfluorobutane (C₄F₂OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF₃)₂CFCF₂OC₂H₅); methyl acetate and perfluorocarbon compounds ((which)) that fall into these classes:**

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; ((and))

(iii) **Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and**

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate

methods in 40 CFR Part 60 Appendix A. Where ~~((such a))~~ the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of ~~((such))~~ the compounds is accurately quantified, and ~~((such))~~ the exclusion is approved by ecology ~~((or))~~, the authority, or EPA.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

NEW SECTION

WAC 173-400-035 Portable and temporary sources.

(1) For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority 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. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards. A temporary or portable source that is considered a major stationary source within the meaning of WAC 173-400-113 must also comply with the requirements in WAC 173-400-141.

(2) This section applies statewide except where an authority has its own rule regulating such sources.

AMENDATORY SECTION (Amending Order 98-27, filed 11/22/00, effective 12/23/00)

WAC 173-400-040 General standards for maximum emissions. All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source cate-

gories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, as provided in RCW 70.194.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) **Visible emissions.** No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more ~~((sources))~~ emission units are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner~~((s))~~ or operator~~((s))~~ of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.

(4) **Odors.** Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) **Sulfur dioxide.**

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) **Fugitive dust sources.**

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner((+)) or operator((+)) of any existing source((+)) of fugitive dust that has been identified as a significant contributor to a PM-10 nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113((+)) (2)(c).

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-050 Emission standards for combustion and incineration units. (1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 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 in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA method 5 in Appendix A to 40 CFR Part 60, (in effect on February 20, 2001) or approved procedures

contained in "Source Test Manual - Procedures For Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from ecology or the authority.

(3) Measured concentrations for combustion and incineration ((sources)) units shall be adjusted for volumes corrected to seven percent oxygen, except when ecology or the authority determines that an alternate oxygen correction factor is more representative of normal operations.

(4) **Commercial and industrial solid waste incineration units** constructed on or before November 30, 1999. (See WAC 173-400-115(2) for the requirements for a commercial and industrial solid waste incineration unit constructed after November 30, 1999, or modified or reconstructed after June 1, 2001.)

(a) **Definitions.**

(i) "**Commercial and industrial solid waste incineration (CISWI) unit**" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas: (A) The combustion unit flue gas system, which ends immediately after the last combustion chamber. (B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(ii) "**Commercial and industrial solid waste**" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

(b) **Applicability.** This section applies to incineration units that meet all three criteria:

(i) The incineration unit meets the definition of CISWI unit in this subsection.

(ii) The incineration unit commenced construction on or before November 30, 1999.

(iii) The incineration unit is not exempt under (c) of this subsection.

(c) The following types of incineration units are exempt from this subsection:

(i) Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 (in effect on January 30, 2001) are not subject to this section if you meet the two requirements specified in (c)(i)(A) and (B) of this subsection.

(A) Notify the permitting agency that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(ii) Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 (in effect on January 30, 2001) are not subject to this subpart if you meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.

(A) Notify the permitting agency that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(iii) Municipal waste combustion units. Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.

(A) Units are regulated under 40 CFR Part 60, subpart Ea or subpart Eb (in effect on July 1, 2000); Spokane County Air Pollution Control Authority Regulation 1, Section 6.17 (in effect on February 13, 1999); 40 CFR Part 60, subpart AAAA (adopted on December 6, 2000 and in effect on June 1, 2001); or WAC 173-400-050(5).

(B) Units burn greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR Part 60, subparts Ea (in effect on July 1, 2000), Eb (in effect on July 1, 2000), and AAAA (adopted on December 6, 2000 and in effect on June 1, 2001), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if you meet the two requirements in (c)(iii)(B)(I) and (II) of this subsection.

(I) Notify the permitting agency that the unit meets these criteria.

(II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(iv) Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (in effect on July 1, 2000):

(v) Small power production facilities. Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.

(A) The unit qualifies as a small power-production facility under section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) You notify the permitting agency that the unit meets all of these criteria.

(vi) Cogeneration facilities. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.

(A) The unit qualifies as a cogeneration facility under section 3 (18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) You notify the permitting agency that the unit meets all of these criteria.

(vii) Hazardous waste combustion units. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.

(A) Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(B) Units regulated under subpart EEE of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (in effect on July 1, 2000).

(viii) Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters:

(ix) Air curtain incinerators. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 CFR 60.2245 through 60.2260 (in effect on January 30, 2001).

(A) 100 percent wood waste.

(B) 100 percent clean lumber.

(C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(x) Cyclonic barrel burners. See 40 CFR 60.2265 (in effect on January 30, 2001).

(xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (in effect on January 30, 2001).

(xii) Cement kilns. Kilns regulated under subpart LLL of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (in effect on July 1, 2000).

(xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) (in effect on July 1, 2000).

(xiv) Chemical recovery units. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (H) of this subsection are considered chemical recovery units.

(A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(xv) Laboratory analysis units. Units that burn samples of materials for the purpose of chemical or physical analysis.

(d) Exceptions.

(i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 CFR 60.2815, in effect on January 30, 2001).

(ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 CFR 60.2815 (in effect on January 30, 2001) mean the CISWI unit is considered a new unit and subject to WAC 173-400-115(2), which adopts 40 CFR Part 60, subpart CCCC by reference.

(e) A CISWI unit must comply with 40 CFR 60.2575 through 60.2875, in effect on January 30, 2001, which is adopted by reference. The federal rule contains these major components:

- Increments of progress towards compliance in 60.2575 through 60.2630;

- Waste management plan requirements in 60.2620 through 60.2630;

- Operator training and qualification requirements in 60.2635 through 60.2665;

- Emission limitations and operating limits in 60.2670 through 60.2685;

- Performance testing requirements in 60.2690 through 60.2725;

- Initial compliance requirements in 60.2700 through 60.2725;

- Continuous compliance requirements in 60.2710 through 60.2725;

- Monitoring requirements in 60.2730 through 60.2735;

- Recordkeeping and reporting requirements in 60.2740 through 60.2800;

- Title V operating permits requirements in 60.2805;

- Air curtain incinerator requirements in 60.2810 through 60.2870;

- Definitions in 60.2875; and

- Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be achieved by June 1, 2005.

- (i) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the **permitting agency**.

- (ii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.

- (iii) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.

- (iv) Exception to adopting the federal rule. The Title V operating permit requirements in 40 CFR 2805(a) are not adopted by reference. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

- (v) Exception to adopting the federal rule. The following compliance dates apply:

- (A) The final control plan (Increment 1) must be submitted no later than July 1, 2003. (See Increment 1 in Table 1.)

- (B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)

- (5) Small municipal waste combustion units constructed on or before August 30, 1999. (See WAC 173-400-115(2) for the requirements for a municipal waste combustion unit constructed after August 30, 1999, or reconstructed or modified after June 6, 2001.)

- (a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved air- or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:

- (i) Municipal waste combustion units do not include the following units:

- (A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in (d)(viii) and (ix) of this subsection.

- (B) Cement kilns that combust municipal solid waste as specified under the exemptions in (d)(x) of this subsection.

- (C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

- (ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:

(A) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.

(b) Applicability. This section applies to a municipal waste combustion unit that meets these three criteria:

(i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.

(ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.

(iii) The municipal waste combustion unit is not exempt under (c) of this section.

(c) Exempted units. The following municipal waste combustion units are exempt from the requirements of this section:

(i) Small municipal waste combustion units that combust less than 11 tons per day. Units are exempt from this section if four requirements are met:

(A) The municipal waste combustion unit is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.

(B) The owner or operator notifies the **permitting agency** that the unit qualifies for the exemption.

(C) The owner or operator of the unit sends a copy of the federally enforceable permit to the **permitting agency**.

(D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.

(ii) Small power production units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.

(C) The owner or operator notifies the **permitting agency** that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the **permitting agency** that the unit qualifies for the exemption.

(iii) Cogeneration units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under section 3 (18)(C) of the Federal Power Act (16 U.S.C. 796 (18)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the **permitting agency** that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the **permitting agency** that the unit qualifies for the exemption.

(iv) Municipal waste combustion units that combust only tires. Units are exempt from this section if three requirements are met:

(A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can cofire coal, fuel oil, natural gas, or other nonmunicipal solid waste).

(B) The owner or operator notifies the **permitting agency** that the unit qualifies for the exemption.

(C) The owner or operator submits documentation to the **permitting agency** that the unit qualifies for the exemption.

(v) Hazardous waste combustion units. Units are exempt from this section if the units have received a permit under section 3005 of the Solid Waste Disposal Act.

(vi) Materials recovery units. Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.

(vii) Cofired units. Units are exempt from this section if four requirements are met:

(A) The unit has a federally enforceable permit limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.

(B) The owner or operator notifies the **permitting agency** that the unit qualifies for the exemption.

(C) The owner or operator submits a copy of the federally enforceable permit to the **permitting agency**.

(D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(viii) Plastics/rubber recycling units. Units are exempt from this section if four requirements are met:

(A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 CFR 60.1940 (in effect on February 5, 2001).

(B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.

(C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

(D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.

(ix) Units that combust fuels made from products of plastics/rubber recycling plants. Units are exempt from this section if two requirements are met:

(A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.

(B) The unit does not combust any other municipal solid waste.

(x) Cement kilns. Cement kilns that combust municipal solid waste are exempt.

(xi) Air curtain incinerators. If an air curtain incinerator as defined under 40 CFR 60.1910 (in effect on February 5,

2001) combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 (in effect on February 5, 2001).

(d) Exceptions.

(i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on February 5, 2001).

(ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on February 5, 2001), mean the unit is considered a new unit and subject to WAC 173-400-115(2), which adopts 40 CFR Part 60, subpart AAAA (in effect on June 6, 2001).

(e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:

(i) Class I units. Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on February 5, 2001) for the specification of which units are included in the aggregate capacity calculation.

(ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on February 5, 2001) for the specification of which units are included in the aggregate capacity calculation.

(f) Compliance option 1.

(i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 CFR 60.1610 (in effect on February 5, 2001).

(ii) The final control plan must, at a minimum, include two items:

(A) A description of the physical changes that will be made to accomplish the reduction.

(B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on February 5, 2001) to calcu-

late the combustion capacity of a municipal waste combustion unit.

(iii) A permit restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on February 5, 2001) to calculate the combustion capacity of a municipal waste combustion unit.

(g) Compliance option 2. The municipal waste combustion unit must comply with 40 CFR 60.1585 through 60.1905, and 60.1935 (in effect on February 5, 2001), which is adopted by reference.

(i) The rule contains these major components:

(A) Increments of progress towards compliance in 60.1585 through 60.1640;

(B) Good combustion practices - operator training in 60.1645 through 60.1670;

(C) Good combustion practices - operator certification in 60.1675 through 60.1685;

(D) Good combustion practices - operating requirements in 60.1690 through 60.1695;

(E) Emission limits in 60.1700 through 60.1710;

(F) Continuous emission monitoring in 60.1715 through 60.1770;

(G) Stack testing in 60.1775 through 60.1800;

(H) Other monitoring requirements in 60.1805 through 60.1825;

(I) Recordkeeping reporting in 60.1830 through 60.1855;

(J) Reporting in 60.1860 through 60.1905;

(K) Equations in 60.1935;

(L) Tables 2 through 8.

(ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:

(A) "State plan" in the federal rule means WAC 173-400-050(5).

(B) "You" in the federal rule means the owner or operator.

(C) "Administrator" includes the permitting agency.

(D) Table 1 in (h)(ii) of this subsection substitutes for Table 1 in the federal rule.

(E) "The effective date of the state plan approval" in the federal rule means December 6, 2002.

(h) Compliance schedule.

(i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.

(ii) Small municipal waste combustion units must comply with Table 1.

Table 1 Compliance Schedules and Increments of Progress

Affected units	Increment 1 (Submit final control plan)	Increment 2 (Award contracts)	Increment 3 (Begin on-site construction)	Increment 4 (Complete on-site construction)	Increment 5 (Final compliance)
All Class I units	August 6, 2003	April 6, 2004	October 6, 2004	October 6, 2005	November 6, 2005
All Class II units	September 6, 2003	Not applicable	Not applicable	Not applicable	May 6, 2005

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(iii) Class I units must comply with these additional requirements:

(A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 CFR 60.1790 (in effect on February 5, 2001).

(B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 CFR Part 60, subpart BBBB (in effect on February 5, 2001) by the later of two dates:

(I) December 6, 2003; or

(II) One year following the issuance of an order of approval (revised construction permit or operation permit) if a permit modification is required.

(i) Air operating permit. Applicability to chapter 173-401 WAC, the air operating permit regulation, begins on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

AMENDATORY SECTION (Amending Order 98-27, filed 11/22/00, effective 12/23/00)

WAC 173-400-060 Emission standards for general process units. General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods (in effect on February 20, 2001) from 40 CFR Parts 51, 60, 61, and 63 and any other approved test procedures which are contained in ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, will be used to determine compliance.

AMENDATORY SECTION (Amending Order 98-27, filed 11/22/00, effective 12/23/00)

WAC 173-400-070 Emission standards for certain source categories. Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

(8) Sewage sludge incinerators. Standards for the incineration of sewage sludge found in 40 CFR Part 503 subparts A (General Provisions) and E (Incineration) in effect on July 1, 1997, are adopted by reference.

(9) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991. A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Resource Conservation and Recovery Act including the following: Commercial solid waste, non-hazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. A MSW landfill may be either publicly or privately owned. A MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion. All references in this subsection to 40 CFR Part 60 rules mean those rules in effect on July 1, 2000.

(a) Applicability. These rules apply to each ~~(existing)~~ MSW landfill constructed, reconstructed, or modified before May 30, 1991; and the MSW landfill accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition. (See WAC 173-400-115(2) for the requirements for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.) Terms in this subsection have the meaning given them in 40 CFR 60.751, except that every use of the word "administrator" in the federal rules referred to in this subsection includes the "permitting agency."

(b) Exceptions. Any physical or operational change to an ~~(existing)~~ MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.

(c) Standards for MSW landfill emissions.

(i) A MSW landfill having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(a) in addition to the applicable requirements specified in this section.

(ii) A MSW landfill having design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable requirements specified in this section.

(d) Recordkeeping and reporting. ~~(All existing)~~ A MSW landfill(s) must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submission of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements), as applicable, except as provided for under (d)(i) and (ii).

(i) The initial design capacity report for the facility is due before September 20, 2001.

(ii) The initial nonmethane organic compound (NMOC) emissions rate report is due before September 20, 2001. (Exceptions to these requirements are located in 40 CFR 60.24.

~~(d))~~ **(e) Test methods and procedures.**

(i) ~~(All existing)~~ A MSW landfill(s) having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill non-methane organic compound (~~(NMOC)~~) emission rates following the procedures listed in 40 CFR 60.754, as applicable, to determine whether the rate equals or exceeds 50 megagrams per year.

(ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii) through the following procedures:

(A) The systems must follow the operational standards in 40 CFR 60.753.

(B) The systems must follow the compliance provisions in 40 CFR 60.755 (a)(1) through (a)(6) to determine whether the system is in compliance with 40 CFR 60.752 (b)(2)(ii).

(C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.

~~((e))~~ **(f) Conditions.** Existing MSW landfills that meet the following conditions must install a gas collection and control system:

(i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition;

(ii) The landfill has design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and

(iii) The landfill has a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or greater.

~~((f))~~ **(g) Change in conditions.** After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.

~~((g))~~ **(h) Gas collection and control systems.**

(i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii).

(ii) The design plans must be prepared by a licensed professional engineer and submitted to ~~((ecology))~~ **the permitting agency** within one year after the adoption date of this section.

(iii) The system must be installed within eighteen months after the submittal of the design plans.

(iv) The system must be operational within thirty months after the adoption date of this section.

(v) The emissions that are collected must be controlled in one of three ways:

(A) An open flare designed and operated according to 40 CFR 60.18;

(B) A control system designed and operated to reduce NMOC by 98 percent by weight; or

(C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis to three percent oxygen, or less.

(i) Air operating permit.

(i) A MSW landfill that has a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is not subject to the air operating permit regulation, unless the landfill is subject to chapter 173-401 WAC for some other reason. If the design capacity of an exempted MSW landfill subsequently increases to equal or exceed 2.5 million megagrams or 2.5 million cubic meters by a change that is not a modification or reconstruction, the landfill is subject to chapter 173-401 WAC on the date the amended design capacity report is due.

(ii) A MSW landfill that has a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is subject to chapter 173-401 WAC beginning on the effective date of this section. (Note: Under 40 CFR 62.14352(e), an applicable MSW landfill must have submitted its application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), no source may operate after the time that it is required to submit a timely and complete application.)

(iii) When a MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit for the landfill if the landfill is not subject to chapter 173-401 WAC for some other reason and if either of the following conditions are met:

(A) The landfill was never subject to the requirement for a control system under 40 CFR 62.14353; or

(B) The landfill meets the conditions for control system removal specified in 40 CFR 60.752 (b)(2)(v).

AMENDATORY SECTION (Amending Order 98-27, filed 11/22/00, effective 12/23/00)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) **National emission standards for hazardous air pollutants (NESHAPs).** 40 CFR Part 61 and Appendices in effect on ~~((July 1, 2000))~~ February 20, 2001, is adopted by reference. The term "administrator" in 40 CFR Part 61 includes the ~~((director of ecology))~~ permitting agency.

(2) ~~((Ecology or the authority))~~ The permitting agency may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61 ~~((and)),~~ 63 and/or 65 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 must conform with the requirements of 40 CFR Parts 61 ~~((and)),~~ 63 and/or 65.

(4) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(5) **Maximum achievable control technology (MACT) standards.** MACT standards are officially known as **National Emission Standards for Hazardous Air Pollutants for Source Categories.**

(a) Adopt by reference.

(i) 40 CFR Part 63 and Appendices in effect on ~~((July 1, 2000))~~ February 20, 2001, is adopted by reference ~~((except as specified below)).~~ Exceptions are listed in (5)(b) of this section.

(ii) 40 CFR Part 63, subpart MM (kraft, soda, sulfite, and stand-alone semi-chemical pulp mills), in effect on March 13, 2001, is adopted by reference.

The following list is provided for informational purposes:

Subpart A	General Provisions
Subpart B	Requirements for Control Technology Determinations for Major Sources According to Section 112(g) and 112(j) of the federal Clean Air Act
Subpart D	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
Subpart F	NESHAPs for the Synthetic Organic Chemical Manufacturing Industry (a/k/a HON)
Subpart G	NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater
Subpart H	NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks
Subpart I	NESHAPs for Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart L	NESHAPs for Coke Oven Batteries: Charging, topside and door leaks
Subpart M	<u>NESHAP for PCE Dry-Cleaners - as it applies to major sources</u>
Subpart N	NESHAPs for Chromium Electroplating and Anodizing
Subpart O	NESHAPs for Commercial Ethylene Oxide Sterilizers
Subpart Q	NESHAPs for Industrial Process Cooling Towers
Subpart R	NESHAPs for Gasoline Distribution/Marketing (stage 1)
Subpart S	NESHAP for the Pulp and Paper Industry

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Subpart T	NESHAPs for Halogenated Solvent Cleaning Machines	<u>Subpart WW</u>	<u>NESHAP for Storage Vessels (Tanks) - Control Level 2</u>
Subpart U	NESHAPs for Group I Polymers and Resins	<u>Subpart YY</u>	<u>NESHAP for Source Categories: Generic MACT</u>
Subpart W	NESHAPs for Epoxy Resins Production and Non-Nylon Polyamides Production	<u>Subpart CCC</u>	<u>NESHAP for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants</u>
Subpart X	NESHAPs for the Secondary Lead Smelters	<u>Subpart DDD</u>	<u>NESHAP for Mineral Wool Production</u>
<u>Subpart Y</u>	<u>NESHAP for Marine Tank Vessel Loading Operations</u>	<u>Subpart EEE</u>	<u>NESHAP for Hazardous Waste Combustors</u>
Subpart AA	NESHAP for Phosphoric Acid Manufacturing Plants	<u>Subpart GGG</u>	<u>NESHAP for Pharmaceuticals Production</u>
Subpart BB	NESHAP for Phosphate Fertilizers Production Plants	<u>Subpart HHH</u>	<u>NESHAP from Natural Gas Transmission and Storage Facilities</u>
Subpart CC	NESHAPs for the Petroleum Refinery Industry	<u>Subpart III</u>	<u>NESHAP for Flexible Polyurethane Foam Production</u>
Subpart DD	NESHAPs from Off-site Waste and Recovery Treatment Operation	<u>Subpart JJJ</u>	<u>NESHAP for Group IV Polymers and Resins</u>
Subpart EE	NESHAPs for Magnetic Tape Manufacturing Operations	<u>Subpart LLL</u>	<u>NESHAP from the Portland Cement Manufacturing Industry</u>
Subpart GG	NESHAPs for the Aerospace Manufacturing and Rework Facilities	<u>Subpart MMM</u>	<u>NESHAP for Pesticide Active Ingredient Production</u>
Subpart HH	NESHAP for Oil and Natural Gas Production Facilities	<u>Subpart NNN</u>	<u>NESHAP for Wool Fiberglass Manufacturing</u>
Subpart II	NESHAPs for Shipbuilding and Repair (surface coating)	<u>Subpart OOO</u>	<u>NESHAP for Manufacture of Amino/Phenolic Resins</u>
Subpart JJ	NESHAPs for Wood Furniture Manufacturing Operations	<u>Subpart PPP</u>	<u>NESHAP from Polyether Polyols Production</u>
Subpart KK	NESHAPs for Printing and Publishing Industry	<u>Subpart RRR</u>	<u>NESHAP for Secondary Aluminum Production. Under WAC 173-401-300 (1)(d), area sources are deferred from the air operating permit regulation until December 4, 2004</u>
Subpart LL	NESHAP for Primary Aluminum Reduction Plants	<u>Subpart TTT</u>	<u>NESHAP for Primary Smelting</u>
<u>Subpart MM</u>	<u>NESHAP for Kraft, Soda, Sulfito, and Stand-Alone Semi-chemical Pulp Mills</u>	<u>Subpart VVV</u>	<u>NESHAP from Publicly Owned Treatment Works</u>
Subpart OO	NESHAPs for Tanks - Level 1	<u>Subpart XXX</u>	<u>NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese</u>
Subpart PP	NESHAPs for Containers	Appendix A	Test Methods (Amended 10/17/00)
Subpart QQ	NESHAPs for Surface Impoundments	Appendix B	Sources Defined for Early Reduction Provisions
Subpart RR	NESHAPs for Individual Drain Systems	Appendix C	Determination of the Fraction Biodegraded in a Biological Treatment Unit
Subpart SS	NESHAP for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	Appendix D	Alternative Validation procedure for EPA Waste and Wastewater Methods((;))
Subpart TT	NESHAP for Equipment Leaks - Control Level 1	<u>Appendix E</u>	<u>Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions</u>
Subpart UU	NESHAP for Equipment Leaks - Control Level 2 Standards		
Subpart VV	NESHAPs for Oil-Water Separators and Organic Water Separators		

((except as specified below:))

(b) Exceptions to adopting 40 CFR Part 63 by reference.

(i) The term "administrator" in 40 CFR Part 63 includes the ~~((director of ecology))~~ **permitting agency.**

~~((e) Exceptions:))~~ (ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

~~((f))~~ (A) Subpart C: List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, source Category List.

~~((g))~~ (B) Subpart E: Approval of State Programs and Delegation of Federal Authorities.

~~((h))~~ (C) Subpart M: National Perchloroethylene Emission Standards for Dry Cleaning Facilities as it applies to nonmajor sources.

~~((iv) Subpart Y: National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations:))~~

(6) Consolidated requirements for the synthetic organic chemical manufacturing industry. 40 CFR Part 65, in effect on December 14, 2000, is adopted by reference.

(7) Emission Standards for Perchloroethylene Dry Cleaners.

(a) **Applicability.**

(i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 regulatory **source categories** by the type of equipment they use and the volume of PCE purchased. Each dry cleaning system must follow the applicable requirements in Table 1:

TABLE 1. PCE Dry Cleaner Source Categories

Dry cleaning facilities with:	Small area source purchases less than:	Large area source purchases between:	Major source purchases more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

(ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2000).

(b) **Operations and maintenance record.**

(i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.

(ii) The information in the operations and maintenance record must be kept on-site for five years.

(iii) The operations and maintenance record must contain the following information:

(A) Inspection: The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed.

(B) Repair: The date, time, and result of each repair of the dry cleaning system.

(C) Refrigerated condenser information. If you have a refrigerated condenser, enter this information:

(I) The air temperature at the inlet of the refrigerated condenser;

(II) The air temperature at the outlet of the refrigerated condenser;

(III) The difference between the inlet and outlet temperature readings; and

(IV) The date the temperature was taken.

(D) Carbon adsorber information. If you have a carbon adsorber, enter this information:

(I) The concentration of PCE in the exhaust of the carbon adsorber; and

(II) The date the concentration was measured.

(E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

(F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;

(G) All receipts of PCE purchases; and

(H) A record of any pollution prevention activities that have been accomplished.

(c) **General operations and maintenance requirements.**

(i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.

(ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

(iii) Store all ~~((perchloroethylene))~~ **PCE**, and wastes containing ~~((perchloroethylene))~~ **PCE**, in a closed container with no perceptible leaks.

(iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.

(v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.

(vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.

(vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

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TABLE 2. Minimum PCE Vapor Vent Control Requirements

Small area source	Large area source	Major source
Refrigerated condenser for all machines installed after September 21, 1993.	Refrigerated condenser for all machines.	Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993.

(d) **Inspection.**

(i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

Small area source	Large area source	Major source
Once every 2 weeks.	Once every week.	Once every week.

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

- (A) Hose and pipe connections, fittings, couplings, and valves;
- (B) Door gaskets and seatings;
- (C) Filter gaskets and seatings;
- (D) Pumps;
- (E) Solvent tanks and containers;
- (F) Water separators;
- (G) Muck cookers;
- (H) Stills;
- (I) Exhaust dampers; and
- (J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

(e) **Repair.**

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within two working days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than five working days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

(f) **Requirements for systems with refrigerated condensers.** A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature.

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

(ii) Inlet air temperature.

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2 °F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C).

(IV) The air temperature sensor must be labeled "RC inlet."

(iii) ~~((Difference between inlet and outlet air temperature.))~~ For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

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(g) Requirements for systems with carbon adsorbers.

A dry cleaning system using a carbon adsorber must meet all of the following requirements:

- (i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.
- (ii) The concentration of PCE must be written in the operations and maintenance record each time the concentration is checked.
- (iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.
- (iv) The colorimetric tube must meet these requirements:
 - (A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.
 - (B) The colorimetric tube must be accurate to within 25 parts per million.
 - (C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.
- (v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:
 - (A) The sampling port must be easily accessible;
 - (B) The sampling port must be located 8 stack or duct diameters downstream from a bend, expansion, contraction or outlet; and
 - (C) The sampling port must be 2 stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

AMENDATORY SECTION (Amending Order 93-40, filed 3/22/95, effective 4/22/95)

WAC 173-400-100 Source classifications. (1) **Source classification list.** In counties without ~~((an active))~~ a local ~~((air pollution control))~~ authority, the owner or operator of each ~~((stationary))~~ source within the following source categories shall register the source with ecology:

- (a) Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
- (b) Agricultural drying and dehydrating operations;
- (c) Any category of **stationary sources** ~~((to which a federal standard of performance))~~ **subject to a new source performance standard** (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters) ~~((applies))~~;
- (d) Any source ~~((category))~~ subject to a **National Emission Standard for Hazardous Air Pollutants (NESHAP)** under 40 CFR Part 61, other than Subpart M (National Emission Standard for Asbestos) ~~((applies))~~;
- (e) Any source subject to a **National Emission Standard for Hazardous Air Pollutants for Source Categories** (Maximum Achievable Control Technology (MACT) standard) ~~((established))~~ under ~~((Section 112 of the Federal Clean Air Act))~~ **40 CFR Part 63**;

~~((e))~~ **(f) Any source, stationary source or emission unit with ~~((a significant))~~ an emission ~~((as))~~ rate defined ~~((by WAC 173-400-030(67)))~~ as "significant" in WAC 173-400-112 and/or 173-400-113, as applicable;**

- ~~((f))~~ **(g) Asphalt and asphalt products production facilities;**
- ~~((g))~~ **(h) Brick and clay manufacturing plants, including tiles and ceramics;**
- ~~((h))~~ **(i) Casting facilities and foundries, ferrous and nonferrous;**
- ~~((i))~~ **(j) Cattle feedlots with operational facilities which have an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;**
- ~~((j))~~ **(k) Chemical manufacturing plants;**
- ~~((k))~~ **(l) Composting operations, including commercial, industrial and municipal, but exempting residential composting activities;**
- ~~((l))~~ **(m) Concrete product manufacturers and ready mix and premix concrete plants;**
- ~~((m))~~ **(n) Crematoria or animal carcass incinerators;**
- ~~((n))~~ **(o) Dry cleaning plants;**
- ~~((o))~~ **(p) Materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;**
- ~~((p))~~ **(q) Flexible vinyl and urethane coating and printing operations;**
- ~~((q))~~ **(r) Grain, seed, animal feed, legume, and flour processing operations, and handling facilities;**
- ~~((r))~~ **(s) Hay cubers and pelletizers;**
- ~~((s))~~ **(t) Hazardous waste treatment and disposal facilities;**
- ~~((t))~~ **(u) Ink manufacturers;**
- ~~((u))~~ **(v) Insulation fiber manufacturers;**
- ~~((v))~~ **(w) Landfills, active and inactive, including covers, gas collections systems or flares;**
- ~~((w))~~ **(x) Metal plating and anodizing operations;**
- ~~((x))~~ **(y) Metallic and nonmetallic mineral processing plants, including rock crushing plants;**
- ~~((y))~~ **(z) Mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;**
- ~~((z))~~ **(aa) Mineralogical processing plants;**
- ~~((aa))~~ **(bb) Other metallurgical processing plants;**
- ~~((bb))~~ **(cc) Paper manufacturers;**
- ~~((cc))~~ **(dd) Petroleum refineries;**
- ~~((dd))~~ **(ee) Plastics and fiberglass product fabrication facilities;**
- ~~((ee))~~ **(ff) Rendering plants;**
- ~~((ff))~~ **(gg) Soil and groundwater remediation projects;**
- ~~((gg))~~ **(hh) Surface coating manufacturers;**
- ~~((hh))~~ **(ii) Surface coating operations including: Automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;**
- ~~((ii))~~ **(jj) Synthetic fiber production facilities;**
- ~~((jj))~~ **(kk) Synthetic organic chemical manufacturing industries;**

- ~~((kk))~~ (ll) Tire recapping facilities;
- ~~((hh))~~ (mm) Wastewater treatment plants;

~~((mm))~~ (nn) Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (**synthetic minor**) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of ~~((FCAA))~~ Federal Clean Air Act.

(2) **Equipment classification list.** In counties without ~~((an active local air pollution control))~~ a local authority, the owner or operator of the following equipment shall register the source with ecology:

- (a) Boilers, all solid and liquid fuel burning boilers with the exception of those utilized for residential heating;
- (b) Boilers, all gas fired boilers above 10 million British thermal units per hour input;
- (c) Chemical concentration evaporators;
- (d) Degreasers of the cold or vapor type in which more than five percent of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;
- (e) Ethylene oxide (ETO) sterilizers;
- (f) Flares utilized to combust any gaseous material;
- (g) Fuel burning equipment with a heat input of more than 1 million Btu per hour; except heating, air conditioning systems, or ventilating systems not designed to remove contaminants generated by or released from equipment;
- (h) **Incinerators** designed for a capacity of one hundred pounds per hour or more;
 - (i) Ovens, burn-out and heat-treat;
 - (j) Stationary internal combustion engines and turbines rated at five hundred horsepower or more;
 - (k) Storage tanks for organic liquids associated with commercial or industrial facilities with capacities equal to or greater than 40,000 gallons;
 - (l) Vapor collection systems within commercial or industrial facilities;
 - (m) Waste oil burners above 0.5 mm Btu heat output;
 - (n) **Woodwaste incinerators;**
 - (o) Commercial and industrial solid waste incineration units subject to WAC 173-400-050(4);
 - (p) Small municipal waste combustion units subject to WAC 173-400-050(5).

AMENDATORY SECTION (Amending Order 93-40, filed 3/22/95, effective 4/22/95)

WAC 173-400-102 Scope of registration and reporting requirements. (1) **Administrative options.** A source in a listed source category that is located in a county without an active local ~~((air))~~ **authority** will be addressed in one of several ways:

- (a) The source will be required to register and report once each year. The criteria for identifying these sources are listed in subsection (2) of this section.
- (b) The source will be required to register and report once every three years. The criteria for identifying these sources are listed in subsection (3) of this section.

(c) The source will be exempted from registration program requirements. The criteria for identifying these sources are listed in subsection (4) of this section.

(2) **Sources requiring annual registration and inspections.** An owner or operator of a source in a listed source category that meets any of the following criteria shall register and report once each year:

- (a) The source emits one or more **air pollutants** at rates greater than the emission rates listed in the definition of "significant" in WAC ((173-400-030(67))) 173-400-112 and/or 173-400-113, as applicable;
- (b) Annual registration and reporting is necessary to comply with federal reporting requirements ~~((and))~~ or emission standards; or
- (c) Annual registration and reporting is required in a **reasonably available control technology** determination for the source category~~((:));~~ or

(d) The **director of ecology** determines that the source poses a potential threat to human health and the environment.

(3) **Sources requiring periodic registration and inspections.** An owner or operator of a source in a listed source category that meets any of the following criteria shall register and report once every three years:

- (a) The source emits one or more **air pollutants** at rates greater than the emission rates listed in subsection (5) of this section and all air pollutants at rates less than the emission rates listed in the definition of "significant" in WAC ((173-400-030(67))) 173-400-112 and/or 173-400-113, as applicable; or
- (b) The source emits measurable amounts of one or more Class A or Class B **toxic air pollutants** listed in WAC 173-460-150 and 173-460-160.

(4) **Sources exempt from registration program requirements.** Any source included in a listed source category that is located in a county without an active local air authority shall not be required to register if ecology determines the following:

- (a) The source emits pollutants below **emission rates** specified in subsection (5) of this section; and
- (b) The source or **emission unit** does not emit measurable amounts of Class A or Class B **toxic air pollutants** specified in WAC 173-460-150 and 173-460-160.

(5) **Criteria for defining exempt sources.** The following emission rates will be used to identify listed sources that are exempt from registration program requirements:

Pollutant	Tons/Year
Carbon Monoxide.....	5.0
Nitrogen oxides	2.0
Sulfur dioxide.....	2.0
Particulate Matter (PM)	1.25
Fine Particulate (PM10).....	0.75
Volatile organic compounds (VOC)	2.0
Lead	0.005

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AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-400-105 Records, monitoring, and reporting. The owner or operator of a **source** shall upon notification by the **director of ecology**, maintain records on 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** and control measures.

(1) **Emission inventory.** The owner(s) or operator(s) of any **air contaminant source** shall submit an inventory of **emissions** from the **source** each year. The inventory may include **stack** and fugitive **emissions** of **particulate matter**, (~~(PM₁₀)~~) **PM-10**, sulfur dioxide, carbon monoxide, **total reduced sulfur** compounds (**TRS**), fluorides, lead, **VOCs**, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. 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.

(2) **Monitoring.** **Ecology** 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 **director of ecology** or an authorized representative may require any **source** under the jurisdiction of **ecology** to conduct **stack** and/or **ambient air** monitoring and to report the results to **ecology**.

(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 **ecology** or an **authority** shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) **Source testing.** To demonstrate compliance, **ecology** or the **authority** may conduct or require that a test be conducted of the **source** using approved **EPA** methods from 40 CFR parts 51, 60, 61 and 63 (in effect on February 20, 2001), or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of **ecology**, as of July 12, 1990, on file at **ecology**. The operator of a **source** may be required to provide the necessary platform and sampling ports for **ecology** personnel or others to perform a test of an **emissions unit**. **Ecology** 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.

(5) **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 **ecology** or the **authority** 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) Fluid 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 (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by **ecology**.

(e) Owners and operators of those **sources** required to install continuous monitoring equipment under this (~~chapter~~) **subsection** shall demonstrate to **ecology** or the **authority**, 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 (~~(promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference))~~ (in effect on October 17, 2000).

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, **ecology** determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of **stack** tests conducted at a frequency sufficient to establish the **emission** levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any **source** which is:

(i) Subject to a **new source performance standard**. These **sources** will be governed by WAC 173-400-115.

(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 chapter during periods of monitoring system malfunctions provided that the **source** owner(s) or operator(s) shows to the satisfaction of **ecology** or the

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authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) 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 subsection (1) of this section shall require the submittal of sufficient information to **ecology** or the **authority** to determine the effect of the increase upon ambient concentrations of sulfur dioxide. **Ecology** or the **authority** 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 in average annual sulfur content over the initial inventory shall not require such notice.

(7) No **person** shall make any false material~~((s))~~ 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.

(8) 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.

AMENDATORY SECTION (Amending Order 98-04, filed 7/21/98, effective 8/21/98)

WAC 173-400-110 New source review (NSR). (1) **Applicability.** This section, WAC 173-400-112 and 173-400-113 apply statewide except where an **authority** has adopted ~~((and is implementing))~~ its own **new source review** ~~((regulation and those regulations are incorporated into the state implementation plan))~~ **rule**.

(2) **Projects subject to NSR - notice of construction application.**

(a) A **notice of construction application** must be filed by the owner or operator and an **order of approval** issued by ~~((ecology or an authority))~~ the **permitting agency** prior to the establishment of any **new source**, except for the following:

(i) Those sources exempt under subsection (4) or (5) of this section; **and**

(ii) A **source regulated under WAC 173-400-035**.

For purposes of this section "establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030~~((9))~~, and "**new source**" shall include any **modification** to an existing **stationary source**, as defined in WAC 173-400-030~~((44))~~. ~~((Notwithstanding))~~

(b) **Regardless of** any other subsection of this section, a **notice of construction application** must be filed and an order of approval issued by ~~((ecology or an authority))~~ the **permitting agency** prior to establishment of any of the following **new sources**:

~~((a))~~ (i) Any project that qualifies as construction, reconstruction or modification of an affected facility, within

the meaning of 40 CFR Part 60 (**New Source Performance Standards**), ~~((e))~~ except Part AAA, Wood stoves~~((7))~~ (**in effect on February 20, 2001**);

~~((b))~~ (ii) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (**National Emission Standards for Hazardous Air Pollutants**) (**in effect on February 20, 2001**), except for asbestos demolition and renovation projects subject to 40 CFR 61.145~~((3))~~;

~~((e))~~ (iii) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (**National Emission Standards for Hazardous Air Pollutants for Source Categories**) (**in effect on February 20, 2001**);

~~((d))~~ (iv) Any project that qualifies as a **new major stationary source**, ~~((as defined in WAC 173-400-030(4))~~); or a **major modification** ~~((as defined in WAC 173-400-030(40))~~);

~~((e))~~ (v) Any ~~((project))~~ **modification to a source** that requires an increase **either** in a plant-wide cap or **in a unit specific emission limit**.

(c) **An applicant filing a notice of construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, must send a copy of the application to the responsible federal land manager.**

(3) **Modifications.** 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**; provided, however, that review of a **major modification** must comply with WAC 173-400-112 and/or 173-400-113, as applicable.

(4) **Emission unit and activity exemptions.**

Except as provided in subsection (2) of this section, establishment of a new **emission unit** that falls within one of the categories listed below is exempt from **new source** review. **Modification** of any **emission unit** listed below is exempt from **new source** review, provided that the modified unit continues to fall within one of the listed categories. The installation or **modification** of a unit exempt under this subsection does not require the filing of a **notice of construction application**.

(a) Maintenance/construction:

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(vi) Plumbing installation, plumbing protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks. **Ecology** strongly recommends that an owner or operator contact ~~(ecology or the authority)~~ the permitting agency to determine the exemption status of storage tanks prior to their installation.

- (i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;
- (ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;
- (iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;
- (iv) Process and white water storage tanks;
- (v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);
- (vi) Operation, loading and unloading of storage tanks, \leq 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;
- (vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;
- (viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.
- (c) A project with combined aggregate heat inputs of combustion units, \leq all of the following:
 - (i) \leq 500,000 Btu/hr using coal with \leq 0.5% sulfur or other fuels with \leq 0.5% sulfur;
 - (ii) \leq 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;
 - (iii) \leq 400,000 Btu/hr wood waste or paper;
 - (iv) $<$ 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with \leq 0.05% sulfur;
 - (v) \leq 4,000,000 Btu/hr using natural gas, propane, or LPG.
- (d) Material handling:
 - (i) Continuous digester chip feeders;
 - (ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;
 - (iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is \leq 10%;
 - (iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.
- (e) Water treatment:
 - (i) Septic sewer systems, not including active wastewater treatment facilities;

(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

(iii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(iv) Process water filtration system and demineralizer vents;

(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(vi) Demineralizer tanks;

(vii) Alum tanks;

(viii) Clean water condensate tanks.

(f) Environmental chambers and laboratory equipment:

(i) Environmental chambers and humidity chambers not using **toxic air pollutant** gases, as regulated under chapter 173-460 WAC;

(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(iii) Installation or **modification** of a single laboratory fume hood;

(iv) Laboratory calibration and maintenance equipment.

(g) Monitoring/quality assurance/testing:

(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(ii) Hydraulic and hydrostatic testing equipment;

(iii) Sample gathering, preparation and management;

(iv) Vents from continuous **emission** monitors and other analyzers.

(h) Miscellaneous:

(i) Single-family residences and duplexes;

(ii) Plastic pipe welding;

(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(iv) Comfort air conditioning;

(v) Flares used to indicate danger to the public;

(vi) Natural and forced air vents and **stacks** for bathroom/toilet activities;

(vii) Personal care activities;

(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(ix) Tobacco smoking rooms and areas;

(x) Noncommercial smokehouses;

(xi) Blacksmith forges for single forges;

(xii) Vehicle maintenance activities, not including vehicle surface coating;

(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);

(xiv) Wax application;

(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(xvi) Ozone generators and ozonation equipment;

(xvii) Solar simulators;

(xviii) Ultraviolet curing processes, to the extent that **toxic air pollutant** gases as defined in chapter 173-460 WAC are not emitted;

PERMANENT

- (xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;
- (xx) Pulse capacitors;
- (xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;
- (xxii) Fire suppression equipment;
- (xxiii) Recovery boiler blow-down tank;
- (xxiv) Screw press vents;
- (xxv) Drop hammers or hydraulic presses for forging or metal working;
- (xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (xxvii) Kraft lime mud storage tanks and process vessels;
- (xxviii) Lime grits washers, filters and handling;
- (xxix) Lime mud filtrate tanks;
- (xxx) Lime mud water;
- (xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;
- (xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;
- (xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- (xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

(5) Exemptions based on emissions thresholds.

(a) Except as provided in subsection (2) of this section and in this subsection:

(i) A new **emissions unit** that has a **potential to emit** below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from **new source** review provided that the conditions of (b) of this subsection are met.

(ii) A **modification** to an existing **emissions unit** that increases the unit's **actual emissions** by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from **new source** review provided that the conditions of (b) of this subsection are met.

(b) The owner or operator seeking to exempt a project from **new source** review under this section shall notify, and upon request, file a brief project summary with ~~((ecology or the authority))~~ the permitting agency prior to **beginning actual construction** on the project. If ~~((ecology or the authority))~~ the permitting agency determines that the project will have more than a de Minimus impact on air quality, ~~((ecology or the authority))~~ the permitting agency may require the filing of a **notice of construction application**. ~~((Ecology or the authority))~~ The permitting agency may require the owner or operator to demonstrate that the emis-

sions increase from the new **emissions unit** is smaller than all of the thresholds listed below.

(c) The owner/operator may **begin actual construction** on the project thirty-one days after ~~((ecology or the authority))~~ the permitting agency receives the summary, unless ~~((ecology or the authority))~~ the permitting agency notifies the owner/operator within thirty days that the proposed **new source** requires a **notice of construction application**.

(d) Exemption threshold table:

POLLUTANT	THRESHOLD LEVEL (TONS PER YEAR)
(a) Total Suspended Particulates	1.25
(b) PM₁₀	0.75
(c) Sulfur Oxides	2.0
(d) Nitrogen Oxides	2.0
(e) Volatile Organic Compounds, total	2.0
(f) Carbon Monoxide	5.0
(g) Lead	0.005
(h) Ozone Depleting Substances ((in Aggregate (the sum of Class I and/or Class II substances as defined in FCAA Title VI and 40 CFR Part 82)))(in effect on July 1, 2000), total	1.0
(i) Toxic Air Pollutants	As specified in chapter 173-460 WAC.

(6) Application processing - completeness determination.

(a) Within thirty days ~~((of receipt of))~~ after receiving a notice of construction application ~~((ecology or the authority))~~ or PSD permit application, the permitting 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.

(b) For a project subject to PSD review under WAC 173-400-141, a completeness determination includes a determination that the application provides all information required to conduct PSD review.

(c) For a project subject to the Special protection requirements for **federal Class I areas** in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

(7) Final determination.

(a) Within sixty days of receipt of a complete **notice of construction or PSD permit application**, ~~((ecology or the authority))~~ the permitting agency shall either issue a final decision on the application or ~~((for these projects subject to public notice,))~~ initiate public notice ~~((and comment proce-~~

dures)) under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) A person seeking approval 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 operating permit program procedures and deadlines in chapter 173-401 WAC. A **PSD permit application under WAC 173-400-141, a notice of nonattainment area construction application for a major modification in a nonattainment area, or a notice of construction application for a major stationary source in a nonattainment area** must also comply with WAC 173-400-171.

(c) Every final determination on a notice of construction application 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 ~~((ecology or the authority))~~ the **permitting agency**.

(d) If the new source is a major stationary source or the change is a major modification, ~~((ecology or the authority))~~ the **permitting agency** shall:

(i) Submit any control technology determination included in a final **order of approval or PSD permit** to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(ii) Send a copy of the final **approval order or PSD permit to EPA**.

(8) **Appeals.** An **order of approval or a PSD permit**, any conditions contained in an **order of approval or PSD permit**, or the denial of a **notice of construction application or PSD permit** may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. ~~((Ecology or the authority))~~ The **permitting agency** shall promptly mail copies of each **order approving or denying a notice of construction application or PSD permit** to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board ~~((and, where applicable, to the EPA Environmental Appeals Board))~~.

(9) ~~((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, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority 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. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period.~~

~~A temporary source shall be required to comply with all applicable emission standards.~~

~~((10))~~ **Construction time limitations.** Approval to construct or modify a **stationary source** ~~((shall))~~ becomes invalid if construction is not **commenced** within eighteen months after receipt of ~~((such))~~ the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. ~~((Ecology or the authority))~~ The **permitting agency** may extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. 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.

~~((11))~~ **(10) Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an **approval order or PSD permit** and ~~((ecology or the authority))~~ the **permitting agency** may approve ~~((such a))~~ the request provided ~~((ecology or the authority))~~ the **permitting agency** finds that:

(i) The change in conditions will not cause the ~~((air contaminant))~~ source to exceed an **emissions standard**;

(ii) No **ambient air quality standard** or PSD increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of ecology or the **authority** to determine compliance with an **emissions standard**; ~~((and))~~

(iv) The revised **order** will continue to require **BACT**, as defined at the time of the original approval, for each **new source** approved by the **order** except where the **Federal Clean Air Act** requires **LAER**; and

(v) The revised **order** meets the requirements of WAC 173-400-110, 173-400-112, 173-400-113 and 173-400-141, as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

(c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a **notice of construction application**, that application ~~((shall))~~ **must** be acted upon using the timelines found in subsections (6) and (7) of this section. The fee schedule found in WAC 173-400-116 shall also apply to requests filed as **notice of construction applications**.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-112 Requirements for new sources in nonattainment areas. ~~((Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies each~~

of the following requirements:)) (1) **Definitions.** The following definitions apply to this section:

(a) "**Major modification.**" for the purposes of WAC 173-400-112, 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**.

(i) Any **net emissions increase** that is considered **significant for volatile organic compounds** or nitrogen oxides shall be considered **significant** for ozone.

(ii) 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 section 2 (a) and (b) of the Energy Supply and Environmental 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 **Federal Clean Air Act**;

(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 **source** which:

(I) The **source** was capable of accommodating before December 21, 1976, unless such change would be prohibited under any **federally enforceable permit** or **approval order** condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a **SIP** approved **new source** review regulation; or

(II) The **source** is approved to use under any permit or **approval order** issued under WAC 173-400-112;

(iii) An increase in the hours of operation or in the production rate, unless such change is prohibited under any **federally enforceable permit** or **approval order** condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a **SIP** approved **new source** review regulation.

(iv) Any change in ownership at a **source**.

(v) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the **permitting agency** determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(A) When the **permitting agency** has reason to believe that the pollution control project would result in a **significant net emissions increase** in representative actual annual **emissions** of any **criteria pollutant** over levels used for that **source** in the most recent air quality impact analysis in the area conducted for the purpose of title I of the **Federal Clean Air Act**, if any; and

(B) The **permitting agency** determines that the increase will cause or contribute to a violation of any **National Ambient Air Quality Standard** or PSD increment, or visibility limitation.

(vi) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(A) The **SIP**; and

(B) Other requirements necessary to attain and maintain the **National Ambient Air Quality Standard** during the project and after it is terminated.

(b) "**Major stationary source.**" for the purposes of WAC 173-400-112, means:

(i) Any **stationary source** of air pollutants which emits, or has the **potential to emit**, 100 tons per year or more of any pollutant subject to regulation under the **Federal Clean Air Act**, except that lower **emissions** thresholds shall apply as follows:

(A) 70 tons per year of **PM-10** in any "serious" **nonattainment area** for PM-10.

(B) 50 tons per year of carbon monoxide in any "serious" **nonattainment area** for carbon monoxide where **stationary sources** contribute **significantly** to carbon monoxide levels in the area.

(ii) Any physical change that would occur at a **stationary source** not qualifying under (b)(i) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(iii) A major stationary source that is major for **volatile organic compounds** or NOx shall be considered major for ozone.

(iv) The **fugitive emissions** of a **stationary source** shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the **source** belongs to one of the following categories of **stationary sources** or the **source** is a major stationary source due to (b)(i)(A) or (b)(i)(B) of this subsection:

(A) Coal cleaning plants (with thermal dryers);

(B) Kraft pulp mills;

(C) Portland cement plants;

(D) Primary zinc smelters;

(E) Iron and steel mills;

(F) Primary aluminum ore reduction plants;

(G) Primary copper smelters;

(H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

(J) Petroleum refineries;

(K) Lime plants;

(L) Phosphate rock processing plants;

(M) Coke oven batteries;

(N) Sulfur recovery plants;

(O) Carbon black plants (furnace process);

(P) Primary lead smelters;

(Q) Fuel conversion plants;

(R) Sintering plants;

(S) Secondary metal production plants;

(T) Chemical process plants;

(U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(W) Taconite ore processing plants;

(X) Glass fiber processing plants;

(Y) Charcoal production plants;

(Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(v) 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*, as amended.

(c) "**Net emissions increase.**" for the purposes of WAC 173-400-112, means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(B) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(A) 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 (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.

(B) The permitting agency has not relied on it in issuing any permit or order of approval for the source under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(v) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins;

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(vi) 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.

(d) "**Significant.**" for purposes of WAC 173-400-112, means, in reference to a **net emissions increase** or the **potential of a source to emit** any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>PM-10:</u>	<u>15 tpy</u>

(2) The permitting agency that is reviewing an application to establish a new source in a nonattainment area shall issue the order of approval if it determines that the proposed project satisfies each of the following requirements:

(a) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

((2)) (b) 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 will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

((2)) (c) 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 ((state implementation plan)) SIP and will comply with WAC 173-400-113((2)) (2)(c) for all air contam-

inants for which the area has not been designated nonattainment.

~~((4))~~ (d) If the proposed new source is a major stationary source or the proposed modification is a major modification, ~~((ecology or the authority))~~ the permitting 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))~~ (e) If the proposed new source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that air contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources ~~((prior to submittal of))~~ before submitting the application so as to represent (when considered together with the nonattainment provisions of section 172 of the ~~((CAA))~~ Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

~~((a))~~ (i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which 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 required by the Federal Clean Air Act, including the SIP, cannot be credited.

~~((b))~~ (ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).

~~((c))~~ (iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified source ~~((commences operation. The new source may not commence operation before the date such reductions are actually achieved))~~ is effective. An emission

reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

~~((6))~~ (f) 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 an EPA approved state implementation plan))~~ in the SIP.

~~((7))~~ (g) If the proposed new source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification ~~((for the purposes of the PSD program described in WAC 173-400-141))~~ within the meaning of WAC 173-400-113(1), it meets the requirements of ~~((that))~~ the PSD program in WAC 173-400-141 for all air contaminants for which the area has not been designated nonattainment.

~~((8))~~ (h) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

~~((9))~~ If the proposed new source is a major stationary source or the proposed modification is a major modification, ~~ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28(e) through (e) except for (e)(4)(i), (g), and (h), as in effect on March 3, 1993, 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 WAC 173-400-030 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) processing the notice of construction application.)~~ (i) If the proposed new source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification within the meaning of WAC 173-400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173-400-117.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-113 Requirements for new sources in attainment or unclassifiable areas. ~~((Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment or unclassifiable for any air contaminant the new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_x, shall issue an order of approval, which order shall contain such conditions~~

as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies all of the following requirements:))

(1) **Definitions.** The following definitions apply to this section:

(a) **"Major modification"** for purposes of WAC 173-400-113, 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**.

(i) Any **net emissions increase** that is considered **significant for volatile organic compounds** or nitrogen oxides shall be considered **significant** for ozone.

(ii) 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 section 2 (a) and (b) of the Energy Supply and Environmental 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 section 125 of the **Federal Clean Air Act**;

(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 **source** which:

(I) The **source** was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or **approval order** which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a **SIP** approved **new source** review regulation; or

(II) The **source** is approved to use under any **PSD** permit;

(F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any **federally enforceable** permit condition or an **approval order** which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a **SIP** approved **new source** review regulation.

(G) Any change in ownership at a **source**.

(H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the **permitting agency** determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(I) When the **permitting agency** has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a **significant net emissions increase** in representative **actual annual emissions** of any **criteria pollutant** over levels used for that **source** in the most recent air quality impact analysis in the area conducted for the purpose of title I of the **Federal Clean Air Act**, if any; and

(II) The **permitting agency** determines that the increase will cause or contribute to a violation of any **National Ambient Air Quality Standard** or **PSD** increment, or visibility limitation.

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the **SIP**, and other requirements necessary to attain and maintain the **National Ambient Air Quality Standard** during the project and after it is terminated.

(b) **"Major stationary source,"** for purposes of WAC 173-400-113, means:

(i) Any of the following **stationary sources** of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the **Federal Clean Air Act**:

(A) Fossil fuel-fired steam electric plants of more than 50 million British thermal units per hour heat input;

(B) Coal cleaning plants (with thermal dryers);

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) **Municipal incinerators** capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric, sulfuric, and nitric acid plants;

(K) Petroleum refineries;

(L) Lime plants;

(M) Phosphate rock processing plants;

(N) Coke oven batteries;

(O) Sulfur recovery plants;

(P) Carbon black plants (furnace process);

(Q) Primary lead smelters;

(R) Fuel conversion plants;

(S) Sintering plants;

(T) Secondary metal production plants;

(U) Chemical process plants;

(V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(X) Taconite ore processing plants;

(Y) Glass fiber processing plants; and

(Z) Charcoal production plants.

(ii) Regardless of the **stationary source** size specified in (b)(i) of this subsection, any **stationary source** which emits, or has the **potential to emit**, 250 tons per year or more of any air pollutant subject to regulation under the **Federal Clean Air Act**; or

(iii) Any physical change that would occur at a **stationary source** not otherwise qualifying under (b)(i) or (ii) of this subsection, as a major stationary source if the change would constitute a major stationary source by itself.

(iv) A major stationary source that is major for volatile organic compounds or NOx shall be considered major for ozone.

(v) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (I) Hydrofluoric, sulfuric, or nitric acid plants;
- (J) Petroleum refineries;
- (K) Lime plants;
- (L) Phosphate rock processing plants;
- (M) Coke oven batteries;
- (N) Sulfur recovery plants;
- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(vi) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended.

(c) "Net emissions increase" for purposes of WAC 173-400-113, means:

(i) The amount by which the sum of the following exceeds zero:

(A) Any increase in actual emissions from a particular physical change or change in the method of operation at a source; and

(B) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if ecology or EPA has not relied on it in issuing a PSD permit for the source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM-10 emissions can be used to evaluate the net emissions increase for PM-10.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(B) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shutdown becomes operational only after a reasonable shutdown period, not to exceed one hundred eighty days.

(d) "Significant," for purposes of WAC 173-400-113, means:

(i) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

<u>Carbon monoxide:</u>	100 tons per year (tpy)
<u>Nitrogen oxides:</u>	40 tpy
<u>Sulfur dioxide:</u>	40 tpy
<u>Particulate matter (PM):</u>	25 tpy of <u>PM emissions</u>
	15 tpy of <u>PM-10 emissions</u>

<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Fluorides:</u>	<u>3 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>Sulfuric acid mist:</u>	<u>7 tpy</u>
<u>Hydrogen sulfide (H₂S):</u>	<u>10 tpy</u>
<u>Total reduced sulfur (including H₂S):</u>	<u>10 tpy</u>
<u>Reduced sulfur compounds (including H₂S):</u>	<u>10 tpy</u>
<u>Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>3.2 grams per year (0.112 oz. per year or 49 grains per year)</u>
<u>Municipal waste combustor metals: (measured as particulate matter)</u>	<u>14 megagrams per year (15 tpy)</u>
<u>Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)</u>	<u>36 megagrams per year (40 tpy)</u>
<u>Municipal solid waste landfill emissions: (measured as non-methane organic compounds)</u>	<u>45 megagrams per year (50 tpy)</u>
<u>Ozone-depleting substances (in effect on July 1, 2000):</u>	<u>100 tpy</u>

(ii) In reference to a **net emissions increase** or the potential of a **source** to emit a pollutant subject to regulation under the **Federal Clean Air Act** that the definition in (d)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under section 112(b) of the **Federal Clean Air Act**, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(iii) Regardless of the definition in (d)(i) of this subsection, significant means any emissions rate or any **net emissions increase** associated with a **major stationary source** or **major modification** which would construct within 10 kilometers of a **Class I area**, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

(2) The **permitting agency** that is reviewing an application to establish a **new source** or **modification in an attainment or unclassifiable area** shall issue an **order of approval** if it determines that the proposed project satisfies each of the following requirements:

(a) The proposed **new source** or **modification** will comply with all applicable **new source performance standards**, **national emission standards for hazardous air pollutants**, **national emission standards for hazardous air pollutants for source categories**, emission standards adopted under

chapter 70.94 RCW and, for **sources** regulated by an **authority**, the applicable **emission standards** of that **authority**.

((2)) (b) 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)) (c) **Allowable emissions** from the proposed **new source** or **modification** will not delay the **attainment** date for an area not in **attainment** 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 area** does not exceed the following levels for the pollutant((f))s((g)) for which the area has been designated **nonattainment**:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO-	-	((0-5- mg/m ³))	<u>0.5 mg/m³</u>	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

((4)) (d) 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 WAC 173-400-141)), it meets all applicable requirements of ((that chapter)) **WAC 173-400-141**.

((5)) (e) If the proposed **new source** or the proposed **modification** will emit any **toxic air pollutants** regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.

((6) If, within the meaning of the PSD program described in WAC 173-400-141, the proposed **new source** is a **major stationary source** or the proposed **modification** is a **major modification**, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.27(d) through (f), as in effect on March 3, 1993, and has determined that the source would not cause an adverse impact upon visibility. References in 40 CFR 52.27 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.))

(f) If the proposed **new source** is a **major stationary source** or the proposed **modification** is a **major modification**, the project meets the **Special protection requirements for federal Class I areas** of WAC 173-400-117.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (1) Any person proposing to

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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 appropriate **authority**, or with **ecology** in areas or for **sources** over which **ecology** has jurisdiction. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

(2) For projects not otherwise reviewable under WAC 173-400-110, **ecology** or the **authority** 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 as authorized by chapter 70.94 RCW.

(3) Within thirty days of receipt of a **notice of construction application** under this section **ecology** or the **authority** 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 days of receipt of a complete **notice of construction application** under this section **ecology** or the **authority** shall either issue an **order of approval** or a proposed **RACT** determination for the proposed project.

(4) Construction shall not "**commence**," as defined in WAC 173-400-030(~~(15)~~), on a project subject to review under this section until **ecology** or the **authority** 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 **ecology** or the **authority** takes no action within thirty days of receipt of a complete **notice of construction application**.

(5) Approval to replace or substantially alter **emission control technology** shall become invalid if construction is not **commenced** within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. **Ecology** or the **authority** may extend the eighteen-month period upon a satisfactory showing 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.

AMENDATORY SECTION (Amending Order 98-27, filed 11/22/00, effective 12/23/00)

WAC 173-400-115 Standards of performance for new sources. ~~((1))~~ NSPS. Standards of performance for new sources are called **New Source Performance Standards**, or **NSPS**.

~~((2))~~ (1) **Adoption by reference.**

~~(a)~~ 40 CFR Part 60 and Appendices in effect on ~~((July 1, 2000))~~ February 20, 2001, is adopted by reference ~~((except as specified below))~~. Exceptions are listed in subsection (1)(d) of this section.

~~((a) The term "administrator" in 40 CFR Part 60 includes the director of ecology.~~

~~(b) The following sections and subparts of 40 CFR Part 60 are not adopted by reference:~~

~~(i) 40 CFR 60.5 (determination of construction or modification);~~

~~(ii) 40 CFR 60.6 (review of plans);~~

~~(iii) 40 CFR Part 60, subparts C, Cb, Cc, Cd, and Ce (emission guidelines); and~~

~~(iv) 40 CFR Part 60, subpart 000 (nonmetallic mineral processing plants).)~~ (b) 40 CFR Part 60, subpart AAAA (new small municipal waste combustion units) in effect on June 6, 2001, is adopted by reference.

(c) 40 CFR Part 60, subpart CCCC (commercial and industrial solid waste incineration units) in effect on June 1, 2001, is adopted by reference.

The following list is provided for informational purposes:

- ~~((+))~~ Subpart A General Provisions, except 40 CFR 60.5 and 60.6
- 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))~~ 350 megawatts
- 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))~~ 350 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart Dc Small industrial-commercial-institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart Eb Large municipal waste combustors constructed after September 20, 1964, or modified or reconstructed after June 19, 1964
- Subpart Ec Hospital/Medical/Infectious Waste Incinerators Constructed after June 20, 1996
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products

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Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons	Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons	Subpart SS	Industrial surface coating: Large appliances
Subpart Kb	Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984	Subpart TT	Industrial surface coating: Metal coils
Subpart L	Secondary lead smelters	Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart M	Brass and bronze ingot production plants	Subpart VV	SOCMI equipment leaks (VOC)
Subpart N	Iron and steel plants	Subpart WW	Beverage can surface coating operations
Subpart Na	Secondary emissions from basic oxygen process steel making facilities	Subpart XX	Bulk gasoline terminals
Subpart O	Sewage treatment plants	Subpart AAA	New residential wood heaters
Subpart P	Primary copper smelters	Subpart BBB	Rubber tire manufacturing industry
Subpart Q	Primary zinc smelters	Subpart DDD	VOC emissions from the polymer manufacturing industry
Subpart R	Primary lead smelters	Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart S	Primary aluminum reduction plants	Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants	Subpart HHH	Synthetic fiber production facilities
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants	Subpart III	VOC emissions from SOCMI air oxidation unit processes
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants	Subpart JJJ	Petroleum dry cleaners
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants	Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities	Subpart LLL	Onshore natural gas processing; SO ₂ emissions
Subpart Y	Coal preparation plants	Subpart NNN	VOC emissions from SOCMI distillation operations
Subpart Z	Ferroalloy production facilities	Subpart OOO	<u>Nonmetallic mineral processing plants</u>
Subpart AA	Steel plants: Electric arc furnaces	Subpart PPP	Wool fiberglass insulation manufacturing plants
Subpart AAa	Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels	Subpart QQQ	VOC emissions from petroleum refinery wastewater emissions
Subpart BB	Kraft pulp mills	Subpart RRR	VOC emissions from synthetic organic chemical manufacturing industry
Subpart CC	Glass manufacturing plants	Subpart SSS	Magnetic tape coating facilities
Subpart DD	Grain elevators	Subpart TTT	Industrial surface coating: Surface coating of plastic parts for business machines
Subpart EE	Industrial surface coating: Metal furniture	Subpart UUU	Calciners and dryers in mineral industries
Subpart GG	Stationary gas turbines	Subpart VVV	Polymeric coating of supporting substrates facilities
Subpart HH	Lime manufacturing plants	Subpart WWW	Municipal Solid Waste Landfills <u>constructed, reconstructed or modified on or after May 30, 1991 (See WAC 173-400-070(9) for rules regulating MSW landfills constructed or modified before May 30, 1991.)</u>
Subpart KK	Lead-acid battery plants		
Subpart LL	Metallic mineral processing plants		
Subpart MM	Automobile and light duty truck surface coating operations		
Subpart NN	Phosphate rock plants		
Subpart PP	Ammonium sulfate manufacture		
Subpart QQ	Publication rotogravure printing		

Subpart AAAA Small municipal waste combustion units constructed after August 30, 1999, or modified or reconstructed after June 6, 2001 (See WAC 173-400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999.)

Subpart CCCC Commercial and industrial solid waste incinerators constructed after November 30, 1999; or modified or reconstructed on or after June 1, 2001 (See WAC 173-400-050(4) for rules regulating commercial and industrial solid waste incinerators constructed on or before November 30, 1999.)

- Appendix A Test Methods
- Appendix B Performance Specifications
- Appendix C Determination of Emission Rate Change
- Appendix D Required Emission Inventory Information
- Appendix F Quality Assurance Procedures
- Appendix I Removable Label and Owner's Manual

((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.

energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and OOO are regulated by the energy facility site evaluation council (EFSEC) under WAC 463-39-115.

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-116 New source review fees. (1) Applicability. Every person required to submit a **notice of construction application** to the department of ecology as authorized in RCW 70.94.152 for establishment of any proposed **new source** or **emissions unit(s)** shall pay fees as set forth in subsections (2) and (3) of this section. **Persons** required to submit a **notice of construction application** to a local air authority may be required to pay a fee to ecology to cover the costs of ~~((prevention of significant deterioration (PSD) permits issued))~~ **review** pursuant to WAC 173-400-141, second tier analysis pursuant to WAC 173-460-090, and risk management decisions pursuant to WAC 173-460-100 as set forth in subsection (3) of this section. Fees assessed under this section shall apply without regard to whether an **order of approval** is issued or denied.

(2) **Basic review fees.** All owners or operators of proposed new sources are required to pay a basic review fee. The basic review fee covers the costs associated with preapplication assistance, completeness determination, **BACT** determination, technical review, public involvement and **approval/denial orders**. Complexity determination shall be based on the project described in the **notice of construction application**. Basic review fees are shown below:

(a) Low complexity **new source** or **emission unit** (emissions of individual **criteria pollutants** are all less than one-half of the ~~((significance))~~ levels established in the definition of "significant" in WAC ((173-400-030(67))) 173-400-112 and/or 173-400-113, as applicable, or emissions of individual toxic air pollutants are all less than 2.0 tons/year - one thousand dollars;

(b) Moderate complexity **new source** or **emission unit** (emissions of one or more individual **criteria pollutants** are greater than one-half of the ~~((significance))~~ levels established in the definition of "significant" in WAC ((173-400-030(67))) 173-400-112 and/or 173-400-113, as applicable, or emissions of one or more toxic air pollutants are greater than 2.0 tons/year and less than ten tons/year - five thousand dollars; or

(c) High complexity **new source** or **emissions unit** (emissions of one or more **criteria pollutants** are greater than the ~~((significance))~~ levels established in the definition of "significant" in WAC ((173-400-030(67))) 173-400-112 and/or 173-400-113, as applicable, or emissions of one or more toxic air pollutants are greater than ten tons/year - fifteen thousand dollars.

(d) Exceptions. The following fees for **new source** review shall be charged instead of the applicable fees listed in (a) through (c) of this subsection and in subsection (3) of this section:

(3)) (d) Exceptions to adopting 40 CFR Part 60 by reference.

(i) The term "administrator" in 40 CFR Part 60 includes the permitting agency.

(ii) The following sections and subparts of 40 CFR Part 60 are not adopted by reference:

(A) 40 CFR 60.5 (determination of construction or modification);

(B) 40 CFR 60.6 (review of plans); and

(C) 40 CFR Part 60, subparts C, Cb, Cc, Cd, and Ce (emission guidelines).

(iii) Effective June 6, 2001, 40 CFR 60.17 (subpart A) is amended by revising paragraphs (h)(1), (h)(2), and (h)(3) to read as follows:

(h)(1) ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators approved for Section 60.56a, 60.54b(a), 60.54b(b), 60.1185(a), 60.1185 (c)(2), 60.1675(a), and 60.1675 (c)(2).

(h)(2) ASME PTC 4.1-1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda), IBR approved for Section 60.46b, 60.58a (h)(6)(i), 60.58b (i)(6)(ii), 60.1320 (a)(3) and 60.1810 (a)(3).

(h)(3) ASME interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for Section 60.58a (h)(6)(ii), 60.58b (i)(6)(ii), 60.1320 (a)(4) and 60.1810 (a)(4).

(2) Note that ~~((certain affected facilities under 40 CFR Part 60, subparts D and Da are under the energy facility site evaluation council (EFSEC) jurisdiction, pursuant to RCW 80.50.060. These are certain larger energy plants, as defined in RCW 80.50.020(14)))~~ under RCW 80.50.020(14), larger

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(i) Dry cleaners	\$200
(ii) Gasoline stations	\$200
(iii) Storage tanks	
(A) < 20,000 gallons	\$200
(B) 20,000 - 100,000 gallons	\$500
(C) > 100,000	\$700
(iv) Chromic acid plating and anodizing identified in WAC 173-460-060	\$200
(v) Solvent metal cleaners identified in WAC 173-460-060	\$200
(vi) Abrasive blasting identified in WAC 173-460-060	\$200
(vii) New emission units or activities that qualify as insignificant emission units under WAC 173-401-530 whether located at a chapter 401 source or nonchapter 401 source	\$200

(e) Additional units. An owner or operator proposing to build more than one identical **emission unit** shall be charged a fee for the additional units equal to one-third the basic review fee of the first unit.

(3) **Additional charges.** In addition to those fees required under subsection (2)(a) through (c) of this section, the following fees will be required as applicable:

(a) **Prevention of significant deterioration** review (includes **ecology** review of local air **authority sources**) - ten thousand dollars;

(b) Establishing **LAER** and offset requirements for a **major stationary source** or **major modification** proposing to locate in a **nonattainment area** - ten thousand dollars;

(c) Tier II toxics review as required under WAC 173-460-090 - seven thousand five hundred dollars;

(d) Tier III review as required under WAC 173-460-100 - five thousand dollars;

(e) State Environmental Policy Act review (where **ecology** is the lead agency):

(i) Determination of nonsignificance (DNS) and environmental checklist review - two hundred dollars; or

(ii) Environmental impact statement (EIS) review - two thousand dollars;

(iii) Where more than one **ecology** program is charging a fee for reviewing or preparing SEPA documents, **ecology** will not charge a SEPA review fee as part of the **new source** review fees;

(f) Case-by-case MACT determinations required for a **new source** or **modification** under Section 112(g) or Section 112(j) of the FCAA - five thousand dollars.

(4) **Small business fee reduction.** The **new source** review fee identified in subsections (2) and (3) of this section may be reduced for a small business.

(a) To qualify for the small business **new source** review fee reduction, a business must meet the requirements of "small business" as defined in RCW ((43.31.025)) 19.85.020. In RCW 19.85.020, "small business" means 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.

(b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) **Ecology** may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:

(i) Fifty percent of the **new source** review fee; or

(ii) Two hundred fifty dollars.

(e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which **ecology** may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the **new source** review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.

(5) Fee reductions for pollution prevention initiatives. **Ecology** may reduce the fees defined in subsections (2) and (3) of this section where the owner or operator of the proposed **source** demonstrates that approved pollution prevention measures will be used.

(6) Fee payments. Fees specified in subsections (2) through (5) of this section shall be paid at the time a **notice of construction application** is submitted to the department. A **notice of construction application** is considered incomplete until **ecology** has received the appropriate **new source** review payment. Additional charges assessed pursuant to subsection (3) of this section shall be due thirty days after receipt of an **ecology** billing statement. All fees collected under this regulation shall be made payable to the Washington department of **ecology**.

(7) Dedicated account. All **new source** review fees collected by the department from permit program **sources** shall be deposited in the air operating permit account created under RCW 70.94.015. All **new source** review fees collected by the department from nonpermit program **sources** shall be deposited in the air pollution control account.

(8) Tracking revenues, time, and expenditures. **Ecology** shall track revenues collected under this subsection on a

source-specific basis. Ecology shall track time and expenditures on the basis of complexity categories.

(9) Periodic review. **Ecology** shall review and, as appropriate, update this section at least once every two years.

NEW SECTION

WAC 173-400-117 Special protection requirements for federal Class I areas. (1) **Definitions.** The following definition applies to this section:

"**Adverse impact on visibility**" means **visibility impairment** that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the **federal Class I area**. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with:

(a) Times of visitor use of the **federal Class I area**; and

(b) The frequency and timing of natural conditions that reduce visibility.

(2) **Applicability.** The requirements of this section apply to all of the following **sources**:

(a) A **source** that is submitting a **PSD** permit application for a new **major stationary source** or a **major modification**; or

(b) A **source** in a **nonattainment area** that is submitting a **notice of construction application** for a **major stationary source** or a **major modification**, as either of those terms are defined in WAC 173-400-113, Requirements for **new sources** in **attainment** or **unclassifiable areas**.

(3) **Contents and distribution of application.**

(a) The application shall include an analysis of the anticipated impacts of the project on visibility in any **federal Class I area**.

(b) The applicant must mail a copy of the application for the project and all amendments to the application to the **permitting agency**, **EPA** and to the responsible **federal land manager**. **Ecology** will provide a list of the names and addresses of the **federal land manager**.

(4) **Notice to federal land manager.**

(a) The **permitting agency** shall send a copy of the completeness determination to the responsible **federal land manager**.

(b) If, prior to receiving a **notice of construction application** or a **PSD** permit application, the **permitting agency** receives notice of a project described in subsection (2) of this section that may affect visibility in a **federal Class I area**, the **permitting agency** shall notify the responsible **federal land manager** within thirty days of the notification.

(5) **Analysis by federal land manager.**

(a) The **permitting agency** will consider any demonstration presented by the responsible **federal land manager** that **emissions** from a proposed **new source** or the **net emissions increase** from a proposed modification described in subsection (2) of this section would have an **adverse impact on visibility** in any **federal Class I area**, provided that the demon-

stration is received by the **permitting agency** within thirty days of the **federal land manager's** receipt of the complete application.

(b) If the **permitting agency** concurs with the **federal land manager's** demonstration, the permit or **approval order** for the project either shall be denied, or conditions shall be included in the permit or **approval order** to prevent the adverse impact.

(c) If the **permitting agency** finds that the **federal land manager's** analysis does not demonstrate that the project will have an **adverse impact on visibility** in a **federal Class I area**, the **permitting agency** either shall explain its decision in the public notice required by WAC 173-400-171(2), or, in the case of public notice of proposed action on a **PSD** permit application, state that an explanation of the decision appears in the Fact Sheet for the proposed permit.

(6) **Additional requirements for projects that require a PSD permit.**

(a) For sources impacting **federal Class I areas**, the **permitting agency** shall provide notice to **EPA** of every action related to consideration of the **PSD** permit.

(b) The **permitting agency** shall consider any demonstration received from the responsible **federal land manager** prior to the close of the public comment period on a proposed **PSD** permit that emissions from the proposed **new source** or the **net emissions increase** from a proposed **modification** would have an adverse impact on the air quality-related values (including visibility) of any **mandatory Class I federal area**.

(c) If the **permitting agency** concurs with the demonstration, the permit either shall be denied, or conditions shall be included in the permit to prevent the adverse impact.

(7) **Additional requirements for projects located in nonattainment areas.** In reviewing a **PSD** permit application or **notice of construction application** for a project proposed for construction in an area classified as **nonattainment**, the **permitting agency** must ensure that the **source's emissions** will be consistent with making reasonable progress toward meeting the national goal of preventing any future, and remedying any existing, **impairment of visibility** by human-caused air pollution in **mandatory Class I federal areas**. In determining the need for **approval order** conditions to meet this requirement, the **permitting agency** may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(8) **Monitoring.** The **permitting agency** may require post-construction monitoring of the impact from the project. The monitoring shall be limited to the impacts on visibility in any **federal Class I area** near the proposed project.

NEW SECTION

WAC 173-400-118 Designation of Class I, II, and III areas. (1) **Designation.**

(a) Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. This restriction does not apply to nontrust lands within the 1873 Survey Area of the Puyallup Indian Reservation.

(b) All areas of the state must be designated either **Class I, II or III**.

(i) The following areas are the **Class I areas** in Washington state:

- (A) Alpine Lakes Wilderness;
- (B) Glacier Peak Wilderness;
- (C) Goat Rocks Wilderness;
- (D) Adams Wilderness;
- (E) Mount Rainier National Park;
- (F) North Cascades National Park;
- (G) Olympic National Park;
- (H) Pasayten Wilderness; and
- (I) Spokane Indian Reservation.¹

(ii) All other areas of the state are **Class II**, but may be redesignated as provided in subsections (2) and (3) of this section.

¹ EPA redesignated this land based on a request from the Spokane Tribal Council. See 40 CFR 52.2497 and 56 FR 14862, April 12, 1991, for details.

(2) Restrictions on area classifications.

(a) Except for the Spokane Indian Reservation, the **Class I areas** listed in subsection (1) of this section may not be redesignated.

(b) Except as provided in (a) of this subsection, the following areas that exceed 10,000 acres in size may be redesignated as **Class I or II**:

- (i) Areas in existence on August 7, 1977:
 - (A) A national monument;
 - (B) A national primitive area;
 - (C) A national preserve;
 - (D) A national wild and scenic river;
 - (E) A national wildlife refuge; or
 - (F) A national lakeshore or seashore.
- (ii) Areas established after August 7, 1977:
 - (A) A national park; or
 - (B) A national wilderness area.

(3) Redesignation of area classifications.

(a) **Ecology** shall propose the redesignation of an area classification as a revision to the **SIP**.

(b) **Ecology** may submit to **EPA** a proposal to redesignate areas of the state as **Class I or II** if:

(i) **Ecology** followed the public involvement procedures in WAC 173-400-171;

(ii) **Ecology** explained the reasons for the proposed redesignation, including a description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation;

(iii) **Ecology** made available for public inspection at least thirty days before the hearing the explanation of the reasons for the proposed redesignation;

(iv) **Ecology** notified other states, tribal governing bodies, and **federal land managers** whose lands may be affected

by the proposed redesignation at least thirty days prior to the public hearing;

(v) **Ecology** consulted with the elected leadership of local governments in the area covered by the proposed redesignation before proposing the redesignation; and

(vi) **Ecology** followed these procedures when a redesignation includes any federal lands:

(A) **Ecology** notified in writing the appropriate **federal land manager** on the proposed redesignation. **Ecology** allowed forty-five days for the **federal land manager** to confer with **ecology** and to submit written comments.

(B) **Ecology** responded to any written comments from the **federal land manager** that were received within forty-five days of notification. **Ecology's** response was available to the public in advance of the notice of the hearing.

(I) **Ecology** sent the written comments of the **federal land manager**, along with **ecology's** response to those comments, to the public location as required in WAC 173-400-171 (2)(a).

(II) If **ecology** disagreed with the **federal land manager's** written comments, **ecology** published a list of any inconsistency between the redesignation and the comments of the **federal land manager**, together with the reasons for making the redesignation against the recommendation of the **federal land manager**.

(c) **Ecology** may submit to **EPA** a proposal to redesignate any area other than an area to which subsection (1) of this section applies as **Class III** if:

(i) The redesignation followed the public involvement requirements of WAC 173-400-171 and 173-400-118(3);

(ii) The redesignation has been specifically approved by the governor of Washington state, after consultation with the appropriate committees of the legislature if it is in session, or with the leadership of the legislature, if it is not in session;

(iii) The redesignation has been approved by local governments representing a majority of the residents of the area to be redesignated. The local governments enacted legislation or passed resolutions concurring in the redesignation;

(iv) The redesignation would not cause, or contribute to, a concentration of any **air contaminant** which would exceed any maximum allowable increase permitted under the classification of any other area or any **National Ambient Air Quality Standard**; and

(v) A **PSD** permit under WAC 173-400-141 for a new **major stationary source** or **major modification** could be issued only if the area in question were redesignated as **Class III**, and material submitted as part of that application was available for public inspection prior to any public hearing on redesignation of the area as **Class III**.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-131 Issuance of emission reduction credits. (1) **Applicability.** The owner(((s))) or operator(((s))) of any source(((s))) may apply to ((~~ecology or the author- ity~~)) **the permitting 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 for which the **emission** requirement may be stated as an allowable limit in weight of contaminant per unit time for the **emissions unit**((~~(f)~~)(~~s~~)(~~(g)~~)) 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 ~~((ecology or the authority))~~ the permitting agency.

(a) The quantity of **emissions** in the **ERC** 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.

(b) 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, etc.

(c) The **ERC** must be large enough to be readily quantifiable relative to the **source** strength of the **emissions unit**(s) involved.

(d) 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 WAC 173-400-112(~~((4))~~) (2)(d), nor as part of a **bubble** transaction under WAC 173-400-120, nor to satisfy **NSPS, NESHAPS, for Source Categories, BACT, or LAER**.

(e) Concurrent with or prior to the authorization of an **ERC**, the applicant shall receive (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.

(f) 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 and all supporting data and documentation, ~~((ecology or the authority))~~ the permitting 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, ~~((ecology or the authority))~~ the permitting agency shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. If the application is approved, ~~((ecology or the authority))~~ the permitting 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 doc-

ument shall include any conditions required to assure that subsection (3)(a) through (e) 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 certificate of **emission reduction credit**. The certificate shall specify the issue date, the contaminant(~~(f)~~)(~~s~~)(~~(g)~~)) involved, the **emission** decrease expressed as weight of pollutant per unit time, the **nonattainment area** involved, if applicable, and the **person** to whom the certificate is issued.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-136 Use of emission reduction credits (ERC). (1) **Permissible use.** An **ERC** may be used to satisfy the requirements for authorization of a **bubble** under WAC 173-400-120(~~(f)~~); as a part of a determination of "**net emissions increase**(~~(f)~~);" or as an offsetting reduction to satisfy the requirements for **new source** review (~~(per)~~) in WAC 173-400-112(~~(f)~~) or 173-400-113(~~((3) or (6), or to satisfy requirements for PSD review per WAC 173-400-113(4))~~) (2)(c).

(2) **Surrender of ERC certificate.** When an **ERC** is used under subsection (1) of this section, the certificate for the **ERC** must be surrendered to the ~~((issuing authority))~~ permitting agency. If only a portion of the **ERC** is used, the amended certificate will be returned to the owner.

(3) **Conditions of use.**

(a) An **ERC** may be used only for the **air contaminant**(~~(f)~~)(~~s~~)(~~(g)~~)) for which it was issued.

~~((Ecology or the authority))~~ (b) The permitting agency may impose additional conditions of use to account for temporal and spatial differences between the **emissions unit**(~~(f)~~)(~~s~~)(~~(g)~~)) that generated the **ERC** and the **emissions unit**(~~(f)~~)(~~s~~)(~~(g)~~)) that use the **ERC**.

(4) **Sale of an ERC.** An **ERC** may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing **authority**. After receiving the certificate, the issuing **authority** shall reissue the certificate to the new owner.

(5) ~~((Time of use))~~ Redemption period. An unused ~~((and any unused portion thereof shall))~~ ERC expires ten years after date of original issue.

(6) **Discount due to change in SIP.** If reductions in emissions beyond those identified in the ~~((state implementation plan))~~ SIP 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, an **ERC** may be discounted by **ecology** or the **authority** after public involvement (~~(per)~~) according to WAC 173-400-171. ~~((Any such))~~ This discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-141 Prevention of significant deterioration (PSD). ((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 March 1, 1996, are incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (h) 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 both the administrator of EPA and the director of ecology.

(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 March 1, 1996, 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 March 1, 1996, 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 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.)) (1) The prevention of significant deterioration or PSD program is a construction permitting program for new major stationary sources and major modifications to existing major stationary sources located in areas in

attainment or in areas that are unclassifiable for any criteria air pollutant. No major stationary source or major modification to which the requirements of this section apply shall begin actual construction without a PSD permit.

(2) Early planning encouraged. In order to develop an appropriate application, the source should engage in an early planning process to assess the needs of the facility. An opportunity for a preapplication meeting with ecology is available when ecology is the permitting agency.

(3) Application.

(a) The PSD application is a form of a notice of construction application and the PSD permit is a form of an approval order.

(b) The applicant shall provide complete copies of its PSD application, distributed in the following manner:

(i) Three copies shall be sent to the permitting agency. If ecology is the permitting agency, copies must be sent to the Air Quality Program at P.O. Box 47600, Olympia, WA 98504-7600.

(ii) One copy shall be sent to each of the following federal land managers:

(A) U.S. Department of the Interior - National Park Service; and

(B) U.S. Department of Agriculture - U.S. Forest Service.

(iii) If the local authority is not the permitting agency and the project lies within the territory of a local authority, one copy shall be sent to the authority in whose territory the source is located.

(iv) One copy shall be sent to EPA.

(c) Ecology shall provide the names and addresses of the federal land managers.

(4) Enforcement.

Ecology or the permitting agency with authority over the source under chapter 173-401 WAC, the Operating permit regulation, shall receive all required reports and enforce the conditions in the PSD permit.

(5) Applicable requirements.

A PSD permit must comply with the following requirements:

(a) WAC 173-400-110 - New source review;

(b) WAC 173-400-113 - Requirements for new sources in attainment or unclassifiable areas;

(c) WAC 173-400-117 - Special protection requirements for federal Class I areas;

(d) WAC 173-400-171 - Public involvement; and

(e) The following subparts of 40 CFR 52.21, in effect on July 1, 2000, which are adopted by reference. Exceptions are listed in (5)(e)(i), (ii), (iii), and (iv):

40 CFR 52.21 (b)

Definitions.

40 CFR 52.21 (c)

Ambient air increments.

40 CFR 52.21 (d)

Ambient air ceilings.

40 CFR 52.21 (h)

Stack heights.

<u>40 CFR 52.21 (i)</u>	<u>Review of major stationary sources and major modifications - source applicability and exemptions.</u>
<u>40 CFR 52.21 (j)</u>	<u>Control technology review.</u>
<u>40 CFR 52.21 (k)</u>	<u>Source impact analysis.</u>
<u>40 CFR 52.21 (l)</u>	<u>Air quality models.</u>
<u>40 CFR 52.21 (m)</u>	<u>Air quality analysis.</u>
<u>40 CFR 52.21 (n)</u>	<u>Source information.</u>
<u>40 CFR 52.21 (o) (1) and (2)</u>	<u>Additional impact analysis.</u>
<u>40 CFR 52.21 (r)</u>	<u>Source obligation.</u>
<u>40 CFR 52.21 (v)</u>	<u>Innovative control technology.</u>
<u>40 CFR 52.21 (w)</u>	<u>Permit rescission.</u>

(i) Exception to adopting 40 CFR 52.21 by reference. Every use of the word "administrator" in 40 CFR 52.21 means **ecology** or the **authority** except for the following:

(A) In 40 CFR 52.21 (b)(17), the definition of federally enforceable, "administrator" means the **EPA** administrator.

(B) In 40 CFR 52.21 (l)(2), air quality models, "administrator" means the **EPA** administrator.

(ii) Exception to adopting 40 CFR 52.21 by reference. The following definitions apply to this section instead of the definitions in 40 CFR 52.21(b):

(A) **Major modification** as defined in WAC 173-400-113;

(B) **Major stationary source** as defined in WAC 173-400-113;

(C) **Net emissions increase** as defined in WAC 173-400-113;

(D) **Significant** as defined in WAC 173-400-113; and

(E) **Volatile organic compound** as defined WAC 173-400-030.

(iii) Exception to adopting 40 CFR 52.21 by reference. The following definition of "secondary emissions" applies to this section instead of the definition in 40 CFR 52.21 (b)(18): "**Secondary emissions**" means **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 causes the secondary emissions. Secondary emissions may include, but are not limited to:

(A) **Emissions** from ships or trains located at the new or modified **stationary source**; and

(B) **Emissions** from any off-site 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**.

(iv) Exception to adopting 40 CFR 52.21 by reference. Each reference in 40 CFR 52.21(i) to "paragraphs (j) through (r) of this section" is amended to state "paragraphs (j) through (n) of this section, paragraphs (o)(1) and (o)(2) of this section, paragraph (r) of this section, WAC 173-400-117 and 173-400-171."

(6) **Notifying EPA.** The **permitting agency** shall provide notice to **EPA** of every action related to consideration of the permit.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-151 Retrofit requirements for visibility protection. ((1) Determination of best available retrofit technology (BART). Ecology 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.) (1) The requirements of this section apply to an **existing stationary facility**. An "**existing stationary facility**" means a **stationary source of air contaminants** that meets all of these conditions:

(a) The **stationary source** must have the potential to emit 250 tons per year or more of any **air contaminant**. **Fugitive emissions**, to the extent quantifiable, must be counted in determining the **potential to emit**; and

(b) The **stationary source** was not in operation prior to August 7, 1962, and was in existence on August 7, 1977.

(c) 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 group-

ing, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972, as amended.*

(2) Ecology shall identify each existing stationary facility which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class 1 federal area in Washington and any adjacent state.

(3) For each existing stationary facility identified under subsection (2) of this section, the permitting agency shall determine BART for the air contaminant of concern and any additional air pollution control technologies that are to be required to reduce impairment from the existing stationary facility.

(4) Each existing stationary facility shall apply BART as new technology for control of the air contaminant becomes reasonably available if:

(a) The existing stationary facility emits the air contaminant contributing to visibility impairment;

(b) Controls representing BART for that air contaminant have not previously been required under this section; and

(c) The impairment of visibility in any mandatory Class 1 federal area is reasonably attributable to the emissions of the air contaminant.

AMENDATORY SECTION (Amending Order 93-40, filed 3/22/95, effective 4/22/95)

WAC 173-400-171 Public involvement. (1) Applicability. (a) Ecology or the authority (~~(shall)~~) must provide public notice (~~(prior to the approval or denial of)~~) before approving or denying any of the following types of applications or other actions:

(~~((a))~~) (i) Notice of construction application for any new or modified source or emissions unit, if a significant net increase in emissions of any air pollutant regulated by state or federal law would result; or

(~~((b))~~) Any application or other proposed action for which a public hearing is required by PSD rules; or

(~~((c))~~) (ii) Any preliminary determination to approve or disapprove a PSD permit application, except an administrative amendment to an existing permit; or

(iii) An extension of the deadline to begin construction in a PSD permit; or

(iv) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on July 1, 2000) as part of review under WAC 173-400-112, 173-400-141, or 173-400-117; or

(v) Any order to determine RACT; or

(~~((d))~~) (vi) An order to establish a compliance schedule or a variance; or

(~~((e))~~) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(~~((f))~~) (vii) An 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))~~) (viii) An order to authorize a bubble; or

(~~((h))~~) (ix) Notice of construction application or regulatory order used to establish a creditable emission reduction;

(~~((i))~~) (x) An order issued under WAC 173-400-091 (~~(which)~~) that establishes limitations on a source's potential to emit; or

(~~((j))~~) (xi) Any application or other proposed action made (~~(pursuant to)~~) under this chapter in which ecology or the authority determines there is (~~((a))~~) substantial public interest (~~((according to the discretion of ecology or the authority)).~~)

(b) Ecology must provide notice on the following actions:

(i) A Washington state recommendation that will be submitted by the director of ecology to EPA for approval of a SIP revision, including plans for attainment, maintenance, and visibility protection; or

(ii) A Washington state recommendation to EPA for designation or redesignation of an area as attainment, nonattainment, or unclassifiable; or

(iii) A Washington state recommendation to EPA for a change of boundaries of an attainment or nonattainment area; or

(iv) A Washington state recommendation to EPA for redesignation of an area under WAC 173-400-118.

(c) A notice of construction application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines. A project designated for integrated review that includes a PSD permit application, a notice of construction application for a major modification in a nonattainment area, or a notice of construction application for a major stationary source in a nonattainment area must also comply with public notice requirements in WAC 173-400-171.

(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The (~~(cost of providing public notice shall be borne by the)~~) applicant or other initiator of the action must pay the cost of providing public notice. Public notice shall include:

(a) Availability for public inspection (~~(in at least one location near the proposed project, of the nonproprietary)),~~ The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effect(~~(t))s(3)) on air quality, must be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205.~~

(i) For **PSD** permit determinations, **ecology** must include a copy or summary of other materials considered in making the preliminary determination.

(ii) For a redesignation of a class area under WAC 173-400-118, **ecology** must make available for public inspection at least thirty days before the hearing the explanation of the reasons for the proposed redesignation.

(iii) For a revision of the **SIP** subject to subsection (1)(b)(iii) of this section, **ecology** must make available for public inspection the information related to the action at least thirty days before the hearing.

(b) ~~((Publication))~~ Newspaper publication. Public notice of the proposed project must be published in a newspaper of general circulation in the area of the proposed project ~~((of notice:))~~ and must include:

(i) The name and address of the owner or operator and the facility;

~~((i) Giving))~~ (ii) A brief description of the proposal;

~~((ii) Advising of))~~ (iii) The location of the documents made available for public inspection;

~~((iii) Advising of))~~ (iv) A thirty-day period for submitting written comment to **ecology** or the authority;

~~((iv) Advising))~~ (v) A statement that a public hearing may be held if **ecology** or the authority determines within a thirty-day period that significant public interest exists.

(vi) The length of the public comment period in the event of a public hearing;

(vii) For projects subject to Special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), public notice shall either explain the **permitting agency's** decision or state that an explanation of the decision appears in the Fact Sheet for the proposed **PSD** permit; and

(viii) For a redesignation of an area under WAC 173-400-118, public notice shall state that an explanation of the reasons for the proposed redesignation is available for review at the public location.

(c) **Notifying EPA.** A copy of the public notice will be sent to the **EPA Region 10** regional administrator.

~~((Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule:))~~ (d) Additional public notice requirements for **PSD** projects. For projects subject to the **PSD** program in WAC 173-400-141, the **permitting agency** shall meet the public notice requirements in subsection (2)(a), (b), and (c) of this section, WAC 173-400-117(6), and the following requirements:

(i) **PSD Permit Fact Sheet.** All **PSD** permit preliminary determinations and final permits will be accompanied by a fact sheet that includes the following information:

(A) A brief description of the type of facility or activity subject to permitting;

(B) The type and quantity of pollutants proposed to be emitted into the air;

(C) A brief summary of the **BACT** options considered and the reasons why the selected **BACT** level of control was selected;

(D) A brief summary of the basis for permit conditions;

(E) The degree of increment consumption expected to result from operation of the facility at the permitted levels;

(F) An analysis of the impacts on air quality related values in **federal Class I** areas affected by the project; and

(G) An analysis of the impacts of the proposed **emissions** on visibility following the requirements in WAC 173-400-117.

(ii) For **PSD** permit preliminary determinations, the public notice required by subsection (2)(b) of this section shall contain:

(A) The name and address of the applicant;

(B) The location of the proposed project;

(C) A brief description of the project proposal;

(D) The preliminary determination to approve or disapprove the application;

(E) How much increment is expected to be consumed by this project;

(F) The name, address, and telephone number of the person to contact for further information;

(G) A brief explanation of how to comment on the project; and

(H) An explanation on how to request a public hearing.

(iii) For **PSD** permit preliminary determinations, a copy of the public notice required by subsection (2)(b) of this section shall be sent to:

(A) The applicant;

(B) U.S. Department of the Interior - National Park Service;

(C) U.S. Department of Agriculture - Forest Service;

(D) **EPA Region 10**;

(E) Any tribal governing body whose lands may be affected by **emissions** from the project;

(F) The chief executive of the city where the project is located;

(G) The chief executive of the county where the project is located;

(H) The **authority** in whose territory the project is located;

(I) The comprehensive regional land use planning agency whose lands may be affected by **emissions** from the project;

(J) Individuals or organizations that requested notification of the specific project proposal;

(K) Other individuals who requested notification of **PSD** permits;

(L) Any state within 100 km of the proposed project; and

(M) The location for public inspection of material required under subsection (2)(a) of this section.

(iv) A copy of the **PSD** permit preliminary determination and the fact sheet must be sent to:

(A) The applicant;

(B) U.S. Department of the Interior - National Park Service;

(C) U.S. Department of Agriculture - Forest Service;

(D) **EPA Region 10**;

(E) The **authority** in whose territory the project is located;

(F) Individuals or organizations who request a copy; and

(G) The location for public inspection of material required under subsection (2)(a) of this section.

(v) The final PSD permit determination shall include the following:

(A) A copy of the final PSD permit or the determination to deny the permit;

(B) A summary of the comments received;

(C) The **permitting agency's** response to those comments;

(D) A description of what approval conditions changed from the preliminary determination; and

(E) A cover letter that includes an explanation of how the final determination may be appealed.

(vi) The **permitting agency** shall mail a copy of the cover letter that accompanies the final PSD permit determination to:

(A) The applicant;

(B) U.S. Department of the Interior - National Park Service;

(C) U.S. Department of Agriculture - Forest Service;

(D) EPA Region 10;

(E) Any tribal governing body whose lands may be affected by **emissions** from project;

(F) The chief executive of the city where the project is located;

(G) The chief executive of the county where the project is located;

(H) The **authority** in whose territory the project is located;

(I) The comprehensive regional land use planning agency whose lands may be affected by **emissions** from the project;

(J) Individuals or organizations that requested notification of the specific project proposal;

(K) Other individuals who requested notification of PSD permits;

(L) Any state within 100 km of the proposed project; and

(M) The location for public inspection of material required under subsection (2)(a) of this section.

(vii) The **permitting agency** shall mail a copy of the final PSD permit determination to:

(A) The applicant;

(B) U.S. Department of the Interior - National Park Service;

(C) U.S. Department of Agriculture - Forest Service;

(D) EPA Region 10;

(E) The **authority** in whose territory the project is located;

(F) Individuals or organizations who request a copy; and

(G) The location for public inspection of material required under subsection (2)(a) of this section.

(e) Additional public notice requirements for a SIP revision. For a revision to the SIP that is submitted by the **director of ecology**, **ecology** must publish the public notice required by subsection (2)(b) of this section in the *Washington State Register* in advance of the date of the public hearing.

(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;))~~

(a) The public comment period ~~((shall))~~ must be at least the thirty-day period for written comment ~~((published as provided above))~~ specified in the public notice.

(b) If a public hearing is held, the public comment period ~~((shall))~~ must extend through the hearing date ~~((and thereafter for such period, if any, as the notice of public hearing may specify;))~~

(c) **Ecology** or the **authority** shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered.

(4) **Public hearings.**

(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period ~~((published as above))~~. ~~((Any such))~~ A request ~~((shall))~~ must indicate the interest of the entity filing it and why a hearing is warranted. **Ecology** or the **authority** may ~~((, in its discretion;))~~ hold a public hearing if it determines significant public interest exists. ~~((Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable;))~~ **Ecology** or the **authority** will determine the location, date, and time of the public hearing.

(b) **Ecology** must hold a hearing on the following actions:

(i) A Washington state recommendation to **EPA** that will be submitted by the **director of ecology** for approval of a SIP revision;

(ii) A Washington state recommendation to **EPA** for a change of boundaries of an **attainment** or **nonattainment** area;

(iii) A Washington state recommendation to **EPA** for designation of an area as **attainment**, **nonattainment**, or **unclassifiable**; and

(iv) A Washington state recommendation to **EPA** to redesignate an area under WAC 173-400-118.

(c) **Ecology** must provide at least thirty days prior notice of a hearing required under subsection (4)(b) of this section.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, ~~((such))~~ those procedures may be used in lieu of the provisions of this section. This subsection does not apply to a PSD permit application, a **notice of construction application** for a **major modification**, a **notice of construction application** for a **major stationary source**, and any action in WAC 173-400-171 (1)(b).

(6) **Public information.** All information, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205, is available for public inspection at the issuing agency. This includes

copies of notices of construction applications, orders, and modifications ((thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority)).

WSR 01-17-067
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-165—Filed August 15, 2001, 3:34 p.m.]

Date of Adoption: August 3, 2001.

Purpose: Amend special trapping permit rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-142.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-13-082 on June 19, 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

August 14, 2001

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-12-142 Special trapping permit—Use of body-gripping traps. (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Animal" means any nonhuman vertebrate.

(b) "Animal problem" means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

(c) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, unpadded foot-hold traps, padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

(d) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

(e) "In water" means beneath the water surface so that the trap is completely submerged.

(f) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb.

(g) "Padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

(h) "Permit" means a special trapping permit issued to a person under the authority of RCW 77.15.194 and the provisions of this section to use certain body-gripping traps to abate an animal problem for thirty days.

(i) "Permittee" means the person to whom a permit is granted.

(j) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(2) It is unlawful to trap animals using body-gripping traps without a permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a permit to trap.

(4) It is unlawful for any person issued a permit to fail to complete and submit to the department a report of animals taken under the permit. This report is due within ten days of the expiration date of the permit.

(5) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a permit.

(6) A person seeking a special trapping permit shall submit a complete application to the department. The applicant shall provide the following information:

(a) Applicant's name, address, and telephone number.

(b) Location(s) of animal problem (physical address or legal description including township, range, and section number).

(c) Description of the animal problem:

(i) Duration of the animal problem.

(ii) Description of the damage or potential damage being caused (i.e., crop, timber, property, livestock, or pet animals, etc.).

(iii) Any threat or potential threat to the health and/or safety of people.

(d) Species of animal causing the problem and, if known, the number of animals involved.

(e) Description of the measures taken to prevent or alleviate the problem or damage.

(f) Explanation of why the measures taken were ineffective to abate the problem or why such measures could not reasonably or effectively be used to abate the animal problem.

(g) Whether Conibear-type traps in water, padded foot-hold traps or nonstrangling-type foot snares will be used.

(h) Species and number of animals to be removed.

(7) For wildlife research, the applicant shall provide the following information:

(a) Applicant's name, address, and telephone number.

(b) Location(s) where wildlife trapping will occur (physical address or legal description including township, range, and section number).

(c) Whether padded foot-hold traps or nonstrangling-type foot snares will be used.

(d) Species and number of animals to be captured.

(e) Research objective or proposal.

(f) A copy of a valid department scientific collection permit.

(8) A completed report of animals taken pursuant to a special trapping permit shall include the following information:

(a) Permittee's name, address, and telephone number.

(b) The number of the permit for which the report is being submitted.

(c) The common name of the animal(s) taken, the number of animals taken, and the disposition.

(d) For any nontargeted animals taken, the common name of the animal, the number of animals, and the disposition.

(9) Successive permits for the same animal problem may be requested by completing the justification and applicant certification on the report of animals taken.

(10) The conditions of a special trapping permit shall include:

(a) The term of the permit is thirty days.

(b) Any body-gripping trap authorized under a permit shall be checked at least every twenty-four hours.

(c) Each body-gripping trap authorized under a permit shall have attached to its chain or to the trap a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

(d) Nontargeted species shall be released unharmed if possible.

(e) Any mammal trapped pursuant to a permit must be lethally dispatched or released as soon as possible, unless taken for scientific research, in which case the animal may be retained alive if so provided in the permit.

(f) The carcass of any mammal taken under a permit must be properly disposed of in a lawful manner.

(g) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

(11) A special trapping permit may be denied when, in the judgment of the department:

(a) Other appropriate nonlethal methods have not been utilized;

(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;

(c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule; or

(e) The application is not complete.

(12) A special trapping permit may be revoked when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(13) If the permit is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal requests shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

WSR 01-17-068
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-167—Filed August 15, 2001, 3:34 p.m.]

Date of Adoption: August 3, 2001.

Purpose: Amend archery rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-054.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-13-095 on June 19, 2001.

Changes Other than Editing from Proposed to Adopted Version: Subsection (1)(b) - delete "or bolt"; subsection (1)(c) - delete "or crossbow and bolt"; subsection (1)(d) add ...device that "stabilizes and" holds...; subsection (1)(e) end sentence after "with a crossbow"; subsection (1)(f) - delete "or bolt." Delete subsection (3) and renumber; and new subsection (3) at end delete "or crossbow" and add, "adaptive archery equipment as described in subsection (1)(d) of this section."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 14, 2001

Debbie Nelson

for Russ Cahill, Chair

Fish and Wildlife Commission

PERMANENT

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-054 (~~((Bow and arrow))~~) **Archery requirements—Archery special use permits.** (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may, during deer and elk archery seasons, use a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow.

(f) It is unlawful to hunt big game animals with any arrow that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

~~((2))~~ (b) It is unlawful to hunt big game animals with any arrow (~~(including broadhead)~~) measuring less than 20 inches in length (~~(;)~~) or weighing less than 6 grains per pound of draw weight (~~(and having sharp broadhead blade or blades less than seven-eighths inches wide. It is unlawful to hunt with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.~~

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

~~(6) It is unlawful to have any electrical equipment or device(s) attached to the bow or arrow while hunting.~~

~~(7) It is unlawful to hunt wildlife with a crossbow.~~

(3) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt deer or elk.

WSR 01-17-069

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 15, 2001, 3:53 p.m.]

Date of Adoption: August 15, 2001.

Purpose: This rule explains the business and occupation (B&O) tax credit program for manufacturers and research and development facilities located in distressed areas as provided by chapter 82.62 RCW. It explains the eligible area criteria, hiring requirements, and reporting and monitoring procedures for the B&O tax credit program provided by chapter 82.62 RCW. It also explains the program's application procedure and review process, how and when to claim approved credits, and the record-keeping requirements of the tax credit program.

This rule has been revised to incorporate legislative changes to the program (chapter 320, Laws of 2001, effective July 1, 2001); chapter 9, Laws of 1999 1st sp. sess.; chapter 311, Laws of 1999; chapter 164, Laws of 1999; chapter 366, Laws of 1997; chapter 290, Laws of 1996; chapter 1, Laws of 1996; chapter 7, Laws of 1994 1st sp. sess.; and chapter 25, Laws of 1993 1st sp. sess.). In addition, the proposed WAC 458-20-240 has been reorganized in a question and answer format. The department anticipates that this new format will reduce confusion regarding this B&O tax program.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-240 Manufacturer's new employee tax credits.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Chapter 82.62 RCW and RCW 82.62.070.

Adopted under notice filed as WSR 01-13-004 on June 7, 2001.

Changes Other than Editing from Proposed to Adopted Version: Three editing changes: Deleted the word "comparable" in the first sentence of the second paragraph, subsection (2)(a); switched the order of the last two sentences of

subsection (2)(c)(iii); and added to the end of subsection (10) the following sentence, "The interest rates under RCW 82.32.050 can be obtained from the department's internet website at www.dor.wa.gov/reports/rr2000-2.pdf?noframes or by calling the department's information center at 1-800-647-7706."

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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 15, 2001

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 88-5, filed 8/16/88)

WAC 458-20-240 Manufacturer's(~~g~~) new employee tax credits. (1) Introduction. Chapter 82.62 RCW (~~establishes a business and occupation tax credits program. Its purpose is to stimulate the economy and create employment opportunities in specific distressed areas of this state. In addition to the tax credit benefits of this program, specific financial incentives to employers who locate or expand business facilities in this state are administered by the Washington state employment security department. The provisions of this section, however, apply only for manufacturing or research and development activities conducted at specific business facilities in announced eligible areas of this state.~~)

(2) Effective April 1, 1986, persons engaged in manufacturing or research and development activities, who otherwise qualify, will receive credits against their business and occupation tax due under chapter 82.04 RCW. Those credits amount to one thousand dollars for each qualified employment position directly created in an eligible business project, as those terms are defined in this section.

(3) Definitions. For purposes of the tax credits program the following definitions will apply:

(a) "Applicant" means a person applying for tax credit under this program.

(b) "Department" means the department of revenue.

(c) "Eligible area" means:

(i) A county in which the average level of unemployment for the three years before the year in which an application is filed exceeds the average state unemployment for those years

by twenty percent. The department will publish a list of such eligible areas by May 1 of each year during the life of this program:

(ii) ~~A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application for credit is filed exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection shall be filed by April 30, 1989.~~

(d) ~~"Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility. Provided, That in order to qualify as an eligible business project, the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which credit is being sought than they were at the same facility in the immediately preceding year.~~

(e) The term "eligible business project" defined earlier, does not include any of the following:

(i) Any business project undertaken by a light and power business;

(ii) Any portion of a business project creating employment positions outside an eligible area;

(iii) Any business projects of persons who are receiving sales tax deferrals under chapter 82.61 RCW (see WAC 458-20-24002).

(f) ~~"Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136. For purposes of this section the term also includes computer programming, the production of computer software, and other computer-related services, and the activities of research and development and commercial testing laboratories.~~

(g) ~~"Research and development" means the development, refinement, testing, marketing, and commercialization of a product, services, or process before commercial sales have begun.~~

(h) "Qualified employment position" means a permanent full-time employee, employed in an eligible business project during the entire tax year. Provided, That,

(i) Once a full-time position is established and filled it will continue to qualify for tax credit purposes so long as it is filled by any person or, during any period of vacancy, the employer is training or actively recruiting a replacement employee;

(ii) A position will not be deemed to be filled in order to qualify for tax credit if it is vacant for any period in excess of thirty consecutive days;

(iii) The requirement for employment during the "entire" tax year will be satisfied if the full-time position is filled for a period of twelve consecutive months.

(i) "Permanent full-time employee" means a person who works for the recipient on a paid basis, at least thirty-five hours per week. It does not include independent contractors, independent representatives, persons compensated exclusively on a commissioned basis, or seasonal and similar employment personnel who work for the recipient for only a part of the year.

(j) "Tax year" means the calendar year in which taxes are due.

(k) "Recipient" means a person receiving tax credits under this program.

(l) "Credit computation year" means the tax year for which credits are being sought. The first credit computation year for which any person can seek and qualify for credit approval under this program is tax year 1987.

(m) "Base year" means the entire calendar year immediately preceding the credit computation year. The first base year under this program is 1986.

(4) Application procedures. Application for tax credits under this program must be made using the prescribed application for B&O tax credit on new employees. These forms are available from the department on request. The completed application must be submitted to the department before the actual hiring of qualified employment positions for which credit is sought.

(5) The department will determine if the information contained on the application qualifies the applicant for tax credits and will either approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice which will notify the recipient in writing of the dollar amount of tax credits available for use and the credit taking procedures. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of any credit disapproval pursuant to the provisions of WAC 458-20-100.

(6) Under the law, tax credits may be received only for the creation of qualified employment positions at specific facilities within "eligible areas" as defined earlier. For purposes of making application for tax credits the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish such statistics and a list of eligible areas by county, on May 1 of each year.

(7) A separate application must be submitted for each credit computation year.

(8) Qualifying for credit. There are three qualifying tests, all of which must be met, in order to receive approval for tax credits under this program:

(a) The applicant must be a "manufacturing" business as defined earlier; and

(b) The specific facility at which the manufacturing activities are being conducted must be within an eligible area as defined earlier; and

(c) The average full time qualified employment positions at the specific facility during the credit computation year must be at least fifteen percent greater than such employment average for the preceding year.

(9) Because chapter 116, Laws of 1986 includes an emergency effective date of April 1, 1986, and because the stated intent is to stimulate the economy and create employment opportunities, this tax credits program is effective immediately. Full time employees expected to be hired after any application for credits is submitted but before January 1, 1987, will be deemed to be employed as of January 1, 1987. They will be includable within the qualified employment position computation for that year. Thus, credits may be

available for all positions hired after the effective date of the law if they otherwise qualify and within the dollar limits explained later.

(10) The threshold, fifteen percent employment increase test (qualifying test number three) is met by:

(a) Stating in the application the actual average number of full-time employment positions which existed at the facility during the base year;

(b) Stating the projected number of new positions to be filled during the credit computation year;

(c) Stating the average number of full-time employment positions for the credit computation year including the new projected positions;

(d) Achieving an increase of at least fifteen percent of (c) over (a) above.

(i) Examples. Applicant has no employees at the facility for base year 1986 and intends to hire ten persons, some in 1986 and some in 1987. Because for first year implementation of the program the 1986 hires will be deemed to be hired January 1, 1987, the applicant's base year average remains zero. Thus, its credit computation year average will always meet the fifteen percent increase test, even if only one new position is hired.

(ii) Applicant has an average employment of ten positions in base year 1986 and intends to hire two more persons, one yet in 1986 and one in 1987. This applicant must achieve a 1.5 position increase in 1987 to meet the fifteen percent threshold test. Since its new 1986 hiree will be attributed to January 1, 1987, it must project to hire the other new position by July 1, 1987, in order to meet the fifteen percent increase average of 1.5 for that credit computation year.

(iii) Applicant has an average employment of fifty positions in base year 1986 and intends to hire five more persons by January 1, 1987. This applicant will not qualify for 1987 tax credits because its 1987 average (fifty five positions) is not at least fifteen percent greater than its base year 1986. In order to qualify for any credits this applicant would have to project hiring of at least eight new positions (a 1987 average of at least 57.5 employment positions) to meet the needed percentage increase.

(iv) The applicant in the previous example intends to hire ten new positions, five yet in 1986 and the other five sometime in 1987. Since the 1986 hires will be attributed to January 1, 1987 hiring, this applicant must hire the other five new positions early enough in 1987 to be able to compute a 1987 average of at least 57.5 for that year. Thus, the additional five 1987 hirings would have to be projected to be hired by at least July 1, 1987 in order to qualify for credits.

(11) Note. The department will be able to advise applicants of their minimum number of hiring needs and the latest time within the credit computation year that the positions must be filled to qualify for credits, based upon the information provided in the application.

(12) The carry over of positions hired in 1986 into 1987 is a first year carry over only. After 1986, all hiring increases must occur during the computation year for purposes of meeting the fifteen percent threshold test. Thus, applications for the 1988 credits computation year will be tested only by the average increase of 1988 employment positions over the 1987 base year average.

(13) In simplest terms, qualification for tax credits depends upon whether enough new positions are expected to be hired early enough to meet the fifteen percent average increase test.

(14) The fifteen percent threshold test to qualify for tax credits is a "lookahead" test which has no relationship to the dollar amount of credits which may be available. Also, the test for qualifying for approval of tax credits is unrelated to the end-of-year reporting and verification of credits, the "look-back" test explained later in this section. Rather, the fifteen percent test is a credits qualification test only.

(15) Applications for tax credits under this program must include the applicant's expected hirings for the full credit computation year for which credits are sought. After an application is approved and tax credits are granted, no adjustment or amendment of the credits approval will be possible for that credit computation year.

(16) Credits approval and use. Tax credits approved by the department may be used to offset current business and occupation tax liability if the recipient has incurred any such liability during the credit computation year. The credits may be used as soon as actual hiring of the projected qualified employment positions begin. For example, if a recipient has been approved for \$10,000.00 of tax credits based upon projections to hire ten new positions, that recipient may use each \$1,000.00 of tax credit at the time it hires each new employee.

(17) The law provides that the tax credits available under this program must be used to offset business and occupation tax which has been paid during the same tax year. However, rather than paying the tax and then seeking a refund in the amount of credits available, the recipient will take the available credits against current tax liability as it accrues.

(18) The tax credits approved under this program will be taken by the recipients on their regular combined excise tax return for their regular assigned tax reporting period. The amount of credit taken should be filled in on the front of the return form, with a copy of the credit approval notice issued to the recipient attached to that return.

(19) Credits may be used as hiring is done or may accrue until they are most beneficial for the recipient's use. This is true even for first year credits available for hiring new positions in 1986. As soon as credits are approved and hiring begins, credits may be used, even during the remainder of 1986. No tax refunds will be made for any tax credits which exceed actual tax liability during the life of this program. Under no circumstances may tax credits exceed tax liability.

(20) If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year, on an on-going basis, until used.

(21) The tax credits approved for a recipient under this program may be used to offset business and occupation tax liability which the recipient owes because of business activity anywhere in this state. The liability for which the credit is used does not have to be incurred or flow from business engaged in at the specific facility in the eligible area.

(22) Tax credits available in any credit computation year may be used to offset business and occupation tax due on the

fourth quarterly return or last monthly return of the tax year, even though that return is not actually filed with the department until January 25 of the following year.

(23) Credit and program limitations. Except as noted below, the credit application and approval provisions of this program will expire on July 1, 1994. However, credits which become available under approved applications may be used after July 1, 1994, as actual hiring is done. No applications submitted by metropolitan statistical areas as defined in subsection (3)(e)(ii) of this section will be accepted after April 30, 1989.

(24) No recipient is eligible for tax credits in excess of three hundred thousand dollars during the entire life of this program.

(25) The total of credits approved for all applicants under this program will not exceed fifteen million dollars per biennium. Any application for credits which is otherwise qualified but which is denied in whole or in part for a biennium because of this total program credit limit, will carry over for approval in the next biennium. However, once the total program credit limit has been met for the next biennium as well, no further tax credits will be approved.

(26) The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of qualified employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at locations outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(27) Perfecting approved credits. In order to perfect its entitlement to any credits approved and legally use such credits against business and occupation tax due, a recipient must actually hire the required number of qualified employment positions to comply with the application upon which tax credits were approved. Such created positions must be maintained for a continuous period of twelve consecutive months. (See the definition of "qualified employment position" at subsection (3)(h) of this section.) The law establishes a "look-back" test at the end of the credit computation year to determine that the tax recipient has complied.

For purposes of administering this program the department will consider a period of twelve consecutive months of employment to satisfy the definition of "qualified employment position," to perfect the entitlement to tax credits used.

(28) Reporting and monitoring. All recipients of tax credits under this program must file an annual report with the department reporting their employment activities through December 31 of each credit computation year. This report must be submitted by January 31 of the following year. Based upon this report the department will verify that the recipient is perfecting its entitlement to any tax credits approved by actually employing the required number of new qualified

employment positions as represented in the recipient's credit application.

(29) Because this program is being fully implemented in mid-year 1986, the annual report due on December 31, 1986, will be an informational report only. No tax credits approved, whether actually used in 1986 or not, will be withdrawn or denied based upon this 1986 report. The annual report due on December 31, 1987, will be the first report which may result in tax credits being withdrawn.

(30) The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately assessed and payable. An inadequate report is one which fails to provide any information in the possession of a recipient which is necessary to confirm that the requisite number of employment positions have been created and maintained for twelve consecutive months. As credits are approved, the department will advise all recipients of the nature of information to be included on their annual reports.

(31) The department will monitor credit applications and annual reports on an ongoing basis over the life of this credit program. The department will maintain a running tabulation of credits approved for individual recipients as well as program credit totals and will advise applicants and recipients in writing of the program credit limitations which may affect their entitlement.

(32) Noncompliance—Withdrawal of credits. The law provides that if the department finds that a recipient is not eligible for tax credits for any reason other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used shall be immediately due. No interest or penalty will be assessed in such cases.

(33) However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the taxes against which the credit has been used. This interest assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. Such interest will accrue until the taxes for which the credit was used are fully repaid.

(34) The administrative review and appeal provisions of chapter 83.32 RCW are available for any actions of the department, under this program, by which any applicant or recipient is adversely affected.

(35) Disclosure of information. The law provides that information contained in applications, reports, or any other information received by the department in connection with this tax credits program shall not be confidential and shall be subject to disclosure.) provides business and occupation (B&O) tax credits to certain persons engaged in manufacturing and research and development activities. These credits are intended to stimulate the economy and by creating employment opportunities in specific distressed areas of this state. The credits are as much as \$4,000 per qualified employment position. This rule explains the eligibility requirements and application procedures for this program. It is important to note that an application for the tax credits must be submitted to the department of revenue before the actual hiring of qualified employment positions. See subsec-

tion (6) of this rule for additional information regarding this application requirement. This tax credit program is a companion to the tax deferral program under chapter 82.60 RCW; however, the eligible geographic areas in the two programs are not identical. The department of employment security and the department of community, trade, and economic development administer programs for distressed areas and job training. These agencies should be contacted directly for information concerning those programs.

(2) Who is eligible for these tax credits? Subject to certain qualifications, an applicant (person applying for a tax credit under chapter 82.62 RCW) who is engaged in an eligible business project is entitled to the tax credits provided by chapter 82.62 RCW.

(a) What is an eligible business project? An "eligible business project" means manufacturing, commercial testing, or research and development activities conducted by an applicant in an eligible area at a specific facility, subject to the restriction noted in the following paragraph. An "eligible business project" does not include any portion of a business project undertaken by a light and power business or any portion of a business project creating employment positions outside an eligible area.

To be considered an "eligible business project," the applicant's number of average full-time qualified employment positions at the specific facility must be at least fifteen percent greater in the calendar year for which credit is being sought than the number of positions at the same facility in the immediately preceding calendar year. Subsection (4) of this rule explains how to determine whether this threshold is satisfied.

(b) What is an eligible area? As noted above, the facility must be located in an eligible area to be considered an eligible business project. An "eligible area" is:

(i) A rural county, which is a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period of July 1st through June 30th (see RCW 82.62.010(3)); or

(ii) A community empowerment zone (CEZ). CEZ means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director of the department of community, trade, and economic development.

(iii) How to determine whether an area is an eligible area. Rural county designation information can be obtained from the office of financial management internet website at www.ofm.wa.gov/popden/rural.htm. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at www.dor.wa.gov.

(c) What are manufacturing and research and development activities? Manufacturing or research and development activities must be conducted at the facility to be considered an eligible business project.

(i) Manufacturing. "Manufacturing" has the meaning given in RCW 82.04.120. In addition, for the purposes of

chapter 82.62 RCW "manufacturing" also includes computer programming, the production of computer software, other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(ii) **Research and development.** "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. "Commercial sales" does not include sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(iii) **Computer-related services.** "Computer-related services," for the purposes of chapter 82.62 RCW's definition of "manufacturing," are services that are connected with or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. "Computer-related services" includes the manufacture of hardware such as chips, keyboards, monitors, and any other hardware, and the components of these items. "Computer-related services" also includes creating operating systems and software that will be copied and sold as canned software. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services. "Computer-related services" does not include services such as information services.

(3) **What are the hiring requirements?** The average full-time qualified employment positions at the specific facility during the calendar year for which credits are claimed must be at least fifteen percent greater than the average full-time qualified employment positions at the same facility for the preceding calendar year.

(a) **What is a qualified employment position?** A "qualified employment position" means a position filled by a permanent full-time employee employed at an eligible business project for twelve consecutive months. Once a full-time position is established and filled it will continue to qualify for twelve consecutive periods so long as any person fills the position. The position is considered "filled" even during periods of vacancy, provided these periods do not exceed thirty consecutive days and the employer is training or actively recruiting a replacement employee.

(b) **What is a "permanent full-time employee"?** A "permanent full-time employee" is a position that is filled by an employee who satisfies any one of the following minimum thresholds:

(i) Works thirty-five hours per week for fifty-two consecutive weeks;

(ii) Works four hundred fifty-five hours, excluding overtime, each quarter for four consecutive quarters; or

(iii) Works one thousand eight hundred twenty hours, excluding overtime, during a period of twelve consecutive months.

(c) **"Permanent full-time employee" - Seasonal operations.** For applicants that regularly operate on a seasonal basis only and that employ more than fifty percent of their employees for less than a full twelve month continuous period, a "permanent full-time employee" is a permanent full-

time employee as described above or an equivalent in full time equivalent (FTE) work hours.

(4) **How to determine if the fifteen-percent employment increase requirement is met.** Qualification for tax credits depends upon whether the applicant hires enough new positions to meet the fifteen-percent average increase requirement.

(a) **Determining the fifteen-percent increase.** To determine the projected number of permanent full-time qualified employment positions necessary to satisfy the fifteen-percent employment increase requirement:

(i) Determine the average number of permanent full-time qualified employment positions that existed at the facility during the calendar year prior to the year in which tax credit is being claimed.

(ii) Multiply the average number of full-time positions from subsection (i) by .15 or fifteen percent. The resulting number equals the number of positions that must be filled to meet the fifteen-percent increase. Numbers are rounded up to the nearest whole number at point five (.5).

(b) **When does hiring have to occur?** All hiring increases must occur during the calendar year for which credits are being sought for purposes of meeting the fifteen-percent threshold test. Positions hired in a calendar year prior to making an application are not eligible for a credit but the positions are used to calculate whether the fifteen-percent threshold has been met.

(c) **The department will assist applicants to determine their hiring requirements.** Accompanying the tax credit application is a worksheet to assist the applicant in determining if the fifteen-percent qualified employment threshold is satisfied. Based upon the information provided in the application, the department will advise applicants of their minimum number of hiring needs for which credits are being sought.

(d) **Examples.**

(i) ABC Company anticipates increasing employment during the 2001 calendar year at a manufacturing facility by an average of 15 full-time qualified employment positions for a total of 113 positions. The average number of full-time qualified employment positions during the 2000 calendar year was 98. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2001 calendar year is $98 \times .15 = 14.7$ (rounding up to 15 positions). Therefore, ABC Company's plan to hire 15 full-time qualified employment positions for 2001 meets the 15% employment increase requirement.

(ii) ABC anticipates increasing employment at this same manufacturing facility by an average of 15 additional full-time qualified employment positions during the 2002 calendar year to a total of 128 positions. To qualify for the tax credit program the minimum average number of full-time qualified employment positions required for the 2002 calendar year is $113 \times .15 = 16.95$, rounding up to 17). Therefore, ABC Company's plan to hire 15 full-time qualified employment positions for 2002 does not meet the 15% employment increase requirement.

(5) Restriction against displacing existing jobs within Washington. The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at other locations in Washington but outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(6) Application procedures. A taxpayer must file an application with and obtain approval from the department of revenue to receive tax credits under this program. A separate application must be submitted for each calendar year for which credits are claimed. RCW 82.62.020 requires that application for the tax credits be made prior to the actual hiring of qualified employment positions. Applications failing to satisfy this statutory requirement will be disapproved.

(a) How to obtain and file applications. Application forms will be provided by the department upon request either by calling (360) 902-7175 or via the department's internet website at www.dor.wa.gov under forms. The completed application may be sent by FAX to (360) 902-7167 or mailed to the following address: State of Washington

Department of Revenue
Taxpayer Account Administration
P.O. Box 47476
Olympia, WA 98504-7476

The U.S. Post Office postmark or FAX date will be used as the date of application.

(b) Confidentiality. Information contained in applications, reports, or any other information received by the department in connection with this tax credit program is not confidential and is subject to disclosure. All other taxpayer information is subject to the confidentiality provisions in RCW 82.32.330.

(c) Department to act upon application within sixty days. The department will determine if the applicant qualifies for tax credits on the basis of the information provided in the application and will approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice containing the dollar amount of tax credits available for use and the procedures for taking the credit. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of the department's disapproval of an application by filing a petition for review with the department. The petition must be filed within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements.

(d) No adjustment of credit after approval. After an application is approved and tax credits are granted, no

upward adjustment or amendments of the application will be made for that calendar year.

(7) How much is the tax credit? The amount of tax credit is based on the number of and the wages and benefits paid to qualified employment positions created.

(a) How much tax credit may I claim for each qualified employment position? The amount of tax credit that may be claimed for each position created is as follows:

(i) Two thousand dollars for each qualified employment position that pays forty thousand dollars or less in wages and benefits annually and is employed in an eligible business project; and

(ii) Four thousand dollars for each qualified employment position that pays more than forty thousand dollars in wages and benefits annually and is employed in an eligible business project.

(b) What qualifies as wages and benefits? For the purposes of chapter 82.62 RCW, "wages" means compensation paid to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise. "Benefits" means compensation not paid as wages and includes Social Security, retirement, health care, life insurance, industrial insurance, unemployment compensation, vacation, holiday, sick leave, military leave, and jury duty. "Benefits" does not include any amount reported as wages.

(8) How to claim approved credits. The recipients must take the tax credits approved under this program on their regular combined excise tax return for their regular assigned tax reporting period. These tax credits may not exceed the B&O tax liability. The amount of credit taken should be entered into the "credit" section of the return form, with a copy of the credit approval notice issued to the recipient attached to the return.

(a) When can credits be used? The credits may be used as soon as hiring of the projected qualified employment positions begins or may accrue until they are most beneficial for the recipient's use. For example, if a recipient has been approved for \$12,000 of tax credits based upon projections to hire five new positions, that recipient may use \$2,000 or \$4,000 of tax credit at the time it hires each new employee, depending on the wage/benefit level of the position filled.

(b) No refunds for unused credits. No tax refunds will be made for any tax credits which exceed tax liability during the life of this program. If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year(s), until used.

(9) Annual report to be filed by recipient. A recipient of tax credits under this program must complete and submit an annual report of employment activities to substantiate that he or she has complied with the hiring and retention requirements for approved credits. RCW 82.62.050. This report must be filed with the department by January 31st of the year following the calendar year for which credit was approved by the department. Based upon this report the department will verify that the recipient is entitled to the tax credits approved by the department when the application was reviewed.

(a) Verification of annual report. The department will use the same report the recipient provides to the department

of employment security, which is known as the quarterly employment security report, to verify the recipient's eligibility for tax credits. The recipient must maintain copies of the quarterly employment report for the year prior to the year for which credits are claimed, the year credits are claimed, and for the four quarters following the hiring of persons to fill the qualified employment positions. (The recipient does not have to forward copies of the quarterly employment report to the department each quarter.) The department may use other wage information provided to the department by the department of employment security. The taxpayer must provide additional information to the department, as the department finds necessary to calculate and verify wage eligibility.

(b) Failure to file report. The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately due and payable. An inadequate report is one which fails to provide information necessary to confirm that the requisite number of employment positions has been created and maintained for twelve consecutive months.

(10) What if the required number of positions is not created? The law provides that if the department finds that a recipient is not eligible for tax credits for any reason, other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used will be immediately due. No interest or penalty will be assessed in such cases. However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department will assess interest, but not penalties, on the taxes against which the credit has been used. This interest on the assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. The interest will accrue until the taxes for which the credit was used are fully repaid. RCW 82.32.050. The interest rates under RCW 82.32.050 can be obtained from the department's internet website at www.dor.wa.gov/reports/rr2000-2.pdf?noframes or by calling the department's information center at 1-800-647-7706.

(11) Program thresholds. The department cannot approve any credits that will cause the total credits approved to exceed seven million five hundred thousand dollars in any fiscal year. RCW 82.62.030. A "fiscal year" is the twelve-month period of July 1st through June 30th. If all or part of an application for credit is disallowed due to cap limitations, the disallowed portion will be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the total credits approved for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

**WSR 01-17-074
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-172—Filed August 16, 2001, 10:48 a.m.]

Date of Adoption: August 3, 2001.

Purpose: Amend regional fisheries enhancement group boundaries.

Citation of Existing Rules Affected by this Order: Amending WAC 220-140-020.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-13-083 on June 19, 2001.

Changes Other than Editing from Proposed to Adopted Version: Change Region 14 to "Upper Columbia Regional Fisheries Enhancement Group."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 16, 2001

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-200, filed 9/28/00, effective 10/29/00)

WAC 220-140-020 ((Geographical)) Description of regional fisheries enhancement groups. ((The following geographical areas are designated as areas from which groups may be formed, and after being established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region:

(1) Region 1: Nooksack/Samish

Marine Areas: 7, 7A, 7B, 7C, 7D

Watersheds: Those entering the above marine areas, including Bellingham Bay, Samish Bay, and Padilla Bay. Major rivers include Nooksack and Samish.

(2) Region 2: Skagit

Marine Areas: 6A, 8

~~Watersheds: Those entering Skagit Bay and Saratoga Passage south to East Point on Whidbey Island. The major watersheds are the Skagit River and its tributaries.~~

~~(3) Region 3: Stillaguamish/Snohomish~~

~~Marine Areas: 8A, 8D~~

~~Watersheds: Those entering Port Susan, Port Garner, and Possession Sound, also Saratoga Passage south from Elger Bay. Major rivers include Stillaguamish and Snohomish and their tributaries.~~

~~(4) Region 4: Mid Sound~~

~~Marine Areas: 10, 10A-G, 11~~

~~Watersheds: Those entering Elliott Bay, Lake Washington, Lake Sammamish, East Passage, Colvos Passage, Sinclair Inlet, Dyes Inlet, Port Orchard, Port Madison. Major rivers include Cedar and Green.~~

~~(5) Region 5: South Sound~~

~~Marine Areas: 13, 13A-K~~

~~Watersheds: Those entering Carr Inlet, Commencement Bay, Henderson Bay, Case Inlet, Nisqually Reach, Henderson Inlet, Budd Inlet, Eld Inlet, Tottem Inlet, Hammersley Inlet, and Oakland Bay. Major rivers include Puyallup, Nisqually, and Deschutes.~~

~~(6) Region 6: Hood Canal~~

~~Marine Areas: 12, 12A-D~~

~~Watersheds: Those entering Hood Canal, Dabob Bay, and Quileene Bay. Major rivers include Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quileene.~~

~~(7) Region 7: Strait of Juan de Fuca~~

~~Marine Areas: 4B, 5, 6B, 6C and Area 9 north of Foulweather Bluff.~~

~~Watersheds: Those entering Admiralty Inlet and the Straits of Juan de Fuca. Major rivers include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko.~~

~~(8) Region 8: North Coast~~

~~Watersheds: Those entering directly into the Pacific Ocean, including Ozette, Quillayute, Hoh, Queets, and Quinault.~~

~~(9) Region 9: Grays Harbor~~

~~Watersheds: Those entering Grays Harbor, including Humptulips, Hoquiam, Wishkah, Chehalis, and Johns.~~

~~(10) Region 10: Willapa Bay~~

~~Watershed: Those entering Willapa Bay, including North River, Willapa, Nemah, and Naselle.~~

~~(11) Region 11: Lower Columbia River~~

~~Watersheds: Those entering the Columbia River below Bonneville Dam, including Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal.~~

~~(12) Region 12: Mid-Columbia River~~

~~Watersheds: Those entering the Columbia River (from the north and west) above Bonneville Dam up to Rock Island Dam. Major rivers include Little White Salmon, White Salmon, Wind, Yakima, and Klickitat. (WRIAs 29, 30, 31, 37, 38, 39, 40)~~

~~(13) Region 13: South-Eastern Washington~~

~~Watershed: Those entering the Columbia River above McNary Dam from the east including the Snake and Walla Walla rivers and their tributaries. (WRIAs 32, 33, 35)~~

~~(14) Region 14: Upper Columbia River~~

~~Watersheds: Those entering the Columbia River above Rock Island Dam up to and including the San Poil watershed. Major rivers include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers and their tributaries. (WRIAs 44, 45, 46, 47, 48, 49, 50, 51, 52))~~

The following geographical areas define regions in which groups have been formed, and established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region.

Region 1: Nooksack Salmon Enhancement Association

Includes most of WRIA 1: The major watershed is the Nooksack River. This region also includes near-shore habitat and other watersheds located from the Canada-U.S. border south to Oyster Creek in Samish Bay and also watersheds flowing from Whatcom County to the Fraser River.

Region 2: Skagit Fisheries Enhancement Group

Includes WRIAs 2, 3 and 4, and parts of 1 and 6: The major watersheds are the Skagit and Samish rivers. This region also includes nearshore habitat and other watersheds located from Samish Bay, south of Oyster Creek, south to and including, Penn Cove on Whidbey Island, out to and including, the San Juan Islands.

Region 3: Stilly-Snohomish Fisheries Enhancement Task Force

Includes WRIsAs 5 and 7 and parts of 6 and 8: The major watersheds are the Stillaguamish and Snohomish rivers. This region also includes nearshore habitat and other watersheds located south of Penn Cove on Whidbey Island, including Camano Island; the mainland south to the Edmonds ferry dock.

Region 4: Mid-Sound Salmon Enhancement Group

Includes WRIsAs 8 and 9 and part of 15: The major watersheds are those entering Lake Washington and the Green/Duwamish River. This region also includes nearshore habitat and other watersheds located from the Edmonds ferry dock south to Brown's Point, across to the north side of Gig Harbor, and north around Foulweather Bluff down to the Hood Canal Bridge.

Region 5: South Puget Sound Salmon Enhancement Group

Includes WRIsAs 10, 11, 12 and 13 and parts of 14 and 15: The major watersheds are the Puyallup, Nisqually, and Deschutes rivers. This region also includes nearshore habitat and other watersheds draining into Puget Sound south of a line between Brown's Point and the north side of the entrance to Gig Harbor.

Region 6: Hood Canal Salmon Enhancement Group

Includes WRIA 16 and parts of 14, 15 and 17: Major watersheds include the Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quilcene rivers. This region also includes nearshore habitat and other watersheds located in Hood Canal south of the Hood Canal Bridge.

Region 7: North Olympic Salmon Coalition

Includes WRIsAs 18 and 19 and part of 17: Major watersheds include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko rivers. This region also includes nearshore habitat and other watersheds located north and west of the Hood Canal Bridge, to Cape Flattery.

Region 8: Pacific Coast Salmon Coalition

Includes WRIsAs 20 and 21: Major watersheds include the Sooes, Ozette, Quillayute, Hoh, Queets, and Quinault rivers. This region also includes nearshore habitat and other watersheds entering directly into the Pacific Ocean between Cape Flattery and the north side of Grays Harbor.

Region 9: Chehalis Basin Fisheries Task Force

Includes WRIsAs 22 and 23: Major watersheds include the Humptulips, Hoquiam, Wishkah, Johns and Chehalis rivers. This region also includes nearshore habitat within, and other watersheds flowing into Grays Harbor.

Region 10: Willapa Bay Regional Fisheries Enhancement Group

Includes most of WRIA 24: Major watersheds include the North, Willapa, Palix, Nemah, Bear, Long Island and Naselle rivers. This region also includes nearshore habitat within, and other watersheds flowing into Willapa Bay.

Region 11: Lower Columbia Fish Enhancement Group

Includes WRIsAs 25, 26, 27 and 28 and parts of 24 and 29: Major watersheds include the Chinook, Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal rivers. This region also includes Columbia River habitat and other watersheds entering the Washington side of the Columbia River below Bonneville Dam.

Region 12: Mid-Columbia Regional Fisheries Enhancement Group

Includes WRIsAs 30, 31, 37, 38, 39 and 40 and most of 29: Major watersheds include the Little White Salmon, White Salmon, Wind, Yakima, and Klickitat rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the north and west above Bonneville Dam, up to Rock Island Dam.

Region 13: Tri-State Steelheaders Regional Fisheries Enhancement Group

Includes WRIsAs 32, 33 and 35 and parts of 34 and 36: Major watersheds include the Snake and Walla Walla rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the east between McNary Dam and the Interstate 182 Bridge at Richland.

Region 14: Upper Columbia Regional Fisheries Enhancement Group

Includes WRIsAs 44, 45, 46, 47, 48, 49, 50, 51 and 52: Major watersheds include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River above Rock Island Dam up to and including the San Poil watershed.

WSR 01-17-078

PERMANENT RULES

REDISTRICTING COMMISSION

[Filed August 16, 2001, 2:36 p.m., effective September 4, 2001]

Date of Adoption: August 3, 2001.

Purpose: To establish and implement public records rules to ensure proper compliance with state law and to reflect procedures required to effectively execute commission responsibilities.

Statutory Authority for Adoption: RCW 44.05.080(1).

Adopted under notice filed as WSR 01-13-124 on June 20, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 417-02-125 (5) and (6) "the executive director" was removed.

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 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Because of: (1) The decennial nature of the commission; (2) the state constitutional and statutory deadlines for the commission to submit redistricting plans as required under Article II, Section 43 and RCW 44.05.100; (3) the critical importance of public participation and input in this time-limited and time-sensitive redistricting process that is underway; and (4) the absence of existing public records rules for the commission, the commission finds that to ensure the public welfare and enable public participation in the process, chapter 417-02 WAC must be made permanent effective September 4, 2001, to promptly ensure compliance with chapter 42.17 RCW, Open public records and chapter 40.14 RCW, Preservation and destruction of public records—State archives and to effectively execute statutory requirements and commission directives on the conduct of business and administrative matters.

Effective Date of Rule: September 4, 2001.

August 16, 2001

Ethan Moreno

Executive Director

Chapter 417-02 WAC

PUBLIC RECORDS

NEW SECTION

WAC 417-02-100 Purpose. The purpose of this chapter is to establish methods by which the commission will comply with the provisions of chapter 42.17 RCW dealing with public records.

NEW SECTION

WAC 417-02-105 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Public records" shall have the same meaning as defined in RCW 42.17.020.

NEW SECTION

WAC 417-02-110 Public records available. All public records of the commission are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 or other law.

NEW SECTION

WAC 417-02-115 Public records officer. The commission's public records shall be in the charge of the public records officer, who shall be the executive director of the commission. The public records officer shall be responsible for: Implementation of commission policy as to release of public records; authorizing release of records, which authorization shall be in writing; and ensuring staff compliance with the requirements of these rules and the requirements of chapter 42.17 RCW. The public records officer may designate in writing an assistant public records officer to perform the duties of public records officer when he or she is absent or unavailable.

NEW SECTION

WAC 417-02-120 Hours for inspection. Public records shall be available for inspection and copying on Monday through Friday (except state holidays) from 9:00 a.m. until noon, and from 1:00 p.m. until 4:00 p.m. on all normal business days. All public records shall be located at the commission office described in WAC 417-01-125(1).

NEW SECTION

WAC 417-02-125 Requests of public records. In accordance with chapter 42.17 RCW that agencies provide full public access to public records, prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be

obtained by members of the public upon compliance with the following procedure:

(1) A request to inspect or copy public records shall be made in writing or upon a form prescribed herein which shall be available at the commission's office. The written request or form shall be presented to the public records officer or designated assistant during the office hours established in this chapter. The written request or form shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time and date on which the request was made;
- (c) A specific identification or description of each requested record;
- (d) If the matter requested is referenced within the current index maintained by the commission, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer or designated assistant will ascertain whether the information requested is exempt from public inspection and copying as defined in RCW 42.17.310 or other law.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected, shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer or designated assistant to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent the disorganization of file folders or document containers; and
- (e) Prevent excessive interference with the other essential functions of the commission.

(5) Only the staff and commissioners may open files to gain access to commission records.

(6) Original copies of public records of the commission may not be taken from the premises of the commission by a member of the public without being accompanied by staff or a commissioner.

(7) Public inspection and copying of commission records shall be done only in such locations as are approved by the public records officer or designated assistant at locations that must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized, or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless the public records officer or designated assistant authorizes other arrangements.

NEW SECTION

WAC 417-02-130 Copying. No fee shall be charged for the inspection of public records. The commission shall charge for copies of public records and the use of commission copy equipment such amount as is necessary to reimburse the commission for its actual cost incident to such copying. The commission shall charge a fee of fifteen cents per page for copying 8.5" x 11" documents as established in RCW 42.17.300. The executive director shall establish other charges based upon actual costs for copying public records. Charges will not be assessed if the total cost involved in a particular request is less than one dollar. If the public records officer or designated assistant deems it more efficient to have copying done outside the office of the commission, the charges will be based on the actual cost of such outside copying service.

NEW SECTION

WAC 417-02-135 Exemptions. (1) The public records officer or designated assistant shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure pursuant to RCW 42.17.310 or other law. After such information is deleted, the remainder of the record shall be made available.

(2) To the extent allowed by law, the commission reserves the right to allow the public to inspect but not copy certain public records where there is reason to believe that the ability to copy such records would be a violation of copyright agreements, contracts, or census bureau or other governmental requirements.

(3) Pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or designated assistant will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or information and a brief explanation of how the exemption applies to the records or information withheld.

NEW SECTION

WAC 417-02-140 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decisions by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designated assistant, which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or designated assistant denying the request shall refer it to the commission chair. The chair shall imme-

diately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision from the chair or commission within two business days following the original denial, in accordance with RCW 42.17.320.

(3) Administrative remedies shall not be considered exhausted until the chair, or in the event of a special meeting scheduled to address the denial, the commission has returned the petition with a decision within two business days of the denial, or until the close of the second business day following the denial, whichever occurs first.

NEW SECTION

WAC 417-02-145 Protection of public records. (1)

Records are available for inspection and copying at the location and during office hours identified in this chapter and WAC 417-01-125(1). Such inspection and copying may occur only in the presence of an authorized staff person of the commission and with the aid and assistance of such staff person.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate the equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public records form or other written format as provided in this chapter. Staff shall acknowledge such request for an appointment within three working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staff person or shall advise the requester that authorized staff is not available to operate the equipment for the purposes requested, giving the reasons therefor. If a request for a viewing appointment is submitted simultaneously with a request for the record, staff shall acknowledge the requests within five working days, unless staff advises the requesting party in writing that additional time is necessary to respond and to make an appointment with the requester.

NEW SECTION

WAC 417-02-150 Request for public records form.

Copies of the "request for public records form" shall be made available at the commission offices. Requests for the form may be made in person, by letter, by telephone, by facsimile or by electronic means.

NEW SECTION

WAC 417-02-155 Records index. (1) The commission shall implement a records index for the identification and location of official agency records. Those records which are considered exempt for the purposes of this chapter, RCW 42.17.310 and other law shall be noted on the index.

(2) The index shall be available for inspection and copying according to the provisions of WAC 417-02-120.

(3) The index shall be updated quarterly in those months when the commission is convened.

WSR 01-17-081

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed August 16, 2001, 3:06 p.m.]

Date of Adoption: July 12, 2001.

Purpose: These modifications will reflect current practice of the Department of Personnel. Department of Personnel no longer provides breakdowns of examinations due to budgetary constraints and changes to exams.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-22-170; and amending WAC 356-22-160.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 01-12-074 on June 5, 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 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, 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 0, Amended 1, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 16, 2001

E. C. Matt

Secretary

AMENDATORY SECTION (Amending Order 49, filed 8/17/72)

WAC 356-22-160 Examination ratings—Computation. All applicants for the same register for a class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on a uniform rating or scoring procedure. In establishing passing points, the director may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. Each applicant shall be sent written notice of his/her final rating within a reasonable period after it is finalized.

REPEALER

WAC 356-22-170

Examination results—Notice requirements.

WSR 01-17-082**PERMANENT RULES****PERSONNEL RESOURCES BOARD**

[Filed August 16, 2001, 3:06 p.m.]

Date of Adoption: July 12, 2001.

Purpose: This modification will reasonably limit a candidate from reapplying to a state job register for one year, after removal from a register.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-040.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 01-12-075 on June 5, 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 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.

August 16, 2001

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements. (1) The director of personnel or designee may remove the name of an eligible from a register and/or certification for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of

employment for a position in the class for which the register was established.

(e) If a candidate from a promotional or open competitive register has waived consideration three times for a position in the class for which the register was established.

(f) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(g) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of affected group members. If a candidate is removed from a register for this reason, that candidate is not eligible to reapply for that same job class for one year.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the personal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1)(b) or (c) of this section. The director of personnel or designee will advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the board upon appeal.

WSR 01-17-084**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed August 16, 2001, 3:58 p.m.]

Date of Adoption: August 7, 2001.

Purpose: The purpose of this rule is to give rules for family child care providers. This adoption is to standardize the language in the rule, changing each "shall" to "must." This is in conformity with clear rule-writing policy and the governor's directive.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-040, 388-155-050, 388-155-060, 388-155-080, 388-155-085, 388-155-090, 388-155-092, 388-155-093, 388-155-094, 388-155-095, 388-155-160, 388-155-190, 388-155-270, 388-155-330, 388-155-370, 388-155-380, 388-155-420, 388-155-480, 388-155-605, 388-155-610, 388-

PERMANENT

155-620, 388-155-630, 388-155-640, 388-155-650, 388-155-660, 388-155-670, and 388-155-680.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 01-07-052 on March 16, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 27, 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.

August 7, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistant Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-18 issue of the Register.

WSR 01-17-085

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 17, 2001, 8:05 a.m.]

Date of Adoption: August 15, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-97-230.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: Chapter 82.44 RCW.

Adopted under notice filed as WSR 01-13-061 on June 18, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 15, 2001

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 98-23-026, filed 11/9/98, effective 12/10/98)

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?

Nongovernment organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;
- (b) Subject their books and records to periodic audit;
- (c) Pay interest and penalties upon any deficiency;
- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;
- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;
- (c) Be executed by the applicant as principal;
- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) **What is the agent fee for selling a vehicle transit permit?**

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) **How may vehicle trip permits be issued?**

Vehicle trip permits may be issued by:

- (a) Original two-part manual form;
- (b) Facsimile of the two-part manual form; or
- (c) Authorized electronic form.

(8) **If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?**

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) **What happens if the agent fails to comply with the agreement?**

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

WSR 01-17-091

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 20, 2001, 9:39 a.m.]

Date of Adoption: August 20, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-350, 308-96A-355, and 308-96A-365.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.040, 46.12.216.

Adopted under notice filed as WSR 01-13-060 on June 18, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 2001

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction.

(1) **How is the department notified of outstanding (unpaid) parking violations?** The jurisdiction notifies the department of outstanding parking violations. The notice will include the following:

- (a) Jurisdiction name.
- (b) NCIC number/originating agency identifier (ORI).
- (c) Parking violation number.
- (d) Date parking violation was issued.
- (e) Vehicle license plate number.
- (f) Fine and penalty amount.
- (g) Jurisdiction seal, except if filed electronically.
- (h) Signature and date when required on form, except if filed electronically.

(2) **When will the department accept parking violations for a vehicle data base record by a jurisdiction?** An original report against a vehicle record must contain a minimum of two outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless ~~((such))~~ the vehicle record indicates all existing violations have been paid and no further violations have been accrued in the thirteen months following ~~((said))~~ the payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of two violations.

(3) **What methods do jurisdictions use to notify the department of parking violations?** ~~((Such))~~ Information must be provided in accordance with department instructions by:

- (a) A form issued by the department;
- (b) A computer listing sheet; or
- (c) Electronic format.

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. What happens when outstanding parking violations are satisfied? Upon satisfaction of parking violations previously reported as outstanding against a vehicle, the issuing jurisdiction ~~((shall))~~ must:

- (1) Furnish the registered owner with a proof of payment form ~~((as approved by the department,));~~ and
- (2) ~~((Within ten days of satisfaction, supply the department with the following information:))~~ Supply the department with the following information within ten days of satisfaction of the parking violations. The information must be on

a form approved by the department, on a computer listing sheet or electronic format in accordance with department instructions containing:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically.

((Such)) Information must be provided on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

AMENDATORY SECTION (Amending WSR 00-03-057, filed 1/18/00, effective 2/18/00)

WAC 308-96A-365 Reinstatement of parking violation. (1) Can a parking violation be reinstated on a vehicle record after it has been reported by the jurisdiction as satisfied? A parking violation previously reported as satisfied ((~~shall~~)) will be reinstated on the vehicle record ((~~for such reasons as~~)) upon:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties;
- (c) Departmental error.

(2) **How is a parking violation reinstated that has been previously reported as satisfied((~~, reinstated~~))?** The jurisdiction seeking reinstatement of a parking violation must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically,

- (i) Reason for reinstatement.

((Such)) Information must be on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

WSR 01-17-092
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-157—Filed August 20, 2001, 10:44 a.m.]

Date of Adoption: August 4, 2001.

Purpose: Amending WAC 232-12-068 Nontoxic shot requirements and 232-12-257 Use of waterfowl decoys; adopting WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations; and repealing WAC 232-28-424 2000-01 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-424; and amending WAC 232-12-068 and 232-12-257.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 01-13-120 on June 20, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-068 Nontoxic shot requirements and 232-12-257 Use of waterfowl decoys: Changes, if any, from the text of the proposed rule and reasons for difference: None. Adopted as proposed.

WAC 232-28-425 2001-02 Migratory waterfowl seasons and rules: Changes, if any, from the text of the proposed rule and reasons for difference:

- Under the sections entitled DUCKS (Page 1)
 - Added the words, "except canvas back season closed Oct. 6-Dec. 14" to the season dates.
- Under goose management Area 1 (Page 2)
 - Changed the season date from Oct. 6, 2001-Jan. 1, 2002 to Oct. 6, 2001-Jan. 6, 2002.
- Under Brant season (Page 6)
 - Season dates added in November to allow opportunity on black brant, before western high Arctic brant arrive.
 - Last line of brant written authorization language changed to 2002-03, due to typographical error.

WAC 232-28-424 2000-01 Migratory waterfowl seasons and rules: Changes, if any, from the text of the proposed rule and reasons for difference: None. Repealed as proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 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: Thirty-one days after filing.

August 16, 2001

Debbie Nelson

for Russ Cahill, Chairman
Fish and Wildlife Commission

NEW SECTION

WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 6-17, 2001 and Oct. 20, 2001 - Jan. 20, 2002, EXCEPT canvasback season closed Oct. 6 - Dec. 14.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2001.

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2001, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 6, 2001 - Jan. 6, 2002 for snow, Ross', or blue geese.

Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESSE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2000-01 authorization and returned the harvest report prior to the deadline will be mailed a 2001-02 authorization in early October. Hunters who did not possess a 2000-01 authorization must fill out an application (available at Washington department of fish and wildlife Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or post-marked on or before September 25 in order for applicants to be mailed a 2001-02 authorization before the season starts. No applications will be accepted after October 31, 2001.

Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. Those hunters not returning the harvest report to the Washington department of fish and wildlife by January 31, 2002, will be ineligible to participate in the 2002-03 snow goose season.

Goose Management Area 2A

Cowlitz, Wahkiakum counties, that part of Clark County north of the Washougal River.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Thursdays only, Nov. 21, 2001 - Jan. 13, 2002, except Ridgefield NWR (Zone 1). Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 21, 2001 - Jan. 13, 2002.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Sundays, and Wednesdays only, Nov. 10 - Dec. 30, 2001.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusky, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2000-01 written authorization will be mailed a 2001-02 authorization card prior to the 2001-02 season. New hunters and those who did not maintain a valid 2000-01 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be

issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Goose Management Area 2A

Special Late Canada Goose Season

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2001-02 southwest Washington Canada goose hunting authorization, in areas with agricultural goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, January 19 - March 10, 2002.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002.

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. 6-28, 2001 and Nov. 3 - Jan. 13, 2002; Nov. 12, 22, 23, Dec. 25, 2001, and Jan. 1, 2002; and every day Jan. 14-20, 2002.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Every day, from Oct. 6-25, 2001 and Nov. 3 - Jan. 20, 2002.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 17, 18, 21, 24, and 25, 2001.

Jan. 12, 13, 16, 19, and 20, 2002.

In January 2001, the brant wintering population in Padilla/Samish/Fidalgo bays was below objective levels and the January 2001 season was canceled. If the 2001-02 pre-season wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2002 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2000-01 authorization will be mailed a 2001-02 authorization in December. Hunters who did not possess a 2000-01 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 9 or postmarked on or before November 9, after which applicants will be mailed a 2001-02 authorization in December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. Those hunters not return-

ing the harvest report to the Washington department of fish and wildlife by January 31, 2002, will be ineligible to participate in the 2002-03 brant season.

Bag limits for Skagit and Pacific counties:
Daily bag limit: 2 brant.
Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 6-17, 2001 and Oct. 20, 2001 - Jan. 20, 2002, statewide.
Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 6-25, 2001 and Nov. 3, 2001 - Jan. 20, 2002, statewide, except Goose Management Areas 1, 2A, and 2B.

Goose Management Area 1: Oct. 6, 2001 - Jan. 1, 2002.

Goose Management Area 2A: Saturdays, Sundays, and Thursdays only, Nov. 21, 2001 - Jan. 13, 2002 and Jan. 19 - Mar. 10, 2002; except Ridgefield NWR (Zone 1). Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 21, 2001 - Jan. 13, 2002.

Goose Management Area 2B: Saturdays, Sundays, and Wednesdays only, Nov. 10 - Dec. 30, 2001.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.
Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-424 2000-2001 Migratory waterfowl seasons and regulations.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 per-

cent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Bridgeport Bar segment of the Well's Wildlife Area
- Cowlitz Wildlife Area
- Lake Terrell Wildlife Area (including Tennant Lake and other segments)
- Shillapoo Wildlife Area
- Skagit Wildlife Area (all segments)
- Snoqualmie Wildlife Area (all segments)
- Sunnyside Wildlife Area
- The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
- Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

- Chehalis River pheasant release site
- Dungeness Recreation Area
- Hunter Farms pheasant release site
- Raymond Airport pheasant release site
- Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
- Whidbey Island Seaplane Base, OLF Coupeville, and Bayview pheasant release sites

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-257 Use of waterfowl decoys ((~~on department lands~~)). (1) On days open to waterfowl hunting, persons using lands or waters controlled by the department shall not:

- (a) Place waterfowl decoys prior to 4:00 a.m.;
 - (b) Allow or permit waterfowl decoys to be unattended or not in their immediate control for a period greater than one hour; or
 - (c) Fail to remove waterfowl decoys within two hours after the close of established daily hunting hours.
- (2) On days closed to waterfowl hunting, persons using lands or waters controlled by the department shall not place waterfowl decoys except as authorized by permit of the director.
- (3) It is unlawful to hunt waterfowl with the use or aid of battery-powered or other electronic devices as decoys.
- (4) This regulation shall be enforced under RCW 77.15.400.

WSR 01-17-097
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-173—Filed August 20, 2001, 1:41 p.m.]

Date of Adoption: August 3, 2001.

Purpose: Amend ballast water discharge rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-77-090.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-13-121 on June 20, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-77-090:

Subsection (1)(a), strike "to (206) 443-8205" and "to waballast@aol.com."

Subsection (1)(b), strike "to (503) 295-3660" and "to wainwright@pdxmex.com."

Subsection (2)(a), add "signed" before "a letter to the state."

Subsection (2)(a)(ii), strike "unless the vessel operator complies with Washington state ballast management law."

Subsection (3), strike "or to conduct ballast water research."

WAC 220-77-095.

Subsection (1) add "The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organisms."; strike "The" and replace with "An"; strike "any type of on-board or port-based."

Subsection (2)(a), add "department receipt of" before "the application package"; strike "completeness of the."

Subsection (2)(b), strike "each" and replace with "such"; strike "considered" and replace with "evaluated."

Subsection (2)(c)(i), strike "Approve" and add "That the ballast water treatment technology has been approved by the United States Coast Guard or a state agency and is an approved system for use in Washington state," and renumber.

Subsection (2)(c)(ii), add "To grant general approval to"; strike "as" before the word "meeting."

Subsection (2)(c)(iii), add "To" before the word "grant"; at the end, add the word "or."

Subsection (2)(d)(i), strike "Application for a port-based treatment system should include a letter of commitment from a port authority that the system is to be operated in." and replace with "Applications for treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port."

Subsection (2)(d)(iv), strike "Each technology must be evaluated for its ability to inactivate or remove 95% of zooplankton species and 99% of phytoplankton and bacteria species."; strike "was" and change to "is."

Subsection (2)(e)(iii), strike "explicit hypotheses about potential" and "of the specified ship and route or land based site"; after the "equipment" add "length of time for adequate treatment, or other factors that may render the technology as

inadequate to meet the interim ballast water discharge standard."

Subsection (3)(a), strike "lapse" and replace with "be withdrawn."

Subsection (3)(b), strike "would" and replace with "process shall"; strike "lapse if" and replace with "be withdrawn unless"; strike "cannot" and replace with "can."

Subsection (3)(e), add "within" after "department."

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 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.

August 17, 2001

Debbie Nelson

for Russ Cahill, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-163, filed 8/22/00, effective 9/22/00)

WAC 220-77-090 Ballast water management and control—Reporting and sampling requirements. (1) Vessels which are subject to chapter 77.120 RCW and which intend to discharge ballast water into Washington state waters must report ballast water management information at least twenty-four hours ((before a vessel subject to chapter 108, Laws of 2000, enters)) prior to entering Washington waters ((intending to discharge ballast water, or twenty-four hours prior to the actual discharge of the ballast water, the master of the vessel must report ballast water management information in written or electronic form to the Washington department of fish and wildlife. This information may be submitted)) by filing a ballast water report pursuant to Title 33 C.F.R. Part 151.2045((, or the report may be forwarded through a recognized marine trade association in a timely manner. Failure to comply may trigger civil penalties under section 8, chapter 108, Laws of 2000.

(2) ~~The department, with assistance from recognized marine trade associations, will compile the ballast water management information required under subsection (1) of this section, compare ballast water reports with vessel arrivals, determine vessel reporting rates, and evaluate the adequacy of ballast water exchange monitoring))~~ with the department's designated agents as follows:

(a) Vessels bound for Puget Sound or coastal ports must file their ballast water reporting form with the Marine

Exchange of Puget Sound in Seattle. Forms must be submitted by fax or in electronic format.

(b) Vessels bound for Washington ports on the Columbia River must file their ballast water reporting form with the Merchants Exchange of Portland. Forms must be submitted by fax or in electronic format.

(2) Vessels not intending to discharge ballast water into Washington state waters shall notify the department in one of the following ways:

(a) Vessel operators who do not wish to file a ballast water reporting form may send a signed letter to the state ANS coordinator, at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091, which includes the following information:

(i) Vessel name, identification number (International Maritime Organization, Lloyds of London or U.S. Coast Guard registry number), owner, agent and vessel type; and

(ii) A statement that the vessel will not discharge ballast water.

(b) Vessels that would normally discharge ballast water, but will not discharge on any given trip, may continue to file the ballast water reporting form, with "not discharging" written in the ballast water history section.

(3) The department, or designated representatives, may at reasonable times and in a reasonable manner, during a vessel's scheduled stay in port, take samples of ballast water and sediment, may examine ballast water management records, and may make other appropriate inquiries to assess the compliance of vessels with ballast water reporting and control requirements.

~~(((4) No vessel may discharge ballast water into state waters if the ballast water has a salinity level less than thirty parts per thousand combined with viable aquatic organisms, unless specifically exempted in chapter 108, Laws of 2000.))~~

NEW SECTION

WAC 220-77-095 Interim ballast water discharge standard approval process. (1) The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organism.

(2) Vessels subject to chapter 77.120 RCW that have not adequately exchanged their ballast water must treat their ballast prior to discharge into Washington waters, after July 1, 2002. An interim approval process shall be used to evaluate ballast water treatment technologies and provide approval for certain technologies that are determined to meet the Washington state interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used to discharge treated ballast water into Washington waters following the guidelines identified within the approval process. Ballast water treatment technology vendors or vessel owners may submit ballast treatment technology for evaluation through the following process:

(a) Applications for approval will be accepted by the director or the director's designee at any time. The applicant is to be notified of department receipt of the application pack-

age within ten working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of deficiencies or if the deficiencies are minimal, held for thirty days to allow the applicant to correct the deficiencies. Formal reviews of supporting data and proposed study plans will be completed within forty-five days of receipt of the complete application package.

(b) Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the Washington state interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology." The maritime advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology."

(c) The director, or the director's designee, shall take into consideration the findings of the scientific advisory panel, and the maritime advisory panel and make one of the following determinations:

(i) That the ballast water treatment technology has been approved by the United States Coast Guard or a state agency and is an approved system for use in Washington state;

(ii) To grant general approval to a technology meeting the Washington state interim ballast water discharge standard for a period of five years with stipulations for scientific evaluation. Approval may be revoked if new information shows the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy;

(iii) To grant conditional approval for use on a specific number of vessels for further full-scale testing; or

(iv) Deny approval.

(d) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principal investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principal investigators must be qualified independent researchers. Applications for a treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port.

(ii) Documentation stating that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements.

(iii) All available documentation describing the technical, operational and installation characteristics of the system.

(iv) Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington state interim ballast water discharge standard. Indicator

species may be used to evaluate the technologies' effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a "best available technology." The technology should include easily verifiable indicators to ensure the system is operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department-approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies limiting conditions such as water quality attributes that may affect the performance of the equipment, length of time for adequate treatment, or other factors that may render the technology as inadequate to meet the interim ballast water discharge standard.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

(3) Conditions of approval.

(a) Approval of a technology shall be withdrawn after one year if the system is not installed or the testing begun as proposed.

(b) Systems approved under the interim approval process shall be considered to meet all ballast water treatment requirements promulgated by the department for a period of five years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system will be withdrawn unless the treatment system can be repaired to address the system's inadequacies.

(c) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period.

(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.

(e) The principal scientist and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department within twelve months after installation. Further testing may or may not be required based upon the test results.

(f) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence with the terms of this interim approval agreement and the operation of the treatment systems.

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.

WSR 01-17-104
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed August 21, 2001, 1:14 p.m.]

Date of Adoption: July 19, 2001.

Purpose: Amends WAC 136-210-020 Applicable design standards, 136-150-020 Implementing the eligibility requirement, 136-150-022 Ascertaining the expenditures for traffic law enforcement, 136-150-023 Identifying eligible counties, 136-150-024 Constraint of contract execution, 136-150-030 Certification required, and 136-150-040 Post audit penalty.

Citation of Existing Rules Affected by this Order: Amending Title 136 WAC.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 01-12-051 on June 1, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 136-150-023(3) replaced the word "being" with "have been" and in subsection (4) replace "are being" with "and have been"; added to WAC 136-210-020 "or as" and "thereafter."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 16, 2001

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-210-020 Applicable design standards. Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the city and county design standards for the construction of urban and rural arterials and collectors as adopted November 30, 1994, or as they may be revised from time to time thereafter in accordance with RCW 35.78.030 and 43.32.020.

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

WAC 136-150-020 Implementing the eligibility requirement. The county road administration board will ascertain the amount of the total road levy fixed in each county and the amount diverted, if any, for any services to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. ~~((The amount actually spent each year for traffic law enforcement will be compared with the amount diverted to determine whether or not the county is eligible to receive RATA funds.))~~

AMENDATORY SECTION (Amending WSR 00-18-021, filed 8/28/00, effective 9/28/00)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties in which ~~((road fund dollars or))~~ diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than March 15 of each year.

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

WAC 136-150-023 Identifying eligible counties. Counties eligible to receive RATA funds shall be:

- (1) Those in which there has been no diversion of the county road levy;
- (2) Those in which the actual expenditures for traffic law enforcement have been equal to ~~((;))~~ or greater than ~~((;))~~ either the amount of diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;
- (3) Those in which road funds have been transferred to other funds and have been used for legitimate road purposes;
- (4) Those with a population of less than eight thousand; and
- ~~((4))~~ (5) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

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

WAC 136-150-024 Constraint of contract execution. The county road administration board shall not execute a contract with any county for any RAP project unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.

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

WAC 136-150-030 Certification required. The contract between the county road administration board and a county relative to a RAP project shall contain a certification, signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

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

WAC 136-150-040 Post audit penalty. Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board ~~((meeting))~~ and may be cause for the ~~((county road administration))~~ board to withdraw or deny the certificate of good practice of that county ~~((and/or to))~~. The board may also require that all ~~((;))~~ or part ~~((;))~~ of the RATA funds received by the county be returned to the county road administration board.

WSR 01-17-113
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 22, 2001, 10:28 a.m.]

Date of Adoption: July 27, 2001.

Purpose: The 2001 legislature (chapter 251, Laws of 2001) mandated the Department of Health establish education, experience, examination, AIDS/HIV, and fee requirements for licensed mental health counselors, marriage and family therapists, and social workers. This law was effective July 22, 2001. At that time certification was repealed and licensure became effective. The statute does not provide sufficient information and requires further definitions through rule making.

Citation of Existing Rules Affected by this Order: WAC 246-809-080, 246-809-120, 246-809-121, 246-809-130, 246-809-140, 246-809-220, 246-809-221, 246-809-230, 246-809-240, 246-809-320, 246-809-321, 246-809-340, and 246-809-990. Licensure for mental health counselors, marriage and family therapists, and social workers.

Statutory Authority for Adoption: Chapter 251, Laws of 2001, RCW 43.70.250.

Adopted under notice filed as WSR 01-13-118 on June 20, 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 13, 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 13, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 21, 2001

M. C. Selecky
Secretary

LICENSED COUNSELORS— GENERAL REQUIREMENTS

NEW SECTION

WAC 246-809-080 AIDS prevention and information education requirements. Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

LICENSED MARRIAGE AND FAMILY THERAPISTS

NEW SECTION

WAC 246-809-120 Education requirements—Degree equivalents. (1) To meet the education requirement of chapter 251, Laws of 2001, an applicant must possess a master's or doctoral degree in marriage and family therapy or a behavioral science master's or doctoral degree with equivalent coursework from an approved school. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) The following are considered to be equivalent to a master's or doctoral degree in marriage and family therapy from an approved school:

(a) A doctoral or master's degree from an approved school in any of the behavioral sciences that shows evidence of fulfillment of the coursework requirements set out in WAC 246-809-121; or

(b) A doctoral or master's degree in any of the behavioral sciences from an approved school that shows evidence of partial fulfillment of the equivalent coursework requirements set out in WAC 246-809-121, plus supplemental coursework from an approved school to satisfy the remaining equivalent coursework requirements set out in WAC 246-809-121.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the education require-

ments of this chapter. Verification must be sent directly to the department from the AAMFT.

NEW SECTION

WAC 246-809-121 Program equivalency. Coursework equivalent to a master's or doctoral degree in marriage and family therapy shall include graduate level courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, and supervised clinical practice and electives.

A total of forty-five semester credits and sixty quarter credits are required in all nine areas of study. A minimum of twenty-seven semester credits or thirty-six quarter credits are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution of the coursework is as follows:

(1) Marital and family systems.

(a) An applicant must have taken at least two courses in marital and family systems. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system; it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must have taken at least two courses in marital and family therapy. Coursework required is a minimum of six semester credits or eight quarter credits.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must have taken at least one course in individual development. Coursework required is a minimum of two semester credits or three quarter credits.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must have taken at least one course in psychopathology. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must have taken at least one course in human sexuality. Coursework required is a minimum of two semester credits or three quarter credits.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must have taken at least one course in research methods. Coursework required is a minimum of three semester credits or four quarter credits.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must have taken at least one course in professional ethics and law. Coursework required is a minimum of three semester credits or four quarter credits.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Electives.

(a) An individual must take one course in an elective area. Coursework required is a minimum of three semester credits and four quarter credits.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

(9) Supervised clinical practice.

(a) An applicant may acquire up to nine semester credits or twelve quarter credits through supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist as determined by the school;

(b) If an applicant completed a master's or doctoral degree program in marriage and family therapy, or a behavioral science master's or doctoral degree with equivalent coursework, prior to January 1, 1997; and if that degree did

not include a supervised clinical practice component, the applicant may substitute the clinical practice component with proof of a minimum of three years postgraduate experience in marriage and family therapy, in addition to the two years supervised postgraduate experience required under section 9(1), chapter 251, Laws of 2001.

NEW SECTION

WAC 246-809-130 Supervised postgraduate experience. The following are experience requirements for the applicant's practice area:

(1) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(a) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(b) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

(2) Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor.

NEW SECTION

WAC 246-809-140 Examination. Examination required. Applicant must take and pass the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. The passing score on the examination shall be that established by the testing company in conjunction with the AMFTRB.

LICENSED MENTAL HEALTH COUNSELORS

NEW SECTION

WAC 246-809-220 Education requirements. (1) To meet the education requirement imposed by section 9 (1)(b)(i), chapter 251, Laws of 2001, an applicant must possess a master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling may include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy coursework equivalency requirements included in WAC 246-809-221.

An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) Any supplemental coursework required must be from an approved school.

(3) Applicants who held a behavioral science master's or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from NBCC.

NEW SECTION

WAC 246-809-221 Behavioral sciences—Program equivalency. Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy. Either a counseling practicum, or a counseling internship, or both, must be included in the core of study. Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact. This core of study must include seven content areas from the entire list in subsections (1) through (17) of this section, five of which must be from content areas in subsections (1) through (8) of this subsection:

- (1) Assessment/diagnosis.
- (2) Ethics/law.
- (3) Counseling individuals.
- (4) Counseling groups.
- (5) Counseling couples and families.
- (6) Developmental psychology (may be child, adolescent, adult or life span).
- (7) Psychopathology/abnormal psychology.
- (8) Research and evaluation.
- (9) Career development counseling.
- (10) Multicultural concerns.
- (11) Substance/chemical abuse.
- (12) Physiological psychology.
- (13) Organizational psychology.
- (14) Mental health consultation.
- (15) Developmentally disabled persons.
- (16) Abusive relationships.
- (17) Chronically mentally ill.

NEW SECTION

WAC 246-809-230 Supervised postgraduate experience. The following are experience requirements for the applicant's practice area:

Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor in an approved setting. The three thousand hours of

required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups.

NEW SECTION

WAC 246-809-240 Examination for licensed mental health counselors. (1) Testing companies must administer a written licensure examination on knowledge and application of mental health counseling at least once a year. The applicant must submit a completed application and application fee to the department at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Applicants who take and pass the National Board of Certified Counselors (NBCC), National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE) have met the examination requirement of chapter 251, Laws of 2001. Verification of successful completion and passage of the NBCC examination is to be provided directly to the department of health by NBCC at the request of the applicant for Washington state mental health counselor.

(3) The passing score established by the testing company is the passing score accepted by the department of health.

LICENSED SOCIAL WORKERS

NEW SECTION

WAC 246-809-320 Education requirements and supervised postgraduate experience. The following are education and experience requirements for the applicant's practice area:

(1) Licensed advanced social worker.

(a) Graduation from a master's or doctoral social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards; and

(b) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact.

(2) Licensed independent clinical social worker.

(a) Graduation from a master's or doctorate level social work educational program accredited by the council on social

work education and approved by the secretary based upon nationally recognized standards; and

(b) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact, over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours.

NEW SECTION

WAC 246-809-321 Education and experience equivalency. (1)(a) Persons who obtained the Board Certified Diplomate in Clinical Social Work from the American Board of Examiners in Clinical Social Work (ABECSW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state licensure examination.

(b) Documentation of ABECSW Board Certified Diplomate in Clinical Social Work must be sent directly to the department from the ABECSW.

(2)(a) Persons who obtained the Diplomate in Clinical Social Work (DCSW) or Qualified Clinical Social Work (QCSW) from the National Association of Social Workers (NASW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state licensure examination.

(b) Documentation of DCSW or QCSW must be sent directly to the department from NASW.

NEW SECTION

WAC 246-809-340 Examination required. (1) Either the American Association of State Social Work Board's advanced or clinical examination is approved for use as the state examination for licensure of social workers.

(2) The passing score established by the testing company is the passing score accepted by the department of health.

NEW SECTION

WAC 246-809-990 Fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

Title	Fee
Late renewal penalty	50.00
Expired license reissuance	50.00
Duplicate license	10.00
Certification of license	10.00
(3) The following nonrefundable fees will be charged for licensed mental health counselor:	
Application	25.00
Initial license	25.00
Renewal	29.00
Late renewal penalty	29.00
Expired license reissuance	29.00
Duplicate license	10.00
Certification of license	10.00
(4) The following nonrefundable fees will be charged for licensed advanced social worker and licensed independent clinical social worker:	
Application	25.00
Initial license	25.00
Renewal	42.00
Late renewal penalty	42.00
Expired license reissuance	42.00
Duplicate license	10.00
Certification of license	10.00

PERMANENT

Title	Fee
(2) The following nonrefundable fees will be charged for licensed marriage and family therapist:	
Application	\$50.00
Initial license	25.00
Renewal	83.00



**WSR 01-17-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-154—Filed August 1, 2001, 4:16 p.m., effective August 4, 2001, 7:00 a.m.]

Date of Adoption: August 1, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000U; and amending WAC 220-56-330.

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: Crab hard shell condition meets the criteria in all marine areas. Day restrictions are needed to stay within 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 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: August 4, 2001, 7:00 a.m.

August 4 [1], 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000V Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, it is lawful to fish for crab for personal use in Puget Sound in all Marine Areas except, effective 7:00 a.m. August 4, until further notice, it is unlawful to fish for crab for personal use on Tuesdays, Wednesdays and Thursdays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foul-weather Bluff to Olele Point.

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 7:00 a.m. August 4, 2001:

WAC 220-56-33000U Crab—Areas and seasons. (01-126)

**WSR 01-17-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-153—Filed August 2, 2001, 11:54 a.m., effective August 4, 2001]

Date of Adoption: August 2, 2001.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900I and 232-28-61900P; 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: Cowlitz Salmon Hatchery is expected to achieve its egg take goal for spring chinook. Fall chinook returns to the Cowlitz system are not expected to meet escapement goals. Since fall chinook may be present in the lower river, only the are immediately below the salmon hatchery was opened to harvest the surplus hatchery spring chinook. 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: August 4, 2001.

August 2, 2001

J. P. Koenings

Director

by Larry Peck

EMERGENCY

NEW SECTION

WAC 232-28-61900P Exceptions to statewide rules—Cowlitz River. Notwithstanding the provisions of WAC 232-28-619, effective August 4, though August 31, 2001 in those waters of the Cowlitz River from Mill Creek upstream to the deadline below the barrier dam while fishing from the bank only, daily limit of six salmon, no more than two adults. Wild Coho and all chum must be released. Night closure and non-buoyant lure restriction in effect.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900I Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. (01-92)

The following section of the Washington Administrative Code is repealed effective September 1, 2001:

WAC 232-28-61900P Exceptions to statewide rules—Cowlitz River.

**WSR 01-17-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-152—Filed August 2, 2001, 4:17 p.m., effective August 3, 2001, 12:01 a.m.]

Date of Adoption: August 2, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000U; and amending WAC 220-24-020.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: August 3, 2001, 12:01 a.m.

August 2, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-24-02000V Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S.-Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m. August 3 through August 12, 2001, it is lawful to fish for and possess salmon in those waters of Salmon Management and Catch Reporting Areas 1 and 2. Columbia River Control Zone is closed.

(2) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(3) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(4) Landing and possession limit of 100 chinook salmon per vessel. Each vessel may land more than once but the landings must not total more than 100 chinook salmon for the entire ten day opening.

(5) Release wild coho salmon. Minimum size for chinook salmon is 28 inches in length and minimum size for coho salmon is 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 3, 2001:

WAC 220-24-02000U Commercial salmon troll. (01-138)

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**WSR 01-17-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-155—Filed August 7, 2001, 11:23 a.m., effective August 7, 2001]

Date of Adoption: August 6, 2001.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900Q; 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 2001 forecast for sockeye salmon returning to Lake Wenatchee is 30,000. The sockeye run for 2001 will provide for more than an average number of fish to spawn naturally. Remaining will be enough fish to provide a sport fishery. The stock is stable, not listed under ESA. 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: August 7, 2001.

August 6, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Lake Wenatchee. Notwithstanding the provisions of WAC 232-28-619, effective August 10, through August 19, 2001, it is lawful to fish for sockeye salmon in Lake Wenatchee. Daily limit: two sockeye salmon 16 inches and greater in length. All sockeye salmon with missing adipose fin must be released. Bull trout must be released. Night closure and non-buoyant lure restrictions in effect. Closed to all fishing within 100 feet of net pens near mouth of White River.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 20, 2001:

WAC 232-28-61900Q Exceptions to statewide rules—Lake Wenatchee.

**WSR 01-17-026
EMERGENCY RULES
SECRETARY OF STATE**

[Filed August 7, 2001, 1:47 p.m.]

Date of Adoption: August 6, 2001.

Purpose: To make changes in existing rules as a result of legislation passed by the legislature in 2001; to eliminate the reports required for all mail ballot elections.

Citation of Existing Rules Affected by this Order: New sections WAC 434-236-025, 434-236-055, 434-240-027 and 434-240-080; amending WAC 434-236-030, 434-236-060, 434-236-070, 434-236-080, 434-236-100, 434-236-110, 434-236-140, 434-236-180, 434-240-010, 434-240-020, 434-240-060, 434-240-090, 434-240-120, 434-240-130, 434-240-150, 434-240-190, 434-240-205, 434-240-230, 434-240-235, 434-240-250, 434-240-320 and 434-262-020; and repealing WAC 434-236-040, 434-236-050, 434-236-210, 434-240-025, and 434-240-160.

Statutory Authority for Adoption: RCW 29.04.210, 29.36.150.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Legislation passed this year affects the fall elections. Emergency adoption is required to make the necessary changes before the primary election.

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 4, Amended 21, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 22, Repealed 5; 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.

August 6, 2001

Steve Excell

Assistant Secretary of State

EMERGENCY

NEW SECTION

WAC 434-236-025 Mail ballot precincts. (1) The county auditor may designate any precinct having fewer than two hundred active registered votes at the time of the closing of the voter registration files for that primary or election as a mail ballot precinct. In making this determination, persons who are ongoing absentee voters as described in WAC 434-240-020(7) shall not be counted.

(2) In such a case, the auditor shall notify each registered voter in the designated precinct by mail that for all future primaries and elections, or until a specified date, the voting in the voter's precinct will be by mail ballot only.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-030 Request for mail ballot election. At any nonpartisan, special election, not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW 29.13.010 or 29.13.020, or it may be done by separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, that either (1) the request for the mail ballot special election is granted, ~~((pending approval of an election plan by the secretary of state,))~~ or (2) that the request for the mail ballot special election is not granted, for reasons specified. ~~((At the same time, the county auditor shall mail to the secretary of state a copy of the resolution for the mail ballot special election and a copy of the auditor's response.))~~

NEW SECTION

WAC 434-236-055 Odd numbered year primaries by mail. (1) In an odd-numbered year, the county auditor may conduct a primary or a special election held in conjunction with the primary:

(a) For an office or ballot measure of a special purpose district that is entirely within the county;

(b) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(c) For ballot measures or nonpartisan offices of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

(2) In the event that a primary is to be held by mail ballot only, the auditor must notify the jurisdiction involved not later than forty-five days before the primary date.

(3) An all mail primary shall not be held if a partisan office, or state office, or state ballot measure is to be voted upon.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-060 Notice of election. In any mail ballot election, the notice of election published pursuant to RCW 29.27.080 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

(a) The precincts that are voting by mail ballot only if not the entire election;

(b) The location where voters may obtain replacement ballots; and

(c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election, and any other dates and times such locations will be open.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-070 Delivery of ballot to voter. ~~((sooner than twenty-five days nor))~~ later than ~~((fifteen))~~ twenty days before any mail ballot election, the county auditor shall ~~((send))~~ make available to each registered voter in the election district a ballot, a return envelope preaddressed to the issuing officer, a ballot security envelope, and instructions regarding the mail ballot election.

(2) The auditor shall send each inactive registered voter either a ballot or an application to receive a ballot. If the voter returns a voted ballot, the ballot must be counted and the voter returned to active status.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-080 Envelope specifications. The county auditor has the option to forward mail ballots. The envelopes in which mail ballots are mailed to the voters ~~((shall be clearly marked with))~~ shall be mailed with either:

(1) Postal service endorsements to prevent forwarding of ((the)) ballots and ensure undeliverable ballots are returned to the county auditor with address corrections; or

(2) Postal service endorsements to allow forwarding of the ballots, to receive from the post office the addresses to which ballots were forwarded, and the return of unforwardable ballots. Forwarded ballots shall also contain a clear explanation of the qualifications necessary to vote in that election and must also advise a voter who has questions about his or her eligibility to contact the county auditor.

In all other respects, mail ballot election envelopes shall conform to the requirements for absentee ballot envelopes provided in chapter 434-240 WAC.

County auditors shall be permitted to use any existing stock of mail ballot envelopes and instructions in the form specified by state law or administrative rule prior to August

1, 2001. Upon exhaustion of that stock or not later than July 1, 2002, county auditors shall comply with the provisions of this regulation when ordering mail ballot return envelopes.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-100 Depositing of ballots. Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place ~~((of))~~ for the deposit of ballots not returned by mail within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed by two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter 29.45 RCW. The person designated by the auditor shall not be an employee of the jurisdiction for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The county auditor may designate additional dates and times during which any or all places of deposit may be open prior to election day. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the persons appointed to staff the place(s) of deposit. These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration if special circumstances are involved and documented by the persons staffing the place of deposit.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-110 Obtaining replacement ballots. ~~((Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot election as the single place where voters may obtain a replacement ballot. Any voter seeking a replacement ballot must, prior to 8:00 p.m. on election day, return the original ballot if it was spoiled and sign a sworn statement in substantially the following form:~~

REPLACEMENT BALLOT REQUEST

I,, do hereby request a replacement ballot for the mail ballot election to be held on in county, Washington, for the following reason (check one):

I did not receive the ballot mailed to me.

or

~~The ballot mailed to me has been damaged, lost, or destroyed.~~

~~I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once in any election is a violation of Washington election law.~~

Signature of voter

Address at which I am registered to vote

~~The above named individual appeared before me and has been issued a replacement ballot pursuant to the provisions of chapter 71, Laws of 1983 1st sess:~~

Signature of issuing officer

(Date))

The county auditor may issue replacement ballots to a registered voter who claims that the original issued ballot is destroyed, spoiled, lost, or not received. The voter may obtain the ballot by telephone request, by mail, electronically, or in person at the county auditor's office. The county auditor shall keep a record of each replacement ballot provided under this subsection.

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW 29.36.030.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-140 Verification of signatures—Process. The county auditor shall verify signatures on the return envelopes in the same manner ~~((the canvassing board verifies))~~ signatures are verified on absentee ballot return envelopes pursuant to chapter 434-240 WAC.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-180 Tallying of ballots. ~~((The county canvassing board, upon the request of))~~ The county auditor, may begin final processing of mail ballots on hand after 7:00 a.m. on election day and tabulation at 8:00 p.m. The county auditor shall request in writing that each major political party appoint representatives to observe such counts. ~~((Anyone present shall subscribe to an oath of secrecy regarding divulging election returns prior to 8:00 p.m. election night. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW 29.85.225.))~~ During tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to three precincts and count by hand either the total number of

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ballots or the total number of votes cast for any single office or issue. This hand count may take place at any time after the ballots have been officially tabulated by the electronic vote tallying system, but must take place prior to the official certification of the election results. Except as otherwise provided by law or administrative rule, mail ballots shall be processed and canvassed in the same manner as absentee ballots.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-236-040 Mail ballot election plan.
- WAC 434-236-050 Review of the plan by the secretary of state.
- WAC 434-236-210 Report to the secretary of state.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

- (a) Is not currently a registered voter in Washington or any other state;
- (b) Will be at least eighteen years of age at the time of the next election;
- (c) Is a citizen of the United States;
- (d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;
- (e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of special or challenged ballots, of verifying all unofficial returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC 434-240-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(8) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a (~~hospital no earlier than five days before~~) healthcare facility on the day of a primary or election(~~, pursuant to the provisions of RCW 29.36.010~~);

(9) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

(10) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

(11) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

(12) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

(13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC (~~434-240-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer~~) 434-253-043.

(14) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

(15) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

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AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-020 Applications for single absentee ballots. Any application for ~~((an))~~ a single absentee ballot which is signed by a registered voter or elector, which identifies either the voter's registration address or the elector's last physical residence for voting purposes within the state, or where a registration address can be determined by use of the county voter registration records, and which contains an address to which the ballot is to be mailed if that address is different from the registration or residence address, shall be honored by the county auditor of the county in which the voter resides or the elector maintains his or her legal residence. An application for an absentee ballot for a primary may also be for the following general election.

NEW SECTION

WAC 434-240-027 Requesting absentee ballot for family member. A member of a registered voter's immediate family may request an absentee ballot on behalf of and for use by the voter. To ensure that a person who requests an absentee ballot is requesting the ballot for an immediate family member, an election official may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and deny a request that is not accompanied by this information.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-060 Termination of ongoing absentee voter status. Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

- (1) The cancellation of the voter's registration record;
- (2) The written request of the voter;
- (3) The death or disqualification of the voter;
- (4) The return of an ongoing absentee ballot as undeliverable;
- (5) Upon being placed on inactive status.

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter 40.24 RCW, shall maintain ongoing absentee voter status throughout the term of their program participation.

NEW SECTION

WAC 434-240-080 Special absentee ballot. The county auditor must provide special absentee ballots to be used for state primary or state general elections. The auditor will provide a special absentee ballot only to a registered voter who completes an application stating that the voter will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-090 Special absentee ballot application form. Each county shall provide an application form for a special absentee ballot. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:

- (1) The applicant's printed name and the address at which he or she is registered to vote or, if an elector, the last physical residence for voting purposes in Washington;
- (2) The address to which the special ballot is to be mailed;
- (3) An indication of the election for which the ballot is requested;
- (4) The voter's signature;
- (5) A box for the voter to check indicating that they want a regular absentee ballot forwarded to them as soon as it is available;

~~((The application shall also state that the applicant believes that he or she will be residing or stationed outside the continental United States and that he or she believes that they will be unable to vote and return a regular absentee ballot by mail during the period provided by law for the return of regular absentee ballots.))~~ (6) The declaration required in WAC 434-240-190. The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-120 ~~((Hospital))~~ Health care facility absentee ballot application form. Each county shall provide an application form for ~~((hospital absentee ballots. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:~~

- ~~(1) A statement by the voter that he or she was admitted to the hospital no earlier than five days prior to a primary or general election;~~
- ~~(2) A statement by the voter that he or she will be confined to the hospital on the day of the primary or election;~~
- ~~(3) A place for the voter to print his or her name and address;~~
- ~~(4) A place for the voter to sign the application;~~
- ~~(5) A place for the hospital administrator or his or her designee to verify the voter's date of admission and status as a patient;~~

~~Voters qualifying for hospital absentee ballots may apply by messenger on the day of the primary or election for that ballot.)~~ a registered voter who is a resident of a health care facility, as defined by RCW 70.37.020(3), to apply for an absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-130 Incomplete application from elector. (1) If an application for an absentee ballot from an elector (~~is received by the county auditor and it~~) does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall ~~(;))~~ notify the person submitting the application the reason why the application is not accepted. If (~~in his or her judgment~~) enough time exists to make such action practical, the county auditor shall request that the elector provide the additional information (~~in order~~) to enable (~~the auditor to mail~~) the correct absentee ballot to be mailed.

(2) If, in the judgment of the auditor, insufficient time exists to permit this action, the auditor may issue the absentee ballot that would be issued if the applicant had listed the courthouse as his or her legal residence.

(3) Upon its return, the ballot shall be referred to the county canvassing board, and only that part of the ballot containing candidates and measures common to the entire county, and any other offices or issues on which it can be conclusively determined the voter is qualified to cast a ballot, shall be tabulated.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-150 Verification of absentee ballot application. Upon receipt of a request for an absentee ballot made by a registered voter or an elector, the county auditor shall determine if the applicant is a registered voter within the county. If (~~it is determined that the applicant is registered to vote, a notation shall be made that~~) the applicant is registered, a notation shall be made in the voter registration file to indicate that the voter has (~~requested~~) applied for an absentee ballot (~~and~~). The appropriate ballot shall be mailed as soon as it is available. If it is determined that the application is from an elector, the county auditor shall mail the appropriate absentee ballot when available, together with any state or local voter's pamphlet produced for that election.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-190 Absentee ballot envelopes. Included with any absentee ballot provided to a voter shall be:

- (1) Instructions for correctly voting the absentee ballot ~~(;);~~;
- (2) Instructions how to correct a vote;
- (3) A security envelope which shall bear no markings identifying the voter ~~(;);~~ and
- (4) A return envelope which shall bear the return address of the (~~issuing officer~~) county auditor and shall have a space for the voter to sign his or her name. The return envelope shall also have the following statement:

I do solemnly swear or affirm under penalty of law that I am a legal resident of the state of Washington enti-

tled to vote in this election I have not voted another ballot, and I understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

.....
Date Ballot Voted Signature of Voter

All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations . The return envelope shall bear the words "OFFICIAL BALLOT - DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right-hand corner.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes and instructions, in the form specified by state law or administrative (~~rate~~) rule prior to (~~June 1, 1997~~) August 1, 2001. Upon exhaustion of that stock or not later than (~~December 31, 1998~~) July 1, 2002, county auditors shall comply with the provisions of this regulation when ordering absentee ballot return envelopes.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter who has questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. Postal service endorsements to allow forwarding of the ballots, to receive from the post office the addresses to which ballots were forwarded, and the return of unforwardable ballots shall be used on any forwardable absentee ballots. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

AMENDATORY SECTION (Amending WSR 99-08-089, filed 4/6/99, effective 5/7/99)

WAC 434-240-205 Replacement absentee ballots. The county auditor may issue replacement absentee ballots to a registered voter who (~~both:~~

- (1) ~~Requested an absentee ballot prior to election day;~~ and
- (2) ~~Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.~~

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family.) claims that the ballot originally issued was destroyed, spoiled, lost, or not received. The voter may request a replacement ballot by telephone, mail, electronic mail, fax, or in person at the county auditor's office. The county auditor shall keep a record of each replacement ballot provided under this section.

The request must be received by the auditor prior to 8:00 p.m. on election day.

~~((The county auditor shall maintain a record of each replacement ballot issued, including the date of the request.))~~

EMERGENCY

Replacement absentee ballots or the original absentee ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballot(s) from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballot(s) shall not be counted and shall be forwarded to the county canvassing board.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-230 Processing of absentee ballots. (1) Prior to initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day.

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots must be kept in secure storage until they are ready for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that primary or election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

(6) In counties tabulating ballots on an optical scan/mark sense vote tallying system, the auditor will set the devices to reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention being given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) The reinspected ballots will then be processed in a manner prescribed in this chapter according to the findings of the inspection.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

(3) A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit. That record is a public record pursuant to RCW 42.17 and may be disclosed to interested parties on written request.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-250 Absentee voter attempting to vote at the polls. In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct election officers shall issue that voter a special ballot. ~~((The special ballot shall be placed in an envelope, on the outside of which the words "special ballot" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "special ballot." There shall also be space on this outer envelope for the precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the special ballot is being issued.))~~ The special ballot shall be securely retained until all absentee ballots have been received and credited. If the voter did not return his absentee ballot, the special ballot shall be processed as a valid ballot. If the voter has returned an absentee ballot, the ballot shall not be counted and should then be referred to the canvassing board for their disposition.

This regulation and WAC 434-240-260 shall not apply to any county that does not tabulate absentee ballots until the poll books have been examined to ensure that no voter has voted twice.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters, excluding ongoing absentee voters, at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall ~~((not less than fifteen days prior to the date of the primary or election))~~ mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot ~~((, an application form for a mail ballot, preaddressed to the county auditor with return postage prepaid))~~. A mail ballot shall be issued to each active registered voter ~~((who returns a properly executed application to the county auditor no later than the day of the primary or election))~~, as soon as they are available, for all ~~((subsequent mail ballot))~~ elections in that precinct ~~((, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, preaddressed to the county auditor with return postage prepaid to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor))~~. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's inactive status restored to active. If the inactive voter returns an application form, a ballot shall be sent and the voter's inactive status restored to active.

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-240-025 Telephone requests for absentee ballots.
- WAC 434-240-160 Notification to voter of incomplete application.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-020 Preliminary abstract of votes. Following the election and prior to the official canvass, the county auditor shall prepare an abstract of votes, listing the number of registered voters and votes cast, votes cast for and against measures, ((and)) votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined ((pursuant to)) in accordance with RCW 29.04.055, for canvassing purposes. The county auditor shall inspect the report for errors that may affect the results of the election. Correction of any errors discovered must be made prior to the official canvass.

**WSR 01-17-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-156—Filed August 8, 2001, 2:45 p.m., effective August 12, 2110 [2001]]

Date of Adoption: August 8, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-040.

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 weekly landing limit and period is necessary to mitigate handling mortality from sorting softshell crab. 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 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: August 12, 2110 [2001].

August 8, 2001
J. P. Koenigs
Director
by Larry Peck

EMERGENCY

NEW SECTION

WAC 220-52-04000A Coastal crab fishery—Accounting periods. Notwithstanding the provisions of WAC 220-52-040:

(1) It is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 4,000 pounds of crab taken during each of the following coastal crab accounting periods:

- August 12 through August 18;
- August 19 through August 25;
- August 26 through September 1;
- September 2 through September 8;
- September 9 through September 15, 2001.

(2) Any crab taken prior to August 12, 2001, and not landed before 11:59 p.m., August 11, 2001, become part of the August 12 through August 18 accounting period catch.

(3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

**WSR 01-17-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-160—Filed August 8, 2001, 2:47 p.m., effective August 8, 2001, 10:00 p.m.]

Date of Adoption: August 8, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000X; 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: Harvestable numbers of salmon are available. This season is consistent with the "2001 Non-Indian Columbia River Fall Fishery Chinook Allocation Agreement" that was developed during the North of Falcon process. This rule is consistent with actions of the Columbia River compact on August 7, 2001, and is included in the state's biological assessment of ESA listed stocks. 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: August 8, 2001, 10:00 p.m.

August 8, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000X Columbia River season below Bonneville. Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A only.

a) SEASON: 10:00 p.m. Wednesday, August 8, 2001 to 6:00 a.m. Thursday, August 9, 2001

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh.

c) SANCTUARIES: None

d) ALLOWABLE SALE: Salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 a.m. August 9, 2001:

WAC 220-33-01000X Columbia River season below Bonneville.

**WSR 01-17-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-161—Filed August 8, 2001, 4:56 p.m., effective August 12, 2001, 8:00 p.m.]

Date of Adoption: August 8, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Q; and amending WAC 220-56-325.

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.

EMERGENCY

Reasons for this Finding: This regulation is needed to ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state's share of spot shrimp in Marine Area 7 is projected to be taken by the closure date listed. Depth restrictions will provide opportunity to harvest available non-spot shrimp while reducing impact to the spot shrimp resource. 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: August 12, 2001, 8:00 p.m.

August 8, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500R Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 8:00 p.m. August 12, 2001, until further notice, it is unlawful in Marine Area 7 north of line from Biz Point to Cape St Mary on Lopez Island, then north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary, to fail to comply as follows:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) Shrimp gear may not be set or pulled in waters deeper than 200 feet.

(2) Effective immediately until further notice, it is unlawful in Marine Areas 8-1, 8-2 and 9, to fail to comply as follows:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) Shrimp gear may not be set or pulled in waters deeper than 150 feet, except not deeper than 90 feet in Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson.

(c) Shrimp fishing is closed Monday, Tuesday and Wednesday of each week.

(3) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use

in Marine Area 10, or Marine Area 7 south of line from Biz Point to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

(4) Effective immediately, until further notice, it is unlawful to retain spot shrimp taken for personal use in the Discovery Bay Shrimp District. Spot shrimp must be returned immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative code is repealed effective 8:00 p.m. August 12, 2001:

WAC 220-56-32500Q Shrimp—Areas and seasons. (01-146)

**WSR 01-17-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-159—Filed August 8, 2001, 4:56 p.m., effective August 9, 2001, 6:00 a.m.]

Date of Adoption: August 8, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100U; and amending WAC 220-52-051.

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 state's share of spot shrimp in Crustacean Management Region 1C and Marine Fish Shellfish Catch and Reporting Area 26B-3 are projected to be taken by the closure dates listed. The 2001 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on nighttime fishing contained in this rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of over-harvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. 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: August 9, 2001, 6:00 a.m.

August 8, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100V Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) It is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B, and 2, and Marine Fish Shellfish Catch and Reporting Areas 23B, 25A, 25C, 26B-1, 26B-2, 26C, 26D, and 23A east of a line projected 335 degrees true from the Dungeness lighthouse.

(c) Effective 6:00 a.m., August 9, 2001 through 8:00 p.m. August 12, 2001 it is unlawful to harvest more than 200 pounds of spot shrimp taken for commercial purposes in Crustacean Management Region 1C.

(d) Effective 12:01 a.m. August 13, 2001 it is unlawful to take spot shrimp from Crustacean Management Region 1C.

(e) Effective 8:00 p.m., August 10, 2001 until further notice it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 26B-3.

(f) All waters of Marine Fish-Shellfish Catch and Reporting Area 25E remains closed.

(g) It is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish-Shellfish Catch and Reporting Area 25A except that.

(i) There is a 10-pot per vessel limit when fishing in the Discovery Bay Shrimp District.

(ii) Landings from the Discovery Bay Shrimp District must be hailed as coming from the Discovery Bay Shrimp District.

(h) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of Catch Area 26B south of the 47 degrees 40.00 minutes lati-

tude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(i) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected 335 degrees true from the Dungeness lighthouse), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(j) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved.

The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(k) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice, except as provided below:

(i) Effective immediately until further notice it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Areas 21A and 22A.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

- (i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.
- (ii) Closed in waters shallower than 20 fathoms.
- (f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.
- (3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.
- (4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, the Carr Inlet Shrimp District and with trawl gear in Discovery Bay Shrimp District.
- (5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100U	Puget Sound shrimp pot and beam trawl fishery-seasons and weekly trip limits. (01-151)
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notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current DCAP rules are outdated, do not provide all relevant information (such as citations to Internal Revenue Code sections), and have been supplemented by additional explanations. Emergency adoption of the new rules (during the short interim until the newly proposed rules are adopted) will allow DRS to provide more clear and understandable rules to participants who wish to join or continue in the program during the forthcoming open enrollment period.

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 25, Amended 0, Repealed 40.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 25, Amended 0, Repealed 40.

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.

August 9, 2001
John Charles
Director

Chapter 415-600 WAC

**DEPENDENT CARE ASSISTANCE
SALARY REDUCTION PROGRAM OVERVIEW**

NEW SECTION

WAC 415-600-010 Dependent care assistance salary reduction program established. Chapter 415-600 WAC covers the Washington state department of retirement systems (DRS) dependent care assistance salary reduction program (DCAP). The authority for DCAP is provided by RCW 41.04.600 through 41.04.645, and sections 125 and 129 of the Internal Revenue Code.

NEW SECTION

WAC 415-600-020 What is DCAP? The dependent care assistance salary reduction program (DCAP) allows you to set aside a "before tax" portion of your gross earnings to use for eligible dependent care expenses. DCAP reduces the amount of federal withholding and Social Security taxes (OASDI and Medicare or FICA) taken from each paycheck. Salary reduced under the program continues to be included as regular compensation for the purpose of computing state retirement benefits. The amount that may be reduced from your salary and excluded from your income is subject to

**WSR 01-17-043
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**
[Filed August 9, 2001, 1:47 p.m.]

Date of Adoption: August 9, 2001.

Purpose: The department is amending the dependent care assistance salary reduction program (DCAP) rules. The department is repealing all existing DCAP rules (WAC 415-610-010 through 415-695-040), and replacing them with new rules in one chapter (chapter 415-600 WAC). The Department of Retirement Systems (DRS) is also putting the rules into plain English, and making some housekeeping changes such as changing the names of headings to make it easier to find information. No substantive changes are being made.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-610-010 through 415-695-040.

Statutory Authority for Adoption: RCW 41.50.050(5), 41.04.600 through 41.04.645.

Other Authority: 26 U.S.C.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

EMERGENCY

annual fixed dollar and earned income limitations. When you incur eligible dependent care expenses you will be reimbursed from the amount set aside, consistent with these rules. If any portion of the amount set aside is not used by the end of the plan year, the unused amount will be forfeited.

NEW SECTION

WAC 415-600-030 DCAP is a separate program. The provisions in chapter 415-600 WAC apply only to the dependent care assistance salary reduction program and not to any other program that the department of retirement systems administers.

NEW SECTION

WAC 415-600-040 Interpretation of DCAP. The dependent care assistance salary reduction program is intended to qualify as a dependent care assistance salary reduction program under sections 125 and 129 of the Internal Revenue Code (IRC) and is to be interpreted in a manner consistent with the requirements of those sections. In case of a discrepancy between the sections in this chapter and the IRC, the IRC takes precedence.

DEFINITIONS

NEW SECTION

WAC 415-600-110 Definitions used in DCAP. (1) **Dependent care account** means a bookkeeping account containing the salary reduction amounts attributable to a participant, less reimbursement for the participant's dependent care expenses.

(2) **Dependent care expenses** means amounts paid for services which, if paid by the employee, would be considered employment related expenses under Internal Revenue Code Section 21(b)(2) and WAC 415-600-310.

(3) **Eligible employee** means state of Washington employees, officers, and elected officials.

(4) **Employer** means the state of Washington.

(5) **Incurred expenses** means expenses for services that have already been provided.

(6) **Internal Revenue Code (IRC)** means Title 26 of the United States Code (U.S.C.). Reference to a specific provision of the code includes such provision, any associated regulations, and any comparable provision of future legislation that amends, supplements, or supersedes such provision. Copies of the applicable IRC sections are available in law libraries and from the department of retirement systems (DRS). You can also obtain them by searching United States government references on the Internet.

(7) **Participant** means an eligible employee who has submitted a DCAP salary reduction agreement that is approved by DRS.

(8) **Program** means this dependent care assistance salary reduction program (DCAP).

(9) **Plan year** means January 1 through December 31.

(10) **Qualifying person** means:

(a) A dependent of the participant who is twelve years old or younger, for whom the participant is entitled to a deduction under IRC Section 151(c); or

(b) A dependent or spouse of the participant who is mentally or physically incapable of self-care; or

(c) A child of a divorced or separated participant, who is twelve years old or younger, if the participant has custody of the child, even if the participant has released an exemption under IRC Section 152(e)(2).

PARTICIPATION AND TERMINATION

NEW SECTION

WAC 415-600-210 How do I enroll in DCAP? (1) You enroll in the dependent care salary reduction assistance program (DCAP) by submitting a completed salary reduction agreement (SRA) form to the department of retirement systems (DRS).

(2) SRA forms are available through DRS or its web site at <http://www.wa.gov/drs/forms/>.

(3) You may enroll in DCAP:

(a) During the open-enrollment period;

(b) Within sixty days of becoming an eligible employee; or

(c) At any time you have a qualifying change in status as set forth in WAC 415-600-240.

(4) The open enrollment period is the month of November for the following plan year.

(5) The enrollment process is complete on the date DRS approves your completed SRA.

NEW SECTION

WAC 415-600-220 What is a salary reduction agreement? (1) The salary reduction agreement (SRA) is a contract between you and your employer in which you agree to place a specified amount of future wages into a dependent care account.

(2) The agreement must contain:

(a) Your Social Security number;

(b) The names and birth dates of the dependents you will cover with DCAP; and

(c) Medical, family and other information DRS needs to administer DCAP.

Except as provided in WAC 415-600-230, an SRA agreement cannot be changed.

NEW SECTION

WAC 415-600-230 May I change the terms of my SRA during the plan year? The salary reduction agreement (SRA) cannot be changed during the plan year unless you have a qualifying change in status as defined in WAC 415-600-240. If you have experienced a qualifying change in status and need to change or revoke your SRA, you must fill out a new SRA form and submit it to DRS. Such changes require approval by DRS. An explanation of the requested change may be required.

NEW SECTION

WAC 415-600-240 What is a qualifying change in status? The following are changes in status for purposes of DCAP:

- (1) Marriage;
- (2) Divorce or legal separation;
- (3) Death of a spouse or dependent;
- (4) Addition of a dependent to the eligible employee's household, such as the birth or adoption of a child;
- (5) Termination of spouse's employment;
- (6) Employment of an unemployed spouse;
- (7) A change in the work hours of the eligible employee or spouse that significantly alters the need for dependent care;
- (8) A change in dependent care provider (does not apply to relatives);
- (9) A change in dependent care provider cost; or
- (10) No longer use dependent care services.

NEW SECTION

WAC 415-600-250 How much may I set aside in my dependent care account each plan year? (1) The maximum amount that you may set aside during a plan year is:

- (a) Two thousand five hundred dollars, if you are married and filing separately; or
- (b) Five thousand dollars, otherwise. However, the total set aside by you and your spouse may not exceed five thousand dollars.
- (2) If you are not married, the amount set aside may not exceed your earned income.
- (3) If you are married, the amount set aside may not exceed the lesser of your earned income or your spouse's earned income.

NEW SECTION

WAC 415-600-260 What is "earned income" for purposes of DCAP? (1) Except as set forth in subsection (2) of this section, earned income for DCAP purposes includes wages, salaries, tips and other employee compensation, plus the amount of the taxpayer's net earnings from self-employment for the taxable year.

(2) If your spouse is either a full-time student or physically or mentally incapable of self-care, your spouse's earned income is deemed to be:

- (a) Two hundred dollars per month, if you have one qualifying person for whom care is provided; or
- (b) Four hundred dollars per month, if you have two or more qualifying persons for whom care is provided.

NEW SECTION

WAC 415-600-270 May DRS limit the maximum salary reduction for highly compensated employees? (1) DRS may decrease the salary reduction amount of certain participants to the extent necessary to ensure that the program does not discriminate in favor of "highly compensated employees." "Highly compensated employees" are deter-

mined by the nondiscrimination test in Internal Revenue Code sections 125 and 129 and any other applicable provisions of law.

(2) The amounts set aside by highly compensated employees who are subject to the particular nondiscrimination requirement shall be decreased pro rata.

NEW SECTION

WAC 415-600-280 How will DRS process my salary reduction? The salary reduction will be taken in equal amounts for each pay period during that portion of the plan year in which you participate.

NEW SECTION

WAC 415-600-290 When does my participation in DCAP terminate? (1) Your participation in DCAP terminates on:

- (a) December 31 of the plan year, unless you reenroll during the open-enrollment period;
- (b) The date you refuse a request for updated information, as set forth in subsection (2) of this section;
- (c) The date the program is terminated by state or federal action; or
- (d) The date you revoke your salary reduction agreement under WAC 415-600-230.

(2) You shall be deemed to have refused a request for updated information thirty days after a letter requesting such information is mailed to you by certified mail, return receipt requested. The letter must notify you of the consequences of a failure to provide such information.

DEPENDENT CARE EXPENSESNEW SECTION

WAC 415-600-310 Do my expenses qualify for DCAP reimbursement? (1) You may be reimbursed for dependent care expenses for the well-being and protection of a qualifying person, provided that the expenses are incurred to enable you and your spouse to be gainfully employed.

(a) Only expenses incurred on days you work may be reimbursed.

(b) If you are married, only expenses incurred on days you and your spouse both work may be reimbursed, provided that:

(i) If your spouse is a full-time student, expenses incurred on days you work and your spouse attends school may be reimbursed.

(ii) If your spouse is physically or mentally incapable of self-care, expenses incurred on days you work may be reimbursed.

(2) You may be reimbursed only for expenses incurred during the plan year for which you are enrolled. If you enroll after January 1 of the plan year, you may be reimbursed only for expenses incurred from the date DRS approves your salary reduction agreement.

(3) Only the cost of care may be reimbursed. The following expenses may be reimbursed, subject to the limitations stated in subsection (4) of this section.

(a) Expenses for care of a qualifying person in the participant's home, including feeding, administration of medicine, general supervision, and incidental household services; and

(b) Expenses for care of the following qualifying persons outside the participant's home:

(i) A dependent of the participant, age twelve or younger, with respect to whom the participant is entitled to a federal tax deduction.

(ii) Any other qualifying person who regularly spends eight hours or more per day in the participant's home.

(4) The following limitations apply to the reimbursement of expenses:

(a) Expenses for food, clothing, and entertainment are reimbursable **ONLY IF** these expenses cannot be separated from the cost of care.

(b) Expenses for care in a dependent care center (as defined in Internal Revenue Code (IRC) Section 21(b)) are reimbursable **ONLY IF** the facility complies with all federal, state, and local laws and regulations.

(c) Expenses for schooling are reimbursable **ONLY IF**:

(i) The schooling is at a prekindergarten level; and

(ii) The expenses cannot reasonably be separated from the cost of care.

(d) Payments to a person for whom you or your spouse may claim a dependency exemption for federal income tax purposes are not reimbursable.

(e) Payments to a nondependent child, as defined in IRC Section 151 (c)(3), are not reimbursable unless the child will be age nineteen or older by December 31 of the plan year.

(f) Summer camp expenses, when the child stays overnight, are not reimbursable.

(g) Amounts paid by an employer of your spouse or by an educational institution where your spouse is enrolled as a student are not reimbursable.

REIMBURSEMENT OF DEPENDENT CARE EXPENSES

NEW SECTION

WAC 415-600-410 How do I request reimbursement for DCAP expenses? (1) You must use the DRS reimbursement claim forms to submit claims for dependent care expenses.

(2) DRS will mail a supply of reimbursement claim forms to you upon confirmation of your enrollment. You can obtain additional forms by phone or on the DRS website, at <http://www.wa.gov/drs/forms/>.

(3) You may submit reimbursement claim forms as often as you wish.

(4) The reimbursement claim form must be completed, signed, and accompanied by bills, invoices, receipts, or a statement signed by the provider. The department cannot accept canceled checks or credit card statements as verification. All documentation must show the amounts of dependent

care expenses and periods of service for which you seek reimbursement.

(5) DRS must receive claims for expenses incurred during a given plan year on or before March 31 of the following year.

NEW SECTION

WAC 415-600-420 How does DRS process DCAP reimbursement claims? (1) DRS reviews DCAP claims each week during the plan year.

(2) If funds are available in your dependent care account at the time the claim is reviewed, DRS will reimburse your claim.

(3) If funds are not available at the time your claim is reviewed, DRS will reimburse your claim when money becomes available in your dependent care account. You do not need to resubmit your claim.

(4) You will not be reimbursed for claims that exceed the amount that you set aside for the plan year. You may not resubmit these claims in subsequent plan years.

(5) Unpaid expenses are never your employer's responsibility.

NEW SECTION

WAC 415-600-430 How will I know how much money is available in my dependent care account? (1) DRS will send you a quarterly statement showing your account activities and balance for the quarter.

(2) Shortly after March 31 following the close of a plan year, DRS will send you a written statement showing the reductions from salary and amounts reimbursed through the end of the plan year.

NEW SECTION

WAC 415-600-440 What happens to the balance of my DCAP account at the end of the plan year? If funds remain in your dependent care account after all timely claims for the plan year have been reimbursed, you will forfeit these funds. Unused funds cannot be carried forward to your dependent care account for the subsequent plan year.

NEW SECTION

WAC 415-600-450 What happens to the money in my dependent care account if I terminate employment? You may be reimbursed for dependent care expenses incurred during the remainder of the plan year to the extent you have money in your dependent care account. In the event of death, your personal representative may submit claims on your behalf.

DCAP ADMINISTRATION

NEW SECTION

WAC 415-600-510 DCAP administration. (1) **Administered by department:** The department of retirement systems (DRS) shall administer DCAP.

(2) **Delegation of authority:** DRS may delegate functions to be performed under this program to any designee with legal authority to perform such functions.

(3) **Reliance upon documents:** DRS and the employer may rely upon any document believed by them to be valid.

(4) **Reliance on information:** In administering the program, DRS may rely conclusively on all tables, valuations, certificates, opinions, and reports which are provided by its accountants, counsel, and other professionals.

(5) **Binding nature of decisions:** The DCAP program administrator is authorized to decide any matters concerning your rights under DCAP. Such decision shall be binding. If you disagree with the decision, you may write to the DRS director for consideration.

(6) **Program amendments:** DRS may amend DCAP at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement.

(7) **Communication:** DRS will provide reasonable notification of the availability and terms of the program to eligible employees.

(8) **Program document:** The DCAP program document consists of chapter 415-600 WAC and RCW 41.04.600 through 41.04.645.

NEW SECTION

WAC 415-600-520 What are the limits on my rights under DCAP? (1) You have no claim to any asset of your employer, except as expressly provided by DCAP.

(2) The establishment of any administrative practice shall not vest you with any right not expressly provided by DCAP.

MISCELLANEOUS

NEW SECTION

WAC 415-600-610 Can my rights be assigned or attached? Your right to receive any reimbursement cannot be assigned or attached.

NEW SECTION

WAC 415-600-620 Who is responsible for determining my tax liability? You are solely responsible for determining your tax liability under DCAP.

NEW SECTION

WAC 415-600-630 What if I receive more reimbursement than I should? If you receive money from DCAP that is not eligible for reimbursement of dependent care expenses

as defined in WAC 415-600-110(2), you must indemnify the employer as follows. You shall pay the employer the amount of federal income tax and Social Security tax that the employer would otherwise have withheld and paid on the money as regular compensation.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-610-010	Plan established.
WAC 415-610-015	Separate plan.
WAC 415-610-020	Interpretation.
WAC 415-610-030	General description of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-620-010	Department.
WAC 415-620-015	Dependent care account.
WAC 415-620-020	Dependent care expenses.
WAC 415-620-025	Eligible employee.
WAC 415-620-030	Employer.
WAC 415-620-035	Internal Revenue Code.
WAC 415-620-040	Participant.
WAC 415-620-045	Plan.
WAC 415-620-050	Plan year.
WAC 415-620-055	Qualifying person(s).

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-630-010	Participation in plan.
WAC 415-630-020	Salary reduction agreement.
WAC 415-630-025	May I change or revoke the terms of my salary reduction agreement (SRA) during the plan year?
WAC 415-630-030	What constitutes a qualifying change in status?

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-640-010	Plan benefits.
WAC 415-640-020	Maximum benefits.

WAC 415-640-030 Reduction of benefits.

WAC 415-695-010

Communication to employees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-695-020

Nonassignability of rights.

WAC 415-650-010 Submittal of claims.

WAC 415-695-030

No guarantee of tax consequences.

WAC 415-650-020 Payment of claims.

WAC 415-695-040

Indemnification of employer by participants.

WAC 415-650-030 Report to participant.

WAC 415-650-040 Deadline for submitting claims.

WAC 415-650-050 Forfeiture of unexpended funds.

WSR 01-17-044

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 01-158—Filed August 9, 2001, 3:39 p.m.]

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-660-010 Salary reduction account.

WAC 415-660-020 Rights of participants.

Date of Adoption: August 9, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000D; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-670-010 Termination of participation.

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.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-680-010 Administered by department.

WAC 415-680-020 Delegation of authority.

WAC 415-680-030 Proper proof.

WAC 415-680-040 Genuineness of documents.

WAC 415-680-050 Reliance on information.

WAC 415-680-060 Condition of participation.

WAC 415-680-070 Decision binding.

Reasons for this Finding: Drift gill net gear has demonstrated unacceptable by-catch of marine mammals and sea turtles off the Washington coast. The north coastal thresher shark population is rebuilding but cannot sustain a directed fishery. The current experimental swordfish fishery off Oregon has a 2.1 landing ratio of swordfish to thresher shark, and conforming regulations for landings will reduce the exploitation rate on thresher shark. There is insufficient time to promulgate permanent rules before the summer fishery begins, but permanent rule making is underway.

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.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 415-690-010 Termination or amendment of plan.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

EMERGENCY

Effective Date of Rule: Immediately.

August 9, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-44-05000G Thresher shark delivery restricted—Drift gill net gear prohibited. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to use drift gill net gear in state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the United States-Canada boundary.

(2) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the United States-Canada boundary.

(3) It is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000D Thresher shark. (01-54)

**WSR 01-17-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-163—Filed August 10, 2001, 1:58 p.m., effective August 13, 2001, 6:00 a.m.]

Date of Adoption: August 10, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100S; and amending WAC 220-52-071.

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: Harvestable amounts of sea cucumbers are available in the four sea cucumber districts listed. Quotas are anticipated to be taken under this schedule. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. 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: August 13, 2001, 6:00 a.m.

August 10, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07100T Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. August 13, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2 and 4 on Monday and Tuesday, August 13 and August 14, 2001 from 6:00 a.m. to one-half hour before official sunset of each day.

(2) Effective 6:00 a.m. August 13, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday, Tuesday and Wednesday, August 13, 14 and 15, 2001 from 6:00 a.m. to one-half hour before official sunset of each day.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on August 11 and 12, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 13, 2001:

WAC 220-52-07100S Sea cucumbers. (01-139)

WSR 01-17-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-164—Filed August 10, 2001, 2:00 p.m., effective August 12, 2001.]

Date of Adoption: August 10, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000A; and amending WAC 220-52-040.

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 weekly landing limit and period is necessary to mitigate handling mortality from sorting softshell crab. 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: August 12, 2001.

August 10, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04000B Coastal crab fishery—Weekly trip limits Notwithstanding the provisions of WAC 220-52-040:

(1) It is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 4,000 pounds of crab taken during each of the following coastal crab accounting periods:

August 12 through August 18;

August 19 through August 25;

August 26 through September 1;

September 2 through September 8;

September 9 through September 15, 2001.

(2) Any crab taken prior to August 12, 2001, and not landed before 11:59 p.m. August 11, 2001, become part of the August 12 through August 18 accounting period catch.

(3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04000A Coastal crab fishery - Weekly trip limits. (01-156)

WSR 01-17-063
EMERGENCY RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed August 15, 2001, 2:28 p.m.]

Date of Adoption: July 1, 2001.

Purpose: To increase local flexibility and expand the scope of assistance to homeless families with children in the transitional housing, operating and rent (THOR) program.

Citation of Existing Rules Affected by this Order: Amending WAC 365-120-080.

Statutory Authority for Adoption: Chapter 43.63A RCW, RCW [43.]63A.650, and E2SHBa 1493 (chapter 267, Laws of 1999).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Local contractors and the THOR Advisory Committee have identified a need for more local flexibility in the use of operating subsidies. This amendment will raise the income eligibility limit from 30% to 50% of the area median (consistent with the THOR rental assistance limit) and the operating subsidies to 50% of the project's core operating budget. The funding allocations will not change. THOR contracts in thirty-one counties will be effective July 1, 2001. The CR-103 cannot be filed until September 24, 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 0, Repealed 0.

EMERGENCY

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 18, 2001
Martha Cline
Director

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.

August 15, 2001
J. P. Koenings
Director
by Larry Peck

AMENDATORY SECTION (Amending WSR 00-05-020, filed 2/8/00, effective 3/10/00)

WAC 365-120-080 Eligibility for operating assistance for transitional housing. (1) Projects must provide transitional housing in a structure designed for the targeted population of homeless families with children whose incomes are at or below ~~((thirty))~~ fifty percent of the area median income.

(2) Operating subsidies shall not exceed ~~((thirty))~~ fifty percent of the project's core operating budget for the year.

(3) Rents shall not exceed thirty percent of the income of the targeted population.

**WSR 01-17-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-168—Filed August 15, 2001, 3:30 p.m.]

Date of Adoption: August 15, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000V; and amending WAC 220-24-020.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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.

NEW SECTION

WAC 220-24-02000W Commercial salmon troll.

Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m. August 17 through August 27, 2001, it is lawful to fish for and possess salmon in those waters of Salmon Management and Catch Reporting Areas 1 and 2.

Columbia River Control Zone is closed.

(2) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(3) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(4) Landing and possession limit of 150 chinook salmon per vessel. Each vessel may land more than once but the landings must not total more than 150 chinook salmon for the entire 11 day opening.

(5) Release wild coho salmon. Minimum size for chinook salmon is 28 inches in length and minimum size for coho salmon is 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000V Commercial salmon troll.
(01-152)

**WSR 01-17-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-166—Filed August 15, 2001, 3:31 p.m., effective August 20, 2001]

Date of Adoption: August 15, 2001.
Purpose: Personal use fishing rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-61900R; and amending WAC 232-12-619.

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: With low water conditions the chinook salmon have become concentrated in a few pools. Anglers are targeting the chinook salmon using heavily weighted flies to intentionally target the chinook. Due to conditions, many of the chinook salmon are being fouled hooked. This time of year stream temperatures can become quite elevated with afternoon temperatures in the high 60s or low 70s not uncommon. The continuous harassment of the chinook salmon in [is] placing undue stress on this depressed population of wild chinook. 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: August 20, 2001.

August 15, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-12-61900R Exceptions to permanent rules—North Fork Stillaguamish River. Notwithstanding the provisions of WAC 232-12-619, effective August 20 through October 15, 2001, it is unlawful to use weighted flies while fishing in those waters of the North Fork Stillaguamish River from its mouth to Swede Heaven Bridge. A "weighted fly" is a fly to which material has been attached to increase the sink rate of the fly.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 16, 2001:

WAC 232-12-61900R Exceptions to permanent rules—North Fork Stillaguamish River.

WSR 01-17-073

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 01-170—Filed August 16, 2001, 9:20 a.m., effective August 18, 2001, 8:00 p.m.]

Date of Adoption: August 15, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000V; and amending WAC 220-56-330.

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: Crab hard shell condition meets the criteria for harvest in all marine areas, except the Dungeness Bay area described above. Day restrictions are needed to stay within 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 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: August 18, 2001, 8:00 p.m.

August 15, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000W Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, it is lawful to fish for crab for personal use in Puget Sound in all Marine Areas except as provided below:

(1) Effective 8:00 p.m. August 18, 2001 until further notice it is unlawful to fish for crab for personal use in that portion of Marine Area 6 west of a line from the Dungeness Spit Lighthouse to the Port Williams boat ramp.

(2) Effective immediately until further notice, it is unlawful to fish for crab for personal use on Tuesdays, Wednesdays and Thursdays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele Point.

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 8:00 p.m. August 18, 2001:

WAC 220-56-33000V Crab—Areas and seasons. (01-154)

**WSR 01-17-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-171—Filed August 16, 2001, 10:51 a.m., effective August 20, 2001, 6:00 a.m.]

Date of Adoption: August 16, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100T; and amending WAC 220-52-071.

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: Harvestable amounts of sea cucumbers are available in the four sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. 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: August 20, 2001, 6:00 a.m.

August 16, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07100U Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. August 20, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 on Monday, August 20, 2001 from 6:00 a.m. to one-half hour before official sunset. The maximum daily landing for a vessel on Monday, August 20, 2001 in Sea Cucumber District 1 is five hundred pounds of sea cucumbers.

(2) Effective 6:00 a.m. August 20, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 2 and 4 on Monday, August 20, 2001 from 6:00 a.m. to one-half hour before official sunset.

(3) Effective 6:00 a.m. August 20, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday, August 20, and Tuesday, August 21, 2001 from 6:00 a.m. to one-half hour before official sunset of each day.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on August 18 and 19, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 20, 2001:

WAC 220-52-07100T Sea cucumbers. (01-163)

EMERGENCY

WSR 01-17-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-169—Filed August 16, 2001, 10:53 a.m., effective August 20, 2001, 12:01 a.m.]

Date of Adoption: August 15, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-41100B; and amending WAC 220-47-411.

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: Gill net mesh size prescribed for pink salmon-directed fishing openings is 5 inch minimum and 5 1/2 inch maximum. This range of mesh sizes readily catches pink salmon, but it protects chinook salmon that are found in the same area and at the same time. Chinook are too large to be ensnared by the small openings of the gill net mesh sizes indicated for pink salmon. In previous years, mesh size for pink salmon seasons was defined in a separate section of the administrative code, but this year, gill net regulations were modified, and mesh size requirements were included along with the listing of open seasons and hours. Although the maximum mesh size for gill net seasons for pink salmon in other areas was properly listed, the upper size range for pink salmon mesh for Area 8A was inadvertently omitted. This oversight of maximum mesh size is corrected in the regulation above. There is insufficient time to promulgate permanent rules to reflect this gill net management 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 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: August 20, 2001, 12:01 a.m.

August 15, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-47-41100B Gill net—Daily hours. Notwithstanding the provisions of WAC 220-47-411, effective August 20, 2001 through August 28, 2001, it is unlawful to use gill net mesh of a size greater than 5 1/2 inches when fishing for commercial purposes in Salmon Management Catch Reporting Area 8A.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 29, 2001:

WAC 220-47-41100B Gill net—Open periods.

WSR 01-17-088
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-162—Filed August 17, 2001, 9:39 a.m., effective September 1, 2001]

Date of Adoption: August 14, 2001.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-27800B; and amending WAC 232-28-278.

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 deer herds around Lake Chelan are beginning to show recovery from the 1994 fire and the winter of 1996-1967 [1997]. This area has been opened to archery hunting in the past and the success rate has been low enough to warrant a continuation of this type of hunting. Although these areas and other were proposed for "any deer" youth and disabled hunting for 2001, there is a distinct possibility that an overharvest of antlerless and doe deer could occur in a modern firearm hunt. The department is taking a more cautious approach, and closing the any deer hunt in the game management units surrounding Lake Chelan and Chiwawa GMU. This area remains open for buck deer. 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.

EMERGENCY

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: September 1, 2001.

August 14, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-27800B 2000-2002 Deer general seasons. Notwithstanding the provisions of WAC 232-28-278,

(1) Effective September 1 through September 30, 2001, the early archery deer season for eastern Washington mule deer is open in Game Management Units 243 through 247, three point minimum.

(2) Effective October 13 through October 21, 2001, in the general deer season for whitetail and mule deer, in Game Management Units 243 through 247 youth and disabled hunters may take only mule deer with a three point minimum or whitetail bucks. It is unlawful for youth and disabled hunters to take other deer from these areas.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 22, 2001:

WAC 232-28-27800B 2000-2002 Deer general seasons.

**WSR 01-17-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-175—Filed August 17, 2001, 3:46 p.m., effective August 20, 2001, 6:00 a.m.]

Date of Adoption: August 17, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-051.

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: Opens platform and hook and line fishery for commercial sale. Allows sale of fish caught in the Klickitat River to be sold when the Klickitat River is open. Harvestable number of salmon are available. Impacts

on ESA-listed sockeye are expected to be within the guidelines of the fall management agreement and the biological opinion. Consistent with compact action of August 17, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: August 20, 2001, 6:00 a.m.

August 17, 2001

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05100F Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

- 1) Open Periods: 6:00 a.m. August 20, 2001 until further notice
- 2) Open Areas: SMCRA 1F, 1G, 1H, and the Klickitat River
- 3) Gear: Hoop nets, dip bag nets, or hook and line.
- 4) Allowable sale includes: salmon, shad.
- 5) Fish taken in the Klickitat River may be sold when the Klickitat River is open pursuant to lawfully enacted tribal rules.

EMERGENCY

WSR 01-17-100
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-176—Filed August 20, 2001, 3:32 p.m., effective August 20, 2001, 8:00 p.m.]

Date of Adoption: August 20, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-01000Y; 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: Harvestable numbers of salmon and sturgeon are available. Season is consistent with 2001 Fall Management Agreement and actions of the Columbia River Compact of August 17, 2001. Impacts on ESA-listed stocks are expected to be within the guidelines of the 2001 fall season biological opinion. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 20, 2001, 8:00 p.m.

August 20, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-33-01000Y Columbia River salmon season below Bonneville. Notwithstanding the provisions of WAC 220-33-005, WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1D upstream of the I-205 Bridge and 1E

SEASON: 8:00 p.m. August 20, 2001 to 6:00 a.m. August 21, 2001

8:00 p.m. August 21, 2001 to 6:00 a.m. August 22, 2001

8:00 p.m. August 22, 2001 to 6:00 a.m. August 23, 2001

8:00 p.m. August 23, 2001 to 6:00 a.m. August 24, 2001

GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh.

ALLOWABLE SALE: Salmon and sturgeon.

SANCTUARIES: Washougal and Sandy river mouth sanctuaries are in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 a.m. August 24, 2001:

WAC 220-33-01000Y Columbia River salmon season below Bonneville.

WSR 01-17-106
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-177—Filed August 21, 2001, 1:44 p.m., effective August 27, 2001, 7:00 a.m.]

Date of Adoption: August 21, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-42800B; and amending WAC 220-47-428.

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: Preseason forecast indicates harvestable numbers of coho returning to Quilcene Bay. This fishery was not proposed during the NOF fishery planning negotiation because of the mistaken understanding that further legislative review was required before the fishery could be continued beyond the initial five year test period. Subsequently the Washington State Attorney General's Office issued a clarifying ruling to the contrary. National Marine Fisheries Service has concurred that this fishery will be in compliance with section 4D of the Endangered Species Act and will not jeopardize the listed summer chum run. Treaty-tribe comanagers have also concurred with the fishery. There is insufficient time to use the permanent regulation process to effect these changes.

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: August 27, 2001, 7:00 a.m.

August 21, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-47-42800B Beach seine—Open periods.

Notwithstanding the provisions of WAC 220-47-428, those waters of Puget Sound Salmon Management and Catch Reporting Area 12A are open for salmon fishing with beach seine gear from 7:00 a.m. to 7:00 p.m. Mondays through Fridays each week effective August 27 through October 12, 2001. All chinook salmon must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 13, 2001:

WAC 220-47-42800B Beach seine—Open periods.

WSR 01-17-107

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-179—Filed August 21, 2001, 1:46 p.m., effective August 24, 2001, 5:00 a.m.]

Date of Adoption: August 20, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500R; and amending WAC 220-56-325.

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 ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state has remaining recreational spot shrimp harvest available in

Marine Areas 8-1, 8-2 and a portion of 9. Depth restrictions will provide opportunity to harvest available nonspot shrimp while reducing impact to the spot shrimp resource. 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: August 24, 2001, 5:00 a.m.

August 20, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500S Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 5:00 a.m. August 24, 2001, until 9:00 p.m. August 25, 2001 it is lawful to harvest or possess shrimp taken for personal use in Marine Areas 8-1, 8-2 and 9, except that:

(a) In the portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff spot shrimp must be returned immediately to the water unharmed.

(b) In the portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff it is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(2) Effective 9:01 p.m. August 25, 2001, until further notice, it is lawful to harvest or possess shrimp taken for personal use in Marine Areas 8-1, 8-2 and 9, except that:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(c) Shrimp fishing is closed Monday, Tuesday and Wednesday of each week.

(3) Effective immediately until further notice, it is unlawful in Marine Area 7 north of line from Biz Point to Cape St Mary on Lopez Island, then north of a line from Davis Point on Lopez Island to Cattle Point on San Juan

Island, then north of a line due west from Lime Kiln Point light to the international boundary, to fail to comply as follows:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) Shrimp gear may not be set or pulled in waters deeper than 200 feet.

(4) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 10, or Marine Area 7 south of line from Biz Point to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

(5) Effective immediately, until further notice, it is unlawful to retain spot shrimp taken for personal use in the Discovery Bay Shrimp District. Spot shrimp must be returned immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative code is repealed effective 5:00 a.m. August 24, 2001:

WAC 220-56-32500R Shrimp—Areas and seasons.
(01-161)

EMERGENCY



WSR 01-17-004

DEPARTMENT OF CORRECTIONS

[Filed August 1, 2001, 2:05 p.m., effective September 1, 2001]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following Department of Corrections' rules create new chapter 137-150 WAC, Access to mental health records. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

- 1. Chapter 137-150 WAC, Access to mental health records, is adopted as of August 1, 2001.
2. The effective date of this rule shall be September 1, 2001.
3. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Patria Robinson-Martin for Joseph D. Lehman Secretary

NEW SECTION

WAC 137-150-010 Purpose. The purpose of these rules is to set forth the department's responsibilities with regard to mental health information released in accordance with WAC 388-865-0610 et. seq. [Statutory Authority RCW 71.34.225 and 71.05.445]

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.

NEW SECTION

WAC 137-150-020 Definitions. (1) Agency" means the department of corrections.

(2) "DOC" or "Department" means the department of corrections.

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 137-150-030 Notification. The department shall notify individuals under its jurisdiction of the provisions of RCW 71.34.225 and 71.05.445 in the following manner:

- (1) Individuals entering the DOC system on or after the effective date of this rule, will receive written notification of the right of the department to access mental health records upon intake into the DOC system.
(2) Individuals under the jurisdiction of the department in a prison setting on the effective date of this rule will receive notification of the right of the department to access mental health records via a posting on the facility bulletin board consistent with written agency policy and procedures.
(3) All other individuals currently under active supervision of the department on the effective date of this rule will receive written notification of the department's right to access

their mental health records in the form of a mailing to their address.

NEW SECTION

WAC 137-150-040 Confidentiality. The information received by the department shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW and chapter 71.34 RCW except:

- (1) The department may release the information to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction.
(2) The department may use the information to meet its statutory duties to provide evidence or report to the court.
(3) The department may release the information to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with written agency policy.
(4) The department may release the information to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2).

WSR 01-17-008

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—August 1, 2001]

EDMONDS COMMUNITY COLLEGE BOARD OF TRUSTEES NOTICE OF SPECIAL MEETINGS TO MEDIA/OTHER

- August 10, 2001* Trustees Association for Community and Technical Colleges Legislative Steering Committee and board of directors meeting, Renton Technical College, 3000 N.E. 4th Street, Renton, WA, 9:30 a.m. - 5:00 p.m. Purpose: TACTC committee meeting.
August 16, 2001 Edmonds Community College Board of Trustees Special Meeting, Port Ludlow Resort, Chart Room, 200 Olympic Place, Port Ludlow, WA, 9:30 a.m. Purpose: To address routine college business issues. Note: Change of time and location from original schedule.
August 16, 2001* Edmonds Community College Board of Trustees and President's Cabinet Summer Study Session: Port Ludlow Resort, Chart Room, 200 Olympic Place, Port Ludlow, WA, 10:00 a.m. - 5:00 p.m. Purpose: To discuss EdCC accomplishments, challenges and goals.

MISC.

August 17, 2001* Edmonds Community College Board of Trustees and President's Cabinet Summer Study Session: Port Ludlow Resort, Chart Room, 200 Olympic Place, Port Ludlow, WA, 7:30 a.m. - 1:00 p.m.
Purpose: To discuss EdCC accomplishments, challenges and goals.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 01-17-018
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—August 6, 2001]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 16, 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.

WSR 01-17-019
RULES COORDINATOR
OFFICE OF THE TREASURER

[Filed August 6, 2001, 11:17 a.m.]

I hereby appoint Jeanne Ray, personnel officer, as agency rules coordinator for the Office of the State Treasurer. She may be contacted at the Office of the State Treasurer, Legislative Building, 416 14th Avenue S.W., 2nd Floor, Olympia, WA 98504. This appointment is effective until revoked or superseded in writing. All public inquiry relating to rule-making activities of the Office of the State Treasurer should be directed to the agency rules coordinator.

July 31, 2001

Michael J. Murphy
 State Treasurer

WSR 01-17-030
RULES COORDINATOR
SKAGIT VALLEY COLLEGE

[Filed August 8, 2001, 8:38 a.m.]

Linda Woiwod, Dean of Enrollment Services, is the new agency rules coordinator for Skagit Valley College, replacing Dianna Larsen.

Linda Fossen

WSR 01-17-031
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Memorandum—August 6, 2001]

The quarterly meeting of the Washington State Criminal Justice Training Commission which is scheduled for September 12th, at 10:00 a.m. at 19010 First Avenue South, Seattle, WA, will begin at 9:00 a.m. This change in start time is for this meeting only.

WSR 01-17-032
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Interagency Committee for Outdoor Recreation)
 [Memorandum—August 8, 2001]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, September 27, and Friday, September 28, 2001, beginning at 8:30 a.m. on Thursday in Room 172 of the Natural Resources Building in Olympia.

This two-day meeting is a funding recommendation session for projects in the national recreational trails program, boating infrastructure grant program, and Washington wild-life and recreation program. Additional agenda items include adoption of the 2002 IAC meeting schedule, nonhighway off-road vehicle plan status and survey data report, and management update reports.

If you plan to participate or have materials for committee review, please submit information to IAC no later than September 7, 2001. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by September 7, at (360) 902-2637, or TDD (360) 902-1996.

WSR 01-17-038
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed August 8, 2001, 4:07 p.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 Excise Tax Advisory effective August 8, 2001.

ETA 367.04.172 Clearing land and moving earth for commercial farmers—This document addresses the taxability of a taxpayer operating a bulldozer to remove stumps and construct roads for farmers. It explains that the removal of stumps and the construction of roads using a bulldozer con-

stitute the "clearing of land" and/or "the moving of earth," and are retail sales under RCW 82.04.050. The document recognizes that income realized from for-hire cultivation activities conducted for farmers, such as plowing, rototilling, discing, and harrowing, is subject to the service and other activities B&O tax.

ETA 367 is correct with respect to the removal of stumps from land that is not currently being used for producing agricultural crops and the construction of roads. This is a retail sale subject to the retailing B&O and retail sales taxes. The tax result is also correct with respect to removing stumps from and road building on agricultural land in preparation for a nonagricultural use of the land (e.g., a housing development).

This document can be misleading, however, with respect to removing stumps from an existing orchard in preparation for continued cultivation of agricultural crops. The department considers the removal of stumps in an existing orchard in preparation for the replanting of an orchard, or the cultivation of another agricultural crop (e.g., planting a vineyard to grow grapes), to be a horticultural service subject to the service and other activities B&O tax.

Questions regarding the cancellation of this advisory may be directed to: Alan R. Lynn, Legislation and Policy Division, Department of Revenue, 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 01-17-046

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 9, 2001, 3:44 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: First steps childcare.

Effective Date: August 1, 2001.

Document Description: These are billing instructions for authorized first steps childcare providers to use when billing for medical assistance eligible clients. Included in this document are definitions, "about the program," client eligibility, authorization process, billing, fee schedule, and billing form.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344, or go to website <http://maa.dshs.wa.gov> (click on Billing Instructions link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

August 6, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-17-051

NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—August 10, 2001]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for August 16, 2001, has been canceled and rescheduled for Tuesday, August 21, 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.

WSR 01-17-054

NOTICE OF PUBLIC MEETINGS SKAGIT VALLEY COLLEGE

[Memorandum—August 13, 2001]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES COMMUNITY COLLEGE DISTRICT NO. 4 SKAGIT VALLEY COLLEGE

2405 East College Way
Mount Vernon, WA 98273
Wednesday, August 15, 2001
10:00 a.m.

Mount Vernon Campus Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for Wednesday, August 15, 2001, 10:00 a.m. This meeting is being held as a work session for the board of trustees. Business to be transacted will address board policies, master planning and the 2001-2002 operating budget. Action may be taken, if necessary, as a result of items discussed.

Following the open portion of the meeting the board of trustees will adjourn to executive session for discussion of personnel issues. Action may be taken, if necessary, as a result of items discussed in the executive session.

WSR 01-17-055

RULES COORDINATOR WASHINGTON STATE AUDITOR

[Filed August 13, 2001, 8:31 a.m.]

The state auditor's office designated rules coordinator has been Chuck Pfeil, director of audit. Due to organizational changes within the state auditor's office, we would like to change the individual designated as rules coordinator.

Our designee, effective immediately, will be Linda Long, Deputy State Auditor of Policy and Administration. If you would like to contact Linda Long, she may be reached at (360) 902-0367 or by e-mail at longl@sao.wa.gov.

Brian Sonntag, CGFM
State Auditor

WSR 01-17-059**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD ADMINISTRATION BOARD**

[Memorandum—August 14, 2001]

- MEETING NOTICE:** October 18, 2001
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.
- PUBLIC HEARING:** October 18, 2001
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
2:00 p.m.
- MEETING NOTICE:** October 19, 2001
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 01-17-061**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR**

(Clemency and Pardons Board)

[Memorandum—August 14, 2001]

The September meeting has been rescheduled for October 5 and the December meeting will be held on December 14, 2001. The Clemency and Pardons Board meetings will be held in the John A. Cherberg Building, Hearing Room 4, Olympia, Washington, starting at 10:00 a.m.

WSR 01-17-070**PROCLAMATION
OFFICE OF THE GOVERNOR**

[August 15, 2001]

WHEREAS, fires in Chelan, Okanogan, Spokane, and Yakima Counties, having consumed over 40,000 acres and six structures, forced the evacuation of six ranches, endangering over 350 homes as of August 15, 2001, and threatening citizens and property of Washington State;

WHEREAS, winds and weather in the affected areas are exacerbating the problem, and other regions of Washington State are also at high risk;

WHEREAS, the fires pose a high risk of injury to the citizens and further damage to property in the currently affected counties as well as other jurisdictions in the State of Washington;

WHEREAS, the Adjutant General has authorized mobilization of fire service resources under Chapter 38.54 RCW; the Washington State Military Department has activated the state Emergency Operations Center and has implemented response procedures; and the Washington State Patrol Fire Protection Bureau is coordinating resources to support local officials in alleviating the immediate health and safety risks and social and economic impacts to people and property, and is assessing the magnitude of the event;

NOW, THEREFORE, I, Gary Locke, Governor of the State of Washington, as a result of the aforementioned situation and under chapters 38.08, 38.24, 38.52, 38.54, and 43.06, do hereby proclaim that a state of emergency exists in Chelan, Okanogan, Spokane, and Yakima Counties and other areas of Washington at risk of fire-related damage, and direct the supporting plans and procedures to the *Washington State Comprehensive Emergency Management Plan (CEMP)* be implemented. This proclamation supersedes Fire Mobilizations 01-2117-Virginia Lakes/Cameron Lake Complex Fire, 01-2120 Brewster Complex Fire, 01-2126 Icicle Creek Complex Fire, and 01-2134 St. Mary's Fire declared by the Adjutant General. Funding and resourcing authority reverts to the CEMP. State agencies and departments are directed to utilize state resources and to do everything possible to assist affected political subdivisions in an effort to respond to and recover from the event. I also hereby order into active state service the Washington National Guard, or such minimal part thereof as may be necessary in the opinion of the Adjutant General, to perform such duties as directed by competent authority. Additionally, the Washington State Military Department, Emergency Management Division, is instructed to coordinate all event-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this Fifteenth day of August, A.D., Two Thousand and One.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Steve Excell

Assistant Secretary of State

WSR 01-17-071**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—August 15, 2001]

September 20, 2001, 9 a.m. 10-11 a.m., at the Workforce Training and Education Coordinating Board, 128 10th Street S.W., 6th Floor, Olympia, Main Conference Room. Agenda: Annual meeting to elect chair and vice-chair.

Following are the details for an upcoming participant outcomes data consortium (PODC) meeting: The PODC is composed of representatives from the State Board for Com-

munity and Technical Colleges, Office of Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, Employment Security, and Eastern Washington University.

WSR 01-17-072**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE PATROL**

[Memorandum—August 15, 2001]

On Friday, August 24, 2001, a meeting will be held in the Washington State Patrol Executive Conference Room, General Administration Building. The meeting will begin at 4:00 p.m. until 5:00 p.m.

WSR 01-17-079**NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD**

[Memorandum—April 14, 2001]

**Change of Meeting Location for
September 20, 2001, CERB Meeting**

The Community Economic Revitalization Board (CERB) will change the meeting location for the September 20, 2001, meeting only. The new meeting location for the September meeting is the Red Lion Hotel Wenatchee, 1225 North Wenatchee Avenue, Wenatchee, WA 98801. The CERB meeting will be held in the Wenatchee Room. The meeting will begin at 8:30 a.m.

Please call if you have any questions or require further clarification.

WSR 01-17-090**PROCLAMATION
OFFICE OF THE GOVERNOR**

[August 17, 2001]

WHEREAS: An Energy Supply Alert was proclaimed on January 26, 2001 and extended for sixty days on April 26, 2001, and June 22, 2001, due to several continuing factors, which include low precipitation to feed hydropower, shut down of electrical power generating plants in California for unscheduled maintenance or repair, the failure of California's attempt to restructure the regulation of electricity, increased competition for natural gas supplies, and unprecedented high wholesale electrical power rates throughout the western United States; and

WHEREAS: The Bonneville Power Administration and private electrical power generating companies and utilities in Washington are undertaking extraordinary measures to mitigate the electricity shortage and its impacts by conserving electricity, minimizing spill, using electricity reserves by

drawing down reservoirs beyond normal, raising prices, and undertaking other measures.

WHEREAS: Despite recent decreases in wholesale power prices, utilities continue to face financial uncertainty, and could continue to alleviate their problems with strong conservation measures, temporary generation, and use of alternative fuels. Several large businesses continue to be idled due to the cost of electricity, and hundreds of people remain out of work. Public facilities have ceased operations due to inability to pay current and projected power expenses. Conservation efforts by government agencies have been quite successful, but insufficient to solve the problem alone.

WHEREAS: Without action now in the face of potential winter shortages, citizens of Washington, beginning with vulnerable people of limited means, may be unable to obtain or afford power for basic heating, lighting and cooking needs, threatening their health, safety and general welfare.

WHEREAS: Vital public services remain at risk, and immediate steps must be taken to alleviate social and economic impacts to people and property. We must take all steps necessary to avoid jeopardizing the public health, safety and general welfare while doing everything possible to minimize the impact on fish and our environment.

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, find that vital public services, particularly affordable electrical power, remain at risk, and there continues to exist a situation that threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized; and therefore find that an energy supply alert continues to exist within this state. I have obtained the prior approval of the joint committee on energy supply, and with that approval hereby extend for an additional sixty days, commencing August 24, 2001, through October 22, 2001, the state of energy supply alert proclaimed under Chapters 43.06 and 43.21G RCW on January 26, 2001, and subsequently extended through August 23, 2001. I further direct all state and local governmental agencies to fully comply with all orders that may accompany this proclamation or that may be issued pursuant to this proclamation as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of this energy supply crisis. This proclamation applies statewide.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 17th day of August, A.D., Two Thousand one.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Stephen Excell

Assistant Secretary of State

MISC.

WSR 01-17-094
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Memorandum—August 17, 2001]

The following Capitol Campus Design Advisory Committee meeting is cancelled:

Date: Thursday, September 20th
 Time: 10:00 a.m.
 Location: General Administration Building, Room 207

If you have any questions, please contact Lenore Miller at (360) 902-0970 or Kim Buccarelli at (360) 902-0955.

WSR 01-17-095
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—August 15, 2001]

Following is the Olympic College's board of trustees meetings for the month of August 2001. The Olympic College board of trustees has elected to hold a special session on August 16, 2001, at 8:00 p.m. in the 5th Floor Board Room, College Service Center, Olympic College. Notification of this special session will be provided to the media as well as the Olympic College Community.

Special Session Meeting Notice

August 16, 2001 8:00 p.m. Board Conference Room

WSR 01-17-098
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
 [Memorandum—August 16, 2001]

The following date and time change needs to be made for the September Tacoma Community College board of trustees meeting: **Friday, September 28 at 12:00 noon** (previously scheduled for September 20 at 4:00 p.m.).

The meeting listed above will be held in the Learning Resources Center, Building 7, Baker Room at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466.

If you need any other information, call (253) 566-5101.

WSR 01-17-099
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—August 20, 2001]

The board of trustees of Bellingham Technical College will hold a study session to discuss the operating budget for fiscal year 2001-2002, immediately following the completion

of the agenda of the regular board meeting on Tuesday, August 21, 2001, in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 01-17-105
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—August 21, 2001]

EASTERN WASHINGTON UNIVERSITY
 BOARD OF TRUSTEES
 August 24, 2001
 Executive Session at 12:00 p.m.
 Open Public Meeting at 1:15 p.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 01-17-108
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—August 17, 2001]

The October 11, 2001, meeting of the board of trustees of Community College District 9 is being rescheduled to October 16, 2001. The meeting will be held in Building 25 at Highline Community College beginning with a study session at 8:00 a.m. followed by the regular meeting at 10:00 a.m.

WSR 01-17-114
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed August 22, 2001, 10:29 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Complaints Involving Board, Commission, Committee or Council Members, D14.03.

Issuing Entity: Health Professions Quality Assurance, Department of Health.

Subject Matter: This revises the current policy. This policy establishes policy and procedures to process complaints against board members or other practitioners so there is no real or perceived conflict of interest or bias.

Effective Date: April 3, 2001.

Contact Person: Linda McCue, Policy Manager, Department of Health, Health Professions Quality Assurance, Policy Office, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 236-4986.

WSR 01-17-115
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH
[Filed August 22, 2001, 10:31 a.m.]

Interpretative Statement Summary

Title of Policy or Interpretive Statement: Abbreviated Coordinated Water System Plan (ACWSP) Guidance.

Issuing Entity: Washington State Department of Health, Environmental Health Programs, Division of Drinking Water.

Description: The guidance document entitled "Abbreviated Coordinated Water System Plan (ACWSP) Guidance" provides information on minimum statutory requirements of elements of chapter 70.116 RCW relating to an abbreviated method of utilizing the Public Water Coordination Act. The purpose of this guidance document is to: Help local governments and water utilities develop the ACWSP; identify mandatory elements and processes needed to fulfill the requirements of an ACWSP; discuss the major plan elements and provide clarification on their use and integration; suggest one process which may be used in the development of the plan; and identify the major differences between the development of the ACWSP and the full CWSP. The use of this guideline and its suggested approach is voluntary.

Division Contact: Michele Vazquez, Statewide Planning and Conservation Coordinator, Department of Health, Division of Drinking Water, 1500 West 4th Avenue, Suite 305, Spokane, WA 99204, (509) 456-2774.

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
 - X = Expedited rule making
 - XA = Expedited adoption
 - XR = Expedited repeal
 - No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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16-470-917	NEW	01-11-033	51- 11-0605	AMD	01-03-010	51- 11-1701	REP	01-03-010
16-470-921	AMD-P	01-07-096	51- 11-0625	AMD	01-03-010	51- 11-2000	REP	01-03-010
16-470-921	AMD	01-11-033	51- 11-0625	AMD-P	01-16-120	51- 11-2001	REP	01-03-010
16-516-100	NEW-P	01-04-088	51- 11-0626	AMD	01-03-010	51- 11-2002	REP	01-03-010
16-516-100	NEW	01-09-028	51- 11-0626	AMD-P	01-16-120	51- 11-2003	REP	01-03-010
16-516-170	NEW-P	01-04-088	51- 11-0627	AMD	01-03-010	51- 11-2004	REP	01-03-010
16-516-170	NEW	01-09-028	51- 11-0627	AMD-P	01-16-120	51- 11-2005	REP	01-03-010
16-550-040	AMD	01-05-047	51- 11-0628	AMD	01-03-010	51- 11-2007	REP	01-03-010
16-555-020	AMD-P	01-05-132	51- 11-0628	AMD-P	01-16-120	51- 11-2008	REP	01-03-010
16-557-020	AMD-P	01-02-094	51- 11-0629	AMD-P	01-16-120	51- 11-2009	REP	01-03-010

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-11-99902	AMD	01-03-010	51-44-0200	AMD	01-02-096	51-46-0500	REP-W	01-05-029
51-11-99903	AMD	01-03-010	51-44-1007	AMD	01-02-096	51-46-0500	REP-P	01-16-122
51-11-99904	AMD	01-03-010	51-44-1102	NEW	01-02-096	51-46-0501	REP-W	01-05-029
51-13-101	AMD	01-02-099	51-44-1109	AMD	01-02-096	51-46-0501	REP-P	01-16-122
51-13-301	AMD	01-02-099	51-44-2500	AMD	01-02-096	51-46-0502	REP-W	01-05-029
51-13-302	AMD	01-02-099	51-44-5200	AMD	01-02-096	51-46-0502	REP-P	01-16-122
51-13-303	AMD	01-02-099	51-44-6100	AMD-W	01-05-031	51-46-0505	REP-W	01-05-029
51-13-304	AMD	01-02-099	51-44-6300	AMD-W	01-05-031	51-46-0505	REP-P	01-16-122
51-13-503	AMD	01-02-099	51-44-7900	AMD	01-02-096	51-46-0507	REP-W	01-05-029
51-40-0200	AMD	01-02-095	51-44-8000	AMD-W	01-05-031	51-46-0507	REP-P	01-16-122
51-40-0310	AMD	01-02-095	51-44-8102	NEW-S	01-05-031	51-46-0509	REP-W	01-05-029
51-40-0313	AMD	01-02-095	51-45-10100	NEW-W	01-05-031	51-46-0509	REP-P	01-16-122
51-40-0403	AMD-W	01-05-028	51-46-001	REP-W	01-05-029	51-46-0512	REP-W	01-05-029
51-40-0804	AMD-W	01-05-028	51-46-001	REP-P	01-16-122	51-46-0512	REP-P	01-16-122
51-40-0902	AMD	01-02-095	51-46-002	REP-W	01-05-029	51-46-0513	REP-W	01-05-029
51-40-1003	AMD	01-02-095	51-46-002	REP-P	01-16-122	51-46-0513	REP-P	01-16-122
51-40-1004	AMD	01-02-095	51-46-003	REP-W	01-05-029	51-46-0514	REP-W	01-05-029
51-40-1103	AMD-W	01-05-028	51-46-003	REP-P	01-16-122	51-46-0514	REP-P	01-16-122
51-40-1104	AMD	01-02-095	51-46-007	REP-W	01-05-029	51-46-0515	REP-W	01-05-029
51-40-1105	AMD	01-02-095	51-46-007	REP-P	01-16-122	51-46-0515	REP-P	01-16-122
51-40-1106	AMD	01-02-095	51-46-007	REP-P	01-05-029	51-46-0516	REP-W	01-05-029
51-40-1202	NEW	01-02-095	51-46-008	REP-W	01-05-029	51-46-0516	REP-P	01-16-122
51-40-1203	AMD	01-02-095	51-46-008	REP-P	01-16-122	51-46-0516	REP-P	01-16-122
51-40-1505	NEW-W	01-05-028	51-46-0100	REP-W	01-05-029	51-46-0517	REP-W	01-05-029
51-40-1600	NEW-W	01-05-028	51-46-0100	REP-P	01-16-122	51-46-0517	REP-P	01-16-122
51-40-1616	AMD-W	01-05-028	51-46-0101	REP-W	01-05-029	51-46-0517	REP-P	01-16-122
51-40-1700	NEW-W	01-05-028	51-46-0101	REP-P	01-16-122	51-46-0518	REP-W	01-05-029
51-40-1800	NEW-W	01-05-028	51-46-0102	REP-W	01-05-029	51-46-0518	REP-P	01-16-122
51-40-1900	NEW-W	01-05-028	51-46-0102	REP-P	01-16-122	51-46-0519	REP-W	01-05-029
51-40-2000	NEW-W	01-05-028	51-46-0102	REP-P	01-16-122	51-46-0519	REP-P	01-16-122
51-40-2100	NEW-W	01-05-028	51-46-0103	REP-W	01-05-029	51-46-0520	REP-W	01-05-029
51-40-2106	NEW-W	01-05-028	51-46-0103	REP-P	01-16-122	51-46-0520	REP-P	01-16-122
51-40-2200	NEW-W	01-05-028	51-46-0200	AMD	01-02-097	51-46-0521	REP-W	01-05-029
51-40-2300	NEW-W	01-05-028	51-46-0200	REP-P	01-16-122	51-46-0521	REP-P	01-16-122
51-40-2900	AMD	01-02-095	51-46-0205	REP-W	01-05-029	51-46-0522	REP-W	01-05-029
51-40-2929	AMD-W	01-05-028	51-46-0205	REP-P	01-16-122	51-46-0522	REP-P	01-16-122
51-40-3102	AMD	01-02-095	51-46-0205	REP-P	01-16-122	51-46-0523	REP-W	01-05-029
51-40-31200	AMD	01-02-095	51-46-0215	REP-W	01-05-029	51-46-0523	REP-P	01-16-122
51-42-0405	NEW	01-02-098	51-46-0215	REP-P	01-16-122	51-46-0523	REP-P	01-16-122
51-42-1101	AMD-W	01-05-030	51-46-0218	REP-W	01-05-029	51-46-0524	REP-W	01-05-029
51-42-1103	AMD	01-02-098	51-46-0218	REP-P	01-16-122	51-46-0524	REP-P	01-16-122
51-42-1105	AMD	01-02-098	51-46-0218	REP-P	01-16-122	51-46-0524	REP-P	01-16-122
51-42-1109	NEW	01-02-098	51-46-0300	REP-W	01-05-029	51-46-0525	REP-W	01-05-029
51-42-1110	NEW	01-02-098	51-46-0300	REP-P	01-16-122	51-46-0525	REP-P	01-16-122
51-42-1111	NEW	01-02-098	51-46-0301	REP-W	01-05-029	51-46-0600	REP-W	01-05-029
51-42-1112	NEW	01-02-098	51-46-0301	REP-P	01-16-122	51-46-0600	REP-P	01-16-122
51-42-1113	NEW	01-02-098	51-46-0310	REP-W	01-05-029	51-46-0603	AMD	01-02-097
51-42-1114	NEW	01-02-098	51-46-0310	REP-P	01-16-122	51-46-0603	REP-P	01-16-122
51-42-1115	NEW	01-02-098	51-46-0311	REP-W	01-05-029	51-46-0603	REP-P	01-16-122
51-42-1116	NEW	01-02-098	51-46-0311	REP-P	01-16-122	51-46-0604	REP-W	01-05-029
51-42-1117	NEW	01-02-098	51-46-0311	REP-P	01-16-122	51-46-0604	REP-P	01-16-122
51-42-1118	NEW	01-02-098	51-46-0313	REP-W	01-05-029	51-46-0608	REP-W	01-05-029
51-42-1119	NEW	01-02-098	51-46-0313	REP-P	01-16-122	51-46-0608	REP-P	01-16-122
51-42-1120	NEW	01-02-098	51-46-0314	REP-W	01-05-029	51-46-0609	REP-W	01-05-029
51-42-1121	NEW	01-02-098	51-46-0314	REP-P	01-16-122	51-46-0609	REP-P	01-16-122
51-42-1122	NEW	01-02-098	51-46-0316	REP-W	01-05-029	51-46-0610	REP-W	01-05-029
51-42-1123	NEW	01-02-098	51-46-0316	REP-P	01-16-122	51-46-0610	REP-P	01-16-122
51-42-1124	NEW	01-02-098	51-46-0316	REP-P	01-16-122	51-46-0700	REP-W	01-05-029
51-42-1126	NEW	01-02-098	51-46-0392	REP-W	01-05-029	51-46-0700	REP-P	01-16-122
51-42-1301	NEW	01-02-098	51-46-0392	REP-P	01-16-122	51-46-0701	REP-W	01-05-029
51-44-0103	AMD	01-02-096	51-46-0400	REP-W	01-05-029	51-46-0701	REP-P	01-16-122
51-44-0105	NEW	01-02-096	51-46-0400	REP-P	01-16-122	51-46-0704	REP-W	01-05-029
			51-46-0402	REP-W	01-05-029	51-46-0704	REP-P	01-16-122
			51-46-0402	REP-P	01-16-122	51-46-0710	REP-W	01-05-029
			51-46-0412	REP-W	01-05-029	51-46-0710	REP-P	01-16-122
			51-46-0412	REP-P	01-16-122	51-46-0713	REP-W	01-05-029
			51-46-0413	REP-W	01-05-029	51-46-0713	REP-P	01-16-122
			51-46-0413	REP-P	01-16-122			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-0793	REP-W	01-05-029	51-47-003	REP-W	01-05-029	72-120-200	AMD	01-16-023
51-46-0793	REP-P	01-16-122	51-47-003	REP-P	01-16-122	72-120-220	AMD-P	01-09-057
51-46-0800	REP-W	01-05-029	51-47-007	REP-W	01-05-029	72-120-220	AMD	01-16-023
51-46-0800	REP-P	01-16-122	51-47-007	REP-P	01-16-122	72-120-225	AMD-P	01-09-057
51-46-0810	REP-W	01-05-029	51-47-008	REP-W	01-05-029	72-120-225	AMD	01-16-023
51-46-0810	REP-P	01-16-122	51-47-008	REP-P	01-16-122	72-120-230	AMD-P	01-09-057
51-46-0814	REP-W	01-05-029	51-56-001	NEW-W	01-05-029	72-120-230	AMD	01-16-023
51-46-0814	REP-P	01-16-122	51-56-001	NEW-P	01-16-122	72-120-234	AMD-P	01-09-057
51-46-0815	REP-W	01-05-029	51-56-002	NEW-W	01-05-029	72-120-234	AMD	01-16-023
51-46-0815	REP-P	01-16-122	51-56-002	NEW-P	01-16-122	72-120-236	AMD-P	01-09-057
51-46-0900	REP-W	01-05-029	51-56-003	NEW-W	01-05-029	72-120-236	AMD	01-16-023
51-46-0900	REP-P	01-16-122	51-56-003	NEW-P	01-16-122	72-120-300	NEW-P	01-09-057
51-46-0903	REP-W	01-05-029	51-56-007	NEW-W	01-05-029	72-120-300	NEW	01-16-023
51-46-0903	REP-P	01-16-122	51-56-007	NEW-P	01-16-122	72-120-301	NEW-P	01-09-057
51-46-1000	REP-W	01-05-029	51-56-008	NEW-W	01-05-029	72-120-301	NEW	01-16-023
51-46-1000	REP-P	01-16-122	51-56-008	NEW-P	01-16-122	72-120-302	NEW-P	01-09-057
51-46-1003	REP-W	01-05-029	51-56-0100	NEW-W	01-05-029	72-120-302	NEW	01-16-023
51-46-1003	REP-P	01-16-122	51-56-0100	NEW-P	01-16-122	72-120-303	NEW-P	01-09-057
51-46-1012	REP-W	01-05-029	51-56-0200	NEW-W	01-05-029	72-120-303	NEW	01-16-023
51-46-1012	REP-P	01-16-122	51-56-0200	NEW-P	01-16-122	72-120-304	NEW-P	01-09-057
51-46-1300	REP-W	01-05-029	51-56-0300	NEW-W	01-05-029	72-120-304	NEW	01-16-023
51-46-1300	REP-P	01-16-122	51-56-0300	NEW-P	01-16-122	72-120-305	NEW-P	01-09-057
51-46-1301	REP-W	01-05-029	51-56-0400	NEW-W	01-05-029	72-120-305	NEW	01-16-023
51-46-1301	REP-P	01-16-122	51-56-0400	NEW-P	01-16-122	72-120-306	NEW-P	01-09-057
51-46-1302	REP-W	01-05-029	51-56-0500	NEW-W	01-05-029	72-120-306	NEW	01-16-023
51-46-1302	REP-P	01-16-122	51-56-0500	NEW-P	01-16-122	72-120-307	NEW-P	01-09-057
51-46-1303	REP-W	01-05-029	51-56-0600	NEW-W	01-05-029	72-120-307	NEW	01-16-023
51-46-1303	REP-P	01-16-122	51-56-0600	NEW-P	01-16-122	72-120-308	NEW-P	01-09-057
51-46-1304	REP-W	01-05-029	51-56-0700	NEW-W	01-05-029	72-120-308	NEW	01-16-023
51-46-1304	REP-P	01-16-122	51-56-0700	NEW-P	01-16-122	72-120-309	NEW-P	01-09-057
51-46-1305	REP-W	01-05-029	51-56-0800	NEW-W	01-05-029	72-120-309	NEW	01-16-023
51-46-1305	REP-P	01-16-122	51-56-0800	NEW-P	01-16-122	72-120-310	NEW-P	01-09-057
51-46-1400	REP-W	01-05-029	51-56-0900	NEW-W	01-05-029	72-120-310	NEW	01-16-023
51-46-1400	REP-P	01-16-122	51-56-0900	NEW-P	01-16-122	72-120-311	NEW-P	01-09-057
51-46-1401	REP-W	01-05-029	51-56-1300	NEW-W	01-05-029	72-120-311	NEW	01-16-023
51-46-1401	REP-P	01-16-122	51-56-1300	NEW-P	01-16-122	72-120-312	NEW-P	01-09-057
51-46-1491	REP-W	01-05-029	51-56-1400	NEW-W	01-05-029	72-120-312	NEW	01-16-023
51-46-1491	REP-P	01-16-122	51-56-1400	NEW-P	01-16-122	72-120-313	NEW-P	01-09-057
51-46-97120	REP-W	01-05-029	51-56-1500	NEW-W	01-05-029	72-120-313	NEW	01-16-023
51-46-97120	REP-P	01-16-122	51-56-1500	NEW-P	01-16-122	72-120-314	NEW-P	01-09-057
51-46-97121	REP-W	01-05-029	51-56-201300	NEW-W	01-05-029	72-120-314	NEW	01-16-023
51-46-97121	REP-P	01-16-122	51-56-201300	NEW-P	01-16-122	72-171-001	AMD-P	01-09-019
51-46-97122	REP-W	01-05-029	51-57-001	NEW-W	01-05-029	72-171-001	AMD	01-16-022
51-46-97122	REP-P	01-16-122	51-57-001	NEW-P	01-16-122	72-171-010	AMD-P	01-09-019
51-46-97123	REP-W	01-05-029	51-57-002	NEW-W	01-05-029	72-171-010	AMD	01-16-022
51-46-97123	REP-P	01-16-122	51-57-002	NEW-P	01-16-122	72-171-015	AMD-P	01-09-019
51-46-97124	REP-W	01-05-029	51-57-003	NEW-W	01-05-029	72-171-015	AMD	01-16-022
51-46-97124	REP-P	01-16-122	51-57-003	NEW-P	01-16-122	72-171-016	AMD-P	01-09-019
51-46-97125	REP-W	01-05-029	51-57-007	NEW-W	01-05-029	72-171-016	AMD	01-16-022
51-46-97125	REP-P	01-16-122	51-57-007	NEW-P	01-16-122	72-171-100	REP-P	01-09-019
51-46-97126	REP-W	01-05-029	51-57-008	NEW-W	01-05-029	72-171-100	REP	01-16-022
51-46-97126	REP-P	01-16-122	51-57-008	NEW-P	01-16-122	72-171-110	AMD-P	01-09-019
51-46-97127	REP-W	01-05-029	51-57-790000	NEW-W	01-05-029	72-171-110	AMD	01-16-022
51-46-97127	REP-P	01-16-122	51-57-790000	NEW-P	01-16-122	72-171-120	AMD-P	01-09-019
51-46-97128	REP-W	01-05-029	51-57-895000	NEW-W	01-05-029	72-171-120	AMD	01-16-022
51-46-97128	REP-P	01-16-122	51-57-895000	NEW-P	01-16-122	72-171-130	REP-P	01-09-019
51-46-97129	REP-W	01-05-029	67-25-460	NEW-P	01-14-064	72-171-130	REP	01-16-022
51-46-97129	REP-P	01-16-122	67-25-470	NEW-P	01-14-064	72-171-131	NEW-P	01-09-019
51-47-001	REP-W	01-05-029	67-25-480	NEW-P	01-14-064	72-171-131	NEW	01-16-022
51-47-001	REP-P	01-16-122	72-120-100	AMD-P	01-09-057	72-171-140	AMD-P	01-09-019
51-47-002	REP-W	01-05-029	72-120-100	AMD	01-16-023	72-171-140	AMD	01-16-022
51-47-002	REP-P	01-16-122	72-120-200	AMD-P	01-09-057	72-171-150	AMD-P	01-09-019

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72-171-150	AMD	01-16-022	118- 68-070	NEW	01-09-045	132W-104-010	REP	01-07-059
72-171-200	REP-P	01-09-019	118- 68-080	NEW	01-09-045	132W-104-020	REP-P	01-04-004
72-171-200	REP	01-16-022	118- 68-090	NEW	01-09-045	132W-104-020	REP	01-07-059
72-171-210	AMD-P	01-09-019	131	PREP	01-09-061	132W-104-030	REP-P	01-04-004
72-171-210	AMD	01-16-022	131- 28-005	AMD-P	01-16-119	132W-104-030	REP	01-07-059
72-171-220	AMD-P	01-09-019	131- 28-010	AMD-P	01-16-119	132W-104-040	REP-P	01-04-004
72-171-220	AMD	01-16-022	131- 28-015	AMD-P	01-16-119	132W-104-040	REP	01-07-059
72-171-230	AMD-P	01-09-019	131- 28-021	AMD-P	01-16-119	132W-104-050	REP-P	01-04-004
72-171-230	AMD	01-16-022	131- 28-025	AMD-E	01-14-017	132W-104-050	REP	01-07-059
72-171-240	AMD-P	01-09-019	131- 28-025	AMD-P	01-16-119	132W-104-060	REP-P	01-04-004
72-171-240	AMD	01-16-022	131- 28-02501	AMD-P	01-16-119	132W-104-060	REP	01-07-059
72-171-242	NEW-P	01-09-019	131- 28-029	NEW-P	01-16-119	132W-104-070	REP-P	01-04-004
72-171-242	NEW	01-16-022	132A-120-011	AMD-P	01-03-116	132W-104-070	REP	01-07-059
72-171-244	NEW-P	01-09-019	132A-120-011	AMD	01-08-071	132W-104-080	REP-P	01-04-004
72-171-244	NEW	01-16-022	132A-120-021	AMD-P	01-03-116	132W-104-080	REP	01-07-059
72-171-400	REP-P	01-09-019	132A-120-021	AMD	01-08-071	132W-104-090	REP-P	01-04-004
72-171-400	REP	01-16-022	132G-120-010	AMD-P	01-08-082	132W-104-090	REP	01-07-059
72-171-410	AMD-P	01-09-019	132G-120-010	AMD	01-13-065	132W-104-100	REP-P	01-04-004
72-171-410	AMD	01-16-022	132G-120-015	NEW-P	01-08-082	132W-104-100	REP	01-07-059
72-171-420	REP-P	01-09-019	132G-120-015	NEW	01-13-065	132W-104-110	REP-P	01-04-004
72-171-420	REP	01-16-022	132G-120-020	REP-P	01-08-082	132W-104-110	REP	01-07-059
72-171-430	REP-P	01-09-019	132G-120-020	REP	01-13-065	132W-104-111	REP-P	01-04-004
72-171-430	REP	01-16-022	132G-120-030	AMD-P	01-08-082	132W-104-111	REP	01-07-059
72-171-500	AMD-P	01-09-019	132G-120-030	AMD	01-13-065	132W-104-120	REP-P	01-04-004
72-171-500	AMD	01-16-022	132G-120-040	AMD-P	01-08-082	132W-104-120	REP	01-07-059
72-171-510	AMD-P	01-09-019	132G-120-040	AMD	01-13-065	132W-104-130	REP-P	01-04-004
72-171-510	AMD	01-16-022	132G-120-040	AMD	01-13-065	132W-104-130	REP	01-07-059
72-171-512	NEW-P	01-09-019	132G-120-060	AMD-P	01-08-082	132W-105-010	NEW-P	01-07-058
72-171-512	NEW	01-16-022	132G-120-060	AMD	01-13-065	132W-105-010	NEW	01-12-015
72-171-514	NEW-P	01-09-019	132G-120-061	AMD-P	01-08-082	132W-105-020	NEW-P	01-07-058
72-171-514	NEW	01-16-022	132G-120-061	AMD	01-13-065	132W-105-020	NEW	01-12-015
72-171-550	NEW-P	01-09-019	132G-120-062	AMD-P	01-08-082	132W-105-030	NEW-P	01-07-058
72-171-550	NEW	01-16-022	132G-120-062	AMD	01-13-065	132W-105-030	NEW	01-12-015
72-171-600	REP-P	01-09-019	132G-120-063	AMD-P	01-08-082	132W-105-040	NEW-P	01-07-058
72-171-600	REP	01-16-022	132G-120-063	AMD	01-13-065	132W-105-040	NEW	01-12-015
72-171-601	NEW-P	01-09-019	132G-120-064	AMD-P	01-08-082	132W-105-050	NEW-P	01-07-058
72-171-601	NEW	01-16-022	132G-120-064	AMD	01-13-065	132W-105-050	NEW	01-12-015
72-171-605	NEW-P	01-09-019	132G-120-065	AMD-P	01-08-082	132W-105-060	NEW-P	01-07-058
72-171-605	NEW	01-16-022	132G-120-065	AMD	01-13-065	132W-105-060	NEW	01-12-015
72-171-610	REP-P	01-09-019	132G-120-070	AMD-P	01-08-082	132W-105-070	NEW-P	01-07-058
72-171-610	REP	01-16-022	132G-120-070	AMD	01-13-065	132W-105-070	NEW	01-12-015
72-171-620	REP-P	01-09-019	132G-120-080	AMD-P	01-08-082	132W-105-080	NEW-P	01-07-058
72-171-620	REP	01-16-022	132G-120-080	AMD	01-13-065	132W-105-080	NEW	01-12-015
72-171-630	REP-P	01-09-019	132G-120-090	AMD-P	01-08-082	132W-108	PREP	01-03-103
72-171-630	REP	01-16-022	132G-120-090	AMD	01-13-065	132W-108-001	REP-P	01-04-004
72-171-640	REP-P	01-09-019	132G-120-100	AMD-P	01-08-082	132W-108-001	REP	01-07-059
72-171-640	REP	01-16-022	132G-120-100	AMD	01-13-065	132W-108-005	REP-P	01-04-004
72-171-650	AMD-P	01-09-019	132G-120-110	AMD-P	01-08-082	132W-108-005	REP	01-07-059
72-171-650	AMD	01-16-022	132G-120-110	AMD	01-13-065	132W-108-010	REP-P	01-04-004
72-171-700	REP-P	01-09-019	132G-120-120	REP-P	01-08-082	132W-108-010	REP	01-07-059
72-171-700	REP	01-16-022	132G-120-120	REP	01-13-065	132W-108-010	REP-P	01-04-004
72-171-710	NEW-P	01-09-019	132G-120-130	AMD-P	01-08-082	132W-108-080	REP-P	01-04-004
72-171-710	NEW-W	01-10-018	132G-120-130	AMD	01-13-065	132W-108-080	REP	01-07-059
72-171-710	NEW	01-16-022	132G-120-140	AMD-P	01-08-082	132W-108-090	REP-P	01-04-004
82- 50-021	AMD-P	01-09-085	132G-120-140	AMD	01-13-065	132W-108-090	REP	01-07-059
82- 50-021	AMD	01-12-007	132K-122-020	PREP	01-03-125	132W-108-100	REP-P	01-04-004
118- 68-010	NEW	01-09-045	132K-122-020	AMD-P	01-07-062	132W-108-100	REP	01-07-059
118- 68-020	NEW	01-09-045	132K-122-020	AMD	01-11-068	132W-108-110	REP-P	01-04-004
118- 68-030	NEW	01-09-045	132K-122-100	PREP	01-03-126	132W-108-110	REP	01-07-059
118- 68-040	NEW	01-09-045	132K-122-100	AMD-P	01-07-061	132W-108-120	REP-P	01-04-004
118- 68-050	NEW	01-09-045	132K-122-100	AMD	01-11-067	132W-108-120	REP	01-07-059
118- 68-060	NEW	01-09-045	132W-104	PREP	01-03-103	132W-108-130	REP-P	01-04-004
			132W-104-010	REP-P	01-04-004	132W-108-130	REP	01-07-059

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-108-140	REP-P	01-04-004	132W-109-085	NEW-P	01-07-058	132W-115-150	NEW-P	01-07-058
132W-108-140	REP	01-07-059	132W-109-085	NEW	01-12-015	132W-115-150	NEW	01-12-015
132W-108-230	REP-P	01-04-004	132W-112	PREP	01-03-103	132W-115-160	NEW-P	01-07-058
132W-108-230	REP	01-07-059	132W-112-001	NEW-P	01-07-058	132W-115-160	NEW	01-12-015
132W-108-240	REP-P	01-04-004	132W-112-001	NEW	01-12-015	132W-115-170	NEW-P	01-07-058
132W-108-240	REP	01-07-059	132W-112-010	NEW-P	01-07-058	132W-115-170	NEW	01-12-015
132W-108-250	REP-P	01-04-004	132W-112-010	NEW	01-12-015	132W-115-180	NEW-P	01-07-058
132W-108-250	REP	01-07-059	132W-112-020	NEW-P	01-07-058	132W-115-180	NEW	01-12-015
132W-108-260	REP-P	01-04-004	132W-112-020	NEW	01-12-015	132W-115-190	NEW-P	01-07-058
132W-108-260	REP	01-07-059	132W-112-030	NEW-P	01-07-058	132W-115-190	NEW	01-12-015
132W-108-270	REP-P	01-04-004	132W-112-030	NEW	01-12-015	132W-115-200	NEW-P	01-07-058
132W-108-270	REP	01-07-059	132W-112-040	NEW-P	01-07-058	132W-115-200	NEW	01-12-015
132W-108-280	REP-P	01-04-004	132W-112-040	NEW	01-12-015	132W-115-210	NEW-P	01-07-058
132W-108-280	REP	01-07-059	132W-112-050	NEW-P	01-07-058	132W-115-210	NEW	01-12-015
132W-108-290	REP-P	01-04-004	132W-112-050	NEW	01-12-015	132W-115-220	NEW-P	01-07-058
132W-108-290	REP	01-07-059	132W-112-060	NEW-P	01-07-058	132W-115-220	NEW	01-12-015
132W-108-300	REP-P	01-04-004	132W-112-060	NEW	01-12-015	132W-116	PREP	01-03-103
132W-108-300	REP	01-07-059	132W-112-070	NEW-P	01-07-058	132W-116-010	REP-P	01-04-004
132W-108-310	REP-P	01-04-004	132W-112-070	NEW	01-12-015	132W-116-010	REP	01-07-059
132W-108-310	REP	01-07-059	132W-112-080	NEW-P	01-07-058	132W-116-020	REP-P	01-04-004
132W-108-320	REP-P	01-04-004	132W-112-080	NEW	01-12-015	132W-116-020	REP	01-07-059
132W-108-320	REP	01-07-059	132W-112-090	NEW-P	01-07-058	132W-116-040	REP-P	01-04-004
132W-108-330	REP-P	01-04-004	132W-112-090	NEW	01-12-015	132W-116-040	REP	01-07-059
132W-108-330	REP	01-07-059	132W-112-100	NEW-P	01-07-058	132W-116-050	REP-P	01-04-004
132W-108-340	REP-P	01-04-004	132W-112-100	NEW	01-12-015	132W-116-050	REP	01-07-059
132W-108-340	REP	01-07-059	132W-112-110	NEW-P	01-07-058	132W-116-065	REP-P	01-04-004
132W-108-350	REP-P	01-04-004	132W-112-110	NEW	01-12-015	132W-116-065	REP	01-07-059
132W-108-350	REP	01-07-059	132W-112-120	NEW-P	01-07-058	132W-117-010	NEW-P	01-07-058
132W-108-360	REP-P	01-04-004	132W-112-120	NEW	01-12-015	132W-117-010	NEW	01-12-015
132W-108-360	REP	01-07-059	132W-112-130	NEW-P	01-07-058	132W-117-020	NEW-P	01-07-058
132W-108-400	REP-P	01-04-004	132W-112-130	NEW	01-12-015	132W-117-020	NEW	01-12-015
132W-108-400	REP	01-07-059	132W-112-140	NEW-P	01-07-058	132W-117-030	NEW-P	01-07-058
132W-108-410	REP-P	01-04-004	132W-112-140	NEW	01-12-015	132W-117-030	NEW	01-12-015
132W-108-410	REP	01-07-059	132W-115	PREP	01-03-103	132W-117-040	NEW-P	01-07-058
132W-108-420	REP-P	01-04-004	132W-115-010	NEW-P	01-07-058	132W-117-040	NEW	01-12-015
132W-108-420	REP	01-07-059	132W-115-010	NEW	01-12-015	132W-117-050	NEW-P	01-07-058
132W-108-430	REP-P	01-04-004	132W-115-020	NEW-P	01-07-058	132W-117-050	NEW	01-12-015
132W-108-430	REP	01-07-059	132W-115-020	NEW	01-12-015	132W-117-060	NEW-P	01-07-058
132W-108-440	REP-P	01-04-004	132W-115-030	NEW-P	01-07-058	132W-117-060	NEW	01-12-015
132W-108-440	REP	01-07-059	132W-115-030	NEW	01-12-015	132W-117-070	NEW-P	01-07-058
132W-108-450	REP-P	01-04-004	132W-115-040	NEW-P	01-07-058	132W-117-070	NEW	01-12-015
132W-108-450	REP	01-07-059	132W-115-040	NEW	01-12-015	132W-117-080	NEW-P	01-07-058
132W-108-460	REP-P	01-04-004	132W-115-050	NEW-P	01-07-058	132W-117-080	NEW	01-12-015
132W-108-460	REP	01-07-059	132W-115-050	NEW	01-12-015	132W-117-090	NEW-P	01-07-058
132W-108-470	REP-P	01-04-004	132W-115-060	NEW-P	01-07-058	132W-117-090	NEW	01-12-015
132W-108-470	REP	01-07-059	132W-115-060	NEW	01-12-015	132W-117-100	NEW-P	01-07-058
132W-108-480	REP-P	01-04-004	132W-115-070	NEW-P	01-07-058	132W-117-100	NEW	01-12-015
132W-108-480	REP	01-07-059	132W-115-070	NEW	01-12-015	132W-117-110	NEW-P	01-07-058
132W-109-010	NEW-P	01-07-058	132W-115-080	NEW-P	01-07-058	132W-117-110	NEW	01-12-015
132W-109-010	NEW	01-12-015	132W-115-080	NEW	01-12-015	132W-117-120	NEW-P	01-07-058
132W-109-020	NEW-P	01-07-058	132W-115-090	NEW-P	01-07-058	132W-117-120	NEW	01-12-015
132W-109-020	NEW	01-12-015	132W-115-090	NEW	01-12-015	132W-117-130	NEW-P	01-07-058
132W-109-030	NEW-P	01-07-058	132W-115-100	NEW-P	01-07-058	132W-117-130	NEW	01-12-015
132W-109-030	NEW	01-12-015	132W-115-100	NEW	01-12-015	132W-117-140	NEW-P	01-07-058
132W-109-040	NEW-P	01-07-058	132W-115-110	NEW-P	01-07-058	132W-117-140	NEW	01-12-015
132W-109-040	NEW	01-12-015	132W-115-110	NEW	01-12-015	132W-117-150	NEW-P	01-07-058
132W-109-050	NEW-P	01-07-058	132W-115-120	NEW-P	01-07-058	132W-117-150	NEW	01-12-015
132W-109-050	NEW	01-12-015	132W-115-120	NEW	01-12-015	132W-117-160	NEW-P	01-07-058
132W-109-060	NEW-P	01-07-058	132W-115-130	NEW-P	01-07-058	132W-117-160	NEW	01-12-015
132W-109-060	NEW	01-12-015	132W-115-130	NEW	01-12-015	132W-117-170	NEW-P	01-07-058
132W-109-070	NEW-P	01-07-058	132W-115-140	NEW-P	01-07-058	132W-117-170	NEW	01-12-015
132W-109-070	NEW	01-12-015	132W-115-140	NEW	01-12-015	132W-117-180	NEW-P	01-07-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-117-180	NEW	01-12-015	132W-131-030	NEW	01-14-016	132W-276-010	REP-P	01-04-004
132W-117-190	NEW-P	01-07-058	132W-134	PREP	01-06-010	132W-276-010	REP	01-07-059
132W-117-190	NEW	01-12-015	132W-134-010	NEW-P	01-10-015	132W-276-060	REP-P	01-04-004
132W-117-200	NEW-P	01-07-058	132W-134-010	NEW	01-14-016	132W-276-060	REP	01-07-059
132W-117-200	NEW	01-12-015	132W-135-010	REP-P	01-04-004	132W-276-070	REP-P	01-04-004
132W-117-210	NEW-P	01-07-058	132W-135-010	REP	01-07-059	132W-276-070	REP	01-07-059
132W-117-210	NEW	01-12-015	132W-140	PREP	01-06-010	132W-276-080	REP-P	01-04-004
132W-117-220	NEW-P	01-07-058	132W-140	PREP	01-06-011	132W-276-080	REP	01-07-059
132W-117-220	NEW	01-12-015	132W-140-010	REP-P	01-10-016	132W-276-090	REP-P	01-04-004
132W-117-230	NEW-P	01-07-058	132W-140-010	REP	01-13-073	132W-276-090	REP	01-07-059
132W-117-230	NEW	01-12-015	132W-140-011	REP-P	01-10-016	132W-276-100	REP-P	01-04-004
132W-117-240	NEW-P	01-07-058	132W-140-011	REP	01-13-073	132W-276-100	REP	01-07-059
132W-117-240	NEW	01-12-015	132W-140-012	REP-P	01-10-016	132W-276-110	REP-P	01-04-004
132W-117-250	NEW-P	01-07-058	132W-140-012	REP	01-13-073	132W-276-110	REP	01-07-059
132W-117-250	NEW	01-12-015	132W-140-013	REP-P	01-10-016	132W-277-010	NEW-P	01-07-058
132W-117-260	NEW-P	01-07-058	132W-140-013	REP	01-13-073	132W-277-010	NEW	01-12-015
132W-117-260	NEW	01-12-015	132W-141-010	NEW-P	01-10-015	132W-277-020	NEW-P	01-07-058
132W-117-270	NEW-P	01-07-058	132W-141-010	NEW	01-14-016	132W-277-020	NEW	01-12-015
132W-117-270	NEW	01-12-015	132W-141-020	NEW-P	01-10-015	132W-277-030	NEW-P	01-07-058
132W-117-280	NEW-P	01-07-058	132W-141-020	NEW	01-14-016	132W-277-030	NEW	01-12-015
132W-117-280	NEW	01-12-015	132W-141-030	NEW-P	01-10-015	132W-277-040	NEW-P	01-07-058
132W-120-010	REP-P	01-04-004	132W-141-030	NEW	01-14-016	132W-277-040	NEW	01-12-015
132W-120-010	REP	01-07-059	132W-141-040	NEW-P	01-10-015	132W-277-050	NEW-P	01-07-058
132W-120-030	REP-P	01-04-004	132W-141-040	NEW	01-14-016	132W-277-050	NEW	01-12-015
132W-120-030	REP	01-07-059	132W-141-050	NEW-P	01-10-015	132W-277-060	NEW-P	01-07-058
132W-120-040	REP-P	01-04-004	132W-141-050	NEW	01-14-016	132W-277-060	NEW	01-12-015
132W-120-040	REP	01-07-059	132W-141-060	NEW-P	01-10-015	132W-277-070	NEW-P	01-07-058
132W-120-050	REP-P	01-04-004	132W-141-060	NEW	01-14-016	132W-277-070	NEW	01-12-015
132W-120-050	REP	01-07-059	132W-141-070	NEW-P	01-10-015	132W-277-080	NEW-P	01-07-058
132W-120-060	REP-P	01-04-004	132W-141-070	NEW	01-14-016	132W-277-080	NEW	01-12-015
132W-120-060	REP	01-07-059	132W-141-080	NEW-P	01-10-015	132W-277-090	NEW-P	01-07-058
132W-120-070	REP-P	01-04-004	132W-141-080	NEW	01-14-016	132W-277-090	NEW	01-12-015
132W-120-070	REP	01-07-059	132W-141-090	NEW-P	01-10-015	132W-277-100	NEW-P	01-07-058
132W-120-100	REP-P	01-04-004	132W-141-090	NEW	01-14-016	132W-277-100	NEW	01-12-015
132W-120-100	REP	01-07-059	132W-149	PREP	01-06-011	132W-277-110	NEW-P	01-07-058
132W-120-130	REP-P	01-04-004	132W-149-010	REP-P	01-10-016	132W-277-110	NEW	01-12-015
132W-120-130	REP	01-07-059	132W-149-010	REP	01-13-073	132W-277-120	NEW-P	01-07-058
132W-120-300	REP-P	01-04-004	132W-164	PREP	01-06-011	132W-277-120	NEW	01-12-015
132W-120-300	REP	01-07-059	132W-164-010	REP-P	01-10-016	132W-277-130	NEW-P	01-07-058
132W-120-310	REP-P	01-04-004	132W-164-010	REP	01-13-073	132W-277-130	NEW	01-12-015
132W-120-310	REP	01-07-059	132W-164-011	REP-P	01-10-016	132W-277-140	NEW-P	01-07-058
132W-120-320	REP-P	01-04-004	132W-164-011	REP	01-13-073	132W-277-140	NEW	01-12-015
132W-120-320	REP	01-07-059	132W-164-012	REP-P	01-10-016	132W-300	PREP	01-06-056
132W-120-330	REP-P	01-04-004	132W-164-012	REP	01-13-073	132W-300-001	NEW-P	01-10-015
132W-120-330	REP	01-07-059	132W-164-013	REP-P	01-10-016	132W-300-001	NEW	01-14-016
132W-120-400	REP-P	01-04-004	132W-164-013	REP	01-13-073	132W-300-010	NEW-P	01-10-015
132W-120-400	REP	01-07-059	132W-164-020	REP-P	01-10-016	132W-300-010	NEW	01-14-016
132W-125-010	NEW-P	01-07-058	132W-164-020	REP	01-13-073	132W-300-020	NEW-P	01-10-015
132W-125-010	NEW	01-12-015	132W-168	PREP	01-06-010	132W-300-020	NEW	01-14-016
132W-125-020	NEW-P	01-07-058	132W-168-010	NEW-P	01-10-015	132W-300-030	NEW-P	01-10-015
132W-125-020	NEW	01-12-015	132W-168-010	NEW	01-14-016	132W-300-030	NEW	01-14-016
132W-125-030	NEW-P	01-07-058	132W-168-020	NEW-P	01-10-015	132W-300-040	NEW-P	01-10-015
132W-125-030	NEW	01-12-015	132W-168-020	NEW	01-14-016	132W-300-040	NEW	01-14-016
132W-129	PREP	01-06-011	132W-168-030	NEW-P	01-10-015	132W-300-050	NEW-P	01-10-015
132W-129-001	REP-P	01-10-016	132W-168-030	NEW	01-14-016	132W-300-050	NEW	01-14-016
132W-129-001	REP	01-13-073	132W-168-040	NEW-P	01-10-015	132W-300-060	NEW-P	01-10-015
132W-130	PREP	01-06-010	132W-168-040	NEW	01-14-016	132W-300-060	NEW	01-14-016
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132W-131-020	NEW-P	01-10-015	132W-276-001	REP	01-07-059	132W-325-010	NEW	01-12-015
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136-130-040	AMD	01-09-077	148-120-300	NEW-P	01-12-062	148-171-400	REP-P	01-12-061
136-130-050	AMD	01-05-009	148-120-300	NEW	01-16-100	148-171-400	REP	01-16-101
136-130-060	AMD	01-05-009	148-120-301	NEW-P	01-12-062	148-171-410	AMD-P	01-12-061
136-130-070	AMD	01-05-009	148-120-301	NEW	01-16-100	148-171-410	AMD	01-16-101
136-150-020	AMD-P	01-12-051	148-120-302	NEW-P	01-12-062	148-171-420	REP-P	01-12-061
136-150-020	AMD	01-17-104	148-120-302	NEW	01-16-100	148-171-420	REP	01-16-101
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136-150-022	AMD	01-17-104	148-120-303	NEW	01-16-100	148-171-430	REP	01-16-101
136-150-023	AMD-P	01-12-051	148-120-304	NEW-P	01-12-062	148-171-500	AMD-P	01-12-061
136-150-023	AMD	01-17-104	148-120-304	NEW	01-16-100	148-171-500	AMD	01-16-101
136-150-024	AMD-P	01-12-051	148-120-305	NEW-P	01-12-062	148-171-510	AMD-P	01-12-061
136-150-024	AMD	01-17-104	148-120-305	NEW	01-16-100	148-171-510	AMD	01-16-101
136-150-030	AMD-P	01-12-051	148-120-306	NEW-P	01-12-062	148-171-512	NEW-P	01-12-061
136-150-030	AMD	01-17-104	148-120-306	NEW	01-16-100	148-171-512	NEW	01-16-101
136-150-040	AMD-P	01-12-051	148-120-307	NEW-P	01-12-062	148-171-514	NEW-P	01-12-061
136-150-040	AMD	01-17-104	148-120-307	NEW	01-16-100	148-171-514	NEW	01-16-101
136-161-020	AMD	01-05-009	148-120-308	NEW-P	01-12-062	148-171-550	NEW-P	01-12-061
136-161-030	AMD	01-05-009	148-120-308	NEW	01-16-100	148-171-550	NEW	01-16-101
136-161-040	AMD	01-05-009	148-120-309	NEW-P	01-12-062	148-171-600	REP-P	01-12-061
136-161-050	AMD	01-05-009	148-120-309	NEW	01-16-100	148-171-600	REP	01-16-101
136-161-070	AMD	01-05-009	148-120-310	NEW-P	01-12-062	148-171-601	NEW-P	01-12-061
136-163-050	AMD	01-05-009	148-120-310	NEW	01-16-100	148-171-601	NEW	01-16-101
136-167-040	AMD-P	01-06-017	148-120-311	NEW-P	01-12-062	148-171-605	NEW-P	01-12-061
136-167-040	AMD	01-09-077	148-120-311	NEW	01-16-100	148-171-605	NEW	01-16-101
136-170-030	AMD	01-05-008	148-120-312	NEW-P	01-12-062	148-171-610	REP-P	01-12-061
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136-210-020	AMD	01-17-104	148-120-313	NEW-P	01-12-062	148-171-620	REP-P	01-12-061
136-210-030	AMD	01-05-009	148-120-313	NEW	01-16-100	148-171-620	REP	01-16-101
136-210-040	AMD	01-05-009	148-120-314	NEW-P	01-12-062	148-171-630	REP-P	01-12-061
136-210-050	AMD	01-05-009	148-120-314	NEW	01-16-100	148-171-630	REP	01-16-101
137-04-010	AMD	01-03-079	148-171-001	AMD-P	01-12-061	148-171-640	REP-P	01-12-061
137-04-020	AMD	01-03-079	148-171-001	AMD	01-16-101	148-171-640	REP	01-16-101
137-52-010	AMD	01-04-001	148-171-010	AMD-P	01-12-061	148-171-650	AMD-P	01-12-061
137-104-010	NEW	01-04-044	148-171-010	AMD	01-16-101	148-171-650	AMD	01-16-101
137-104-020	NEW	01-04-044	148-171-015	AMD-P	01-12-061	148-171-700	REP-P	01-12-061
137-104-030	NEW	01-04-044	148-171-015	AMD	01-16-101	148-171-700	REP	01-16-101
137-104-040	NEW	01-04-044	148-171-110	AMD-P	01-12-061	173-09-010	REP	01-05-035
137-104-050	NEW	01-04-044	148-171-110	AMD	01-16-101	173-09-020	REP	01-05-035
137-104-060	NEW	01-04-044	148-171-120	AMD-P	01-12-061	173-09-030	REP	01-05-035
137-104-070	NEW	01-04-044	148-171-120	AMD	01-16-101	173-09-040	REP	01-05-035
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148-120-100	AMD-S	01-16-099	148-171-200	REP	01-16-101	173-167-020	REP-E	01-12-067
148-120-200	AMD-P	01-12-062	148-171-210	AMD-P	01-12-061	173-167-025	NEW-E	01-12-068
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148-120-220	AMD	01-16-100	148-171-220	AMD	01-16-101	173-167-035	NEW-E	01-12-068
148-120-225	AMD-P	01-12-062	148-171-230	AMD-P	01-12-061	173-167-040	NEW-E	01-10-004
148-120-225	AMD	01-16-100	148-171-230	AMD	01-16-101	173-167-040	REP-E	01-12-067
148-120-230	AMD-P	01-12-062	148-171-240	AMD-P	01-12-061	173-167-045	NEW-E	01-12-068
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173-167-070	NEW-E	01-10-004	173-340-330	AMD	01-05-024	173-400-070	AMD	01-17-062
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173-167-080	REP-E	01-12-067	173-340-357	NEW	01-05-024	173-400-100	AMD	01-17-062
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173-173-070	NEW-P	01-16-131	173-340-510	AMD	01-05-024	173-400-114	AMD-P	01-04-072
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173-173-090	NEW-P	01-16-131	173-340-520	AMD	01-05-024	173-400-115	AMD-P	01-04-072
173-173-100	NEW-P	01-16-131	173-340-530	AMD	01-05-024	173-400-115	AMD	01-17-062
173-173-110	NEW-P	01-16-131	173-340-545	NEW	01-05-024	173-400-116	AMD-P	01-04-072
173-173-120	NEW-P	01-16-131	173-340-550	AMD	01-05-024	173-400-116	AMD	01-17-062
173-173-130	NEW-P	01-16-131	173-340-600	AMD	01-05-024	173-400-117	NEW-P	01-04-072
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173-173-190	NEW-P	01-16-131	173-340-705	AMD	01-05-024	173-400-136	AMD-P	01-04-072
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173-322-060	AMD	01-05-024	173-340-830	AMD	01-05-024	173-503-050	NEW	01-07-027
173-322-070	AMD	01-05-024	173-340-840	AMD	01-05-024	173-503-060	NEW	01-07-027
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175- 20-030	REP-XR	01-10-111	180- 27-020	AMD-P	01-15-097	180- 57-050	AMD-W	01-04-024
175- 20-030	REP	01-13-074	180- 27-035	AMD-E	01-14-066	180- 57-055	AMD-W	01-04-024
175- 20-040	REP-XR	01-10-111	180- 27-035	AMD-P	01-15-099	180- 57-070	AMD-P	01-05-090
175- 20-040	REP	01-13-074	180- 27-060	AMD-E	01-14-066	180- 57-070	AMD	01-09-013
175- 20-050	REP-XR	01-10-111	180- 27-060	AMD-P	01-15-097	180- 57-070	PREP	01-11-141
175- 20-050	REP	01-13-074	180- 27-063	AMD-E	01-14-066	180- 57-080	REP-W	01-04-024
175- 20-060	REP-XR	01-10-111	180- 27-063	AMD-P	01-15-097	180- 77-120	AMD-P	01-15-098
175- 20-060	REP	01-13-074	180- 27-065	AMD-E	01-14-066	180- 78A	PREP	01-11-139
175- 20-070	REP-XR	01-10-111	180- 27-065	AMD-P	01-15-097	180- 78A-010	AMD-E	01-09-010
175- 20-070	REP	01-13-074	180- 27-070	AMD-P	01-05-089	180- 78A-010	PREP	01-10-039
175- 20-080	REP-XR	01-10-111	180- 27-070	AMD	01-09-011	180- 78A-010	AMD-P	01-10-101
175- 20-080	REP	01-13-074	180- 27-080	AMD-E	01-14-066	180- 78A-015	REP	01-04-021
175- 20-090	REP-XR	01-10-111	180- 27-080	AMD-P	01-15-097	180- 78A-125	REP-P	01-10-096
175- 20-090	REP	01-13-074	180- 27-095	AMD-E	01-14-066	180- 78A-125	REP	01-13-106
175- 20-100	REP-XR	01-10-111	180- 27-095	AMD-P	01-15-097	180- 78A-209	AMD	01-03-151
175- 20-100	REP	01-13-074	180- 27-102	AMD-E	01-14-066	180- 78A-220	PREP	01-15-101
175- 20-110	REP-XR	01-10-111	180- 27-102	AMD-P	01-15-097	180- 78A-225	PREP	01-15-101
175- 20-110	REP	01-13-074	180- 27-115	AMD-E	01-14-066	180- 78A-250	AMD-P	01-10-096
175- 20-120	REP-XR	01-10-111	180- 27-115	AMD-P	01-15-097	180- 78A-250	AMD	01-13-106
175- 20-120	REP	01-13-074	180- 29-012	NEW	01-08-040	180- 78A-255	AMD-P	01-10-096
175- 20-130	REP-XR	01-10-111	180- 31-012	NEW	01-08-040	180- 78A-255	AMD	01-13-106
175- 20-130	REP	01-13-074	180- 32	PREP	01-11-142	180- 78A-261	PREP	01-15-101

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180-78A-264	PREP	01-15-101	180-97-060	PREP	01-11-143	192-150-085	NEW-E	01-05-071
180-78A-535	AMD-P	01-04-019	182-12-117	PREP	01-09-083	192-150-085	NEW-P	01-05-118
180-78A-535	AMD	01-09-004	182-12-117	AMD-P	01-12-092	192-150-085	NEW	01-11-085
180-78A-545	REP	01-04-021	182-12-117	AMD-C	01-16-080	192-150-100	NEW-P	01-04-082
180-78A-550	REP	01-04-021	182-12-117	AMD	01-17-042	192-150-100	NEW	01-12-009
180-78A-555	REP	01-04-021	182-12-200	PREP	01-09-084	192-170-050	NEW-P	01-05-117
180-78A-560	REP	01-04-021	182-12-200	AMD-P	01-12-091	192-180-012	NEW-P	01-05-117
180-78A-565	REP	01-04-021	182-12-200	AMD-C	01-16-079	192-210-005	PREP	01-10-117
180-79A	PREP	01-04-018	182-12-200	AMD	01-17-041	192-210-005	AMD-E	01-12-010
180-79A	PREP	01-11-140	182-20-001	AMD	01-04-080	192-210-015	PREP	01-10-117
180-79A-015	REP-W	01-15-062	182-20-010	AMD	01-04-080	192-210-015	AMD-E	01-12-010
180-79A-020	REP-W	01-15-062	182-20-100	AMD	01-04-080	192-210-020	NEW-E	01-12-010
180-79A-022	REP-W	01-15-062	182-20-160	AMD	01-04-080	192-270-005	NEW-E	01-05-071
180-79A-030	AMD	01-03-153	182-20-200	AMD	01-04-080	192-270-005	NEW-P	01-05-118
180-79A-124	AMD	01-03-153	182-20-400	AMD	01-04-080	192-270-005	NEW	01-11-085
180-79A-130	AMD-P	01-05-093	182-25-010	AMD-P	01-05-107	192-270-010	NEW-E	01-05-071
180-79A-130	AMD	01-09-005	182-25-010	AMD	01-09-001	192-270-010	NEW-P	01-05-118
180-79A-145	AMD-P	01-04-019	183-04-010	NEW-P	01-04-033	192-270-010	NEW	01-11-085
180-79A-145	AMD	01-09-004	183-04-010	NEW	01-12-002	192-270-015	NEW-E	01-05-071
180-79A-155	AMD-P	01-04-022	183-04-020	NEW-P	01-04-033	192-270-015	NEW-P	01-05-118
180-79A-155	AMD	01-09-006	183-04-020	NEW	01-12-002	192-270-015	NEW	01-11-085
180-79A-206	AMD	01-03-153	183-04-030	NEW-P	01-04-033	192-270-020	NEW-E	01-05-071
180-79A-211	AMD	01-03-152	183-04-030	NEW	01-12-002	192-270-020	NEW-P	01-05-118
180-79A-250	AMD-P	01-04-019	183-04-040	NEW-P	01-04-033	192-270-020	NEW	01-11-085
180-79A-250	AMD	01-09-004	183-04-040	NEW	01-12-002	192-270-025	NEW-E	01-05-071
180-79A-250	AMD-P	01-10-095	183-04-050	NEW-P	01-04-033	192-270-025	NEW-P	01-05-118
180-79A-250	AMD	01-13-111	183-04-050	NEW	01-12-002	192-270-025	NEW	01-11-085
180-79A-257	PREP	01-05-126	183-04-060	NEW-P	01-04-033	192-270-030	NEW-E	01-05-071
180-79A-257	AMD-E	01-08-041	183-04-060	NEW	01-12-002	192-270-030	NEW-P	01-05-118
180-79A-257	AMD-P	01-10-093	183-04-070	NEW-P	01-04-033	192-270-030	NEW	01-11-085
180-79A-257	AMD	01-13-108	183-04-070	NEW	01-12-002	192-270-035	NEW-E	01-05-071
180-79A-257	AMD-P	01-15-098	183-04-080	NEW-P	01-04-033	192-270-035	NEW-P	01-05-118
180-79A-265	PREP	01-05-147	183-04-080	NEW	01-12-002	192-270-035	NEW	01-11-085
180-79A-265	REP-E	01-08-041	183-04-090	NEW-P	01-04-033	192-270-040	NEW-E	01-05-071
180-79A-265	REP-P	01-10-093	183-04-090	NEW	01-12-002	192-270-040	NEW-P	01-05-118
180-79A-265	REP	01-13-108	183-04-100	NEW-P	01-04-033	192-270-040	NEW	01-11-085
180-79A-311	REP-P	01-10-097	183-04-100	NEW	01-12-002	192-270-045	NEW-E	01-05-071
180-79A-311	REP	01-13-107	183-04-110	NEW-P	01-04-033	192-270-045	NEW-P	01-05-118
180-82-130	AMD-P	01-05-091	183-04-110	NEW	01-12-002	192-270-045	NEW	01-11-085
180-82-130	AMD-C	01-10-100	183-06-010	NEW-P	01-04-033	192-270-050	NEW-E	01-05-071
180-82-130	AMD	01-13-110	183-06-010	NEW	01-12-002	192-270-050	NEW-P	01-05-118
180-82-135	NEW	01-04-020	183-06-020	NEW-P	01-04-033	192-270-050	NEW	01-11-085
180-82-135	NEW-W	01-08-066	183-06-020	NEW	01-12-002	192-270-055	NEW-E	01-05-071
180-82-202	PREP	01-05-127	183-06-030	NEW-P	01-04-033	192-270-055	NEW-P	01-05-118
180-82-202	AMD-E	01-08-041	183-06-030	NEW	01-12-002	192-270-055	NEW	01-11-085
180-82-202	AMD-P	01-10-093	192-16-011	REP-E	01-05-071	192-270-060	NEW-E	01-05-071
180-82-202	AMD	01-13-108	192-16-011	REP-P	01-05-118	192-270-060	NEW-P	01-05-118
180-82-204	PREP	01-05-128	192-16-011	REP	01-11-085	192-270-060	NEW	01-11-085
180-82-204	AMD-E	01-08-041	192-16-017	REP-E	01-05-071	192-270-065	NEW-E	01-05-071
180-82-204	AMD-P	01-10-093	192-16-017	REP-P	01-05-118	192-270-065	NEW-P	01-05-118
180-82-204	AMD	01-13-108	192-16-017	REP	01-11-085	192-270-065	NEW	01-11-085
180-82-210	PREP	01-05-129	192-16-021	REP-P	01-05-117	192-270-070	NEW-E	01-05-071
180-82-210	AMD-E	01-08-041	192-16-061	REP	01-03-009	192-270-070	NEW-P	01-05-118
180-82-210	AMD-P	01-10-093	192-16-070	REP-P	01-04-082	192-270-070	NEW	01-11-085
180-82-210	AMD	01-13-108	192-16-070	REP	01-12-009	192-320-075	NEW-P	01-05-117
180-85	PREP	01-11-138	192-150-050	NEW-E	01-05-071	196-12-030	AMD-P	01-04-094
180-85-035	AMD-P	01-10-095	192-150-050	NEW-P	01-05-118	196-12-030	AMD	01-09-016
180-85-035	AMD	01-13-111	192-150-050	NEW	01-11-085	196-12-035	NEW-P	01-04-094
180-85-075	AMD-P	01-04-019	192-150-060	NEW-P	01-05-117	196-12-035	NEW	01-09-016
180-85-075	AMD	01-09-004	192-150-065	NEW-E	01-05-071	196-23-070	NEW-P	01-04-050
180-86	PREP	01-11-138	192-150-065	NEW-P	01-05-118	196-23-070	NEW	01-09-017

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196-33-200	NEW-P	01-05-033	208-460-100	NEW-P	01-05-072	208-586-150	NEW-P	01-07-081
196-33-200	NEW	01-11-102	208-460-100	NEW	01-10-084	208-620-190	AMD-P	01-07-083
196-33-300	NEW-P	01-05-033	208-460-110	NEW-P	01-05-072	208-620-190	AMD	01-12-029
196-33-300	NEW	01-11-102	208-460-110	NEW	01-10-084	208-620-191	NEW-P	01-07-083
196-33-400	NEW-P	01-05-033	208-460-120	NEW-P	01-05-072	208-620-191	NEW	01-12-029
196-33-400	NEW	01-11-102	208-460-120	NEW	01-10-084	208-620-192	NEW-P	01-07-083
196-33-500	NEW-P	01-05-033	208-460-130	NEW-P	01-05-072	208-620-192	NEW	01-12-029
196-33-500	NEW	01-11-102	208-460-130	NEW	01-10-084	208-630-021	AMD-P	01-07-083
204-36	PREP	01-11-117	208-460-140	NEW-P	01-05-072	208-630-021	AMD	01-12-029
204-38-030	AMD-P	01-05-097	208-460-140	NEW	01-10-084	208-630-022	AMD-P	01-07-083
204-38-030	AMD	01-11-118	208-460-150	NEW-P	01-05-072	208-630-022	AMD	01-12-029
204-38-040	AMD-P	01-05-097	208-460-150	NEW	01-10-084	208-630-023	AMD-P	01-07-083
204-38-040	AMD	01-11-118	208-460-160	NEW-P	01-05-072	208-630-023	AMD	01-12-029
204-38-050	AMD-P	01-05-097	208-460-160	NEW	01-10-084	208-630-02303	NEW-P	01-07-083
204-38-050	AMD	01-11-118	208-460-170	NEW-P	01-05-072	208-630-02303	NEW	01-12-029
204-82A-060	PREP	01-13-051	208-460-170	NEW	01-10-084	208-630-02305	NEW-P	01-07-083
204-91A	PREP	01-11-116	208-512	PREP-W	01-03-106	208-630-02305	NEW	01-12-029
204-91A-010	AMD-W	01-10-083	208-512-045	AMD-P	01-03-107	208-660-010	AMD-P	01-07-083
204-91A-030	AMD-W	01-10-083	208-512-045	AMD	01-06-024	208-660-010	AMD	01-12-029
204-91A-060	AMD-W	01-10-083	208-512-110	AMD-P	01-03-107	208-660-060	AMD-P	01-07-083
204-91A-090	AMD-W	01-10-083	208-512-110	AMD	01-06-024	208-660-060	AMD	01-12-029
204-91A-120	AMD-W	01-10-083	208-512-115	AMD-P	01-03-107	208-660-061	NEW-P	01-07-083
204-91A-130	AMD-W	01-10-083	208-512-115	AMD	01-06-024	208-660-061	NEW	01-12-029
204-91A-140	AMD-W	01-10-083	208-512-116	AMD-P	01-03-107	208-660-062	NEW-P	01-07-083
204-91A-170	AMD-W	01-10-083	208-512-116	AMD	01-06-024	208-660-062	NEW	01-12-029
204-91A-180	AMD-W	01-10-083	208-512-117	AMD-P	01-03-107	208-680A-040	AMD	01-08-055
204-96-010	AMD-E	01-03-078	208-512-117	AMD	01-06-024	208-680B-010	AMD	01-08-055
204-96-010	AMD	01-05-098	208-512-240	AMD-P	01-03-107	208-680B-015	NEW	01-08-055
208-418-010	NEW-P	01-07-082	208-512-240	AMD	01-06-024	208-680B-020	AMD	01-08-055
208-418-010	NEW	01-12-004	208-512-280	AMD-P	01-03-107	208-680B-030	AMD	01-08-055
208-418-020	AMD-P	01-07-082	208-512-280	AMD	01-06-024	208-680B-050	AMD	01-08-055
208-418-020	AMD	01-12-004	208-512-300	AMD-P	01-03-107	208-680B-070	AMD	01-08-055
208-418-040	AMD-P	01-07-082	208-512-300	AMD	01-06-024	208-680B-080	AMD-P	01-07-083
208-418-040	AMD	01-12-004	208-514-140	AMD-P	01-03-107	208-680B-080	AMD	01-12-029
208-418-050	AMD-P	01-07-082	208-514-140	AMD	01-06-024	208-680B-081	NEW-P	01-07-083
208-418-050	AMD	01-12-004	208-528-040	AMD-P	01-03-107	208-680B-081	NEW	01-12-029
208-418-060	REP-P	01-07-082	208-528-040	AMD	01-06-024	208-680B-082	NEW-P	01-07-083
208-418-060	REP	01-12-004	208-532-050	AMD-P	01-03-107	208-680B-082	NEW	01-12-029
208-418-070	AMD-P	01-07-082	208-532-050	AMD	01-06-024	208-680B-090	AMD	01-08-055
208-418-070	AMD	01-12-004	208-544-025	AMD-P	01-03-107	208-680B-100	NEW	01-08-055
208-418-090	NEW-P	01-07-082	208-544-025	AMD	01-06-024	208-680B-110	NEW	01-08-055
208-418-090	NEW	01-12-004	208-544-037	AMD-P	01-03-107	208-680B-120	NEW	01-08-055
208-418-100	NEW-P	01-07-082	208-544-037	AMD	01-06-024	208-680C-020	AMD	01-08-055
208-418-100	NEW	01-12-004	208-544-037	REP-P	01-07-081	208-680C-040	AMD	01-08-055
208-460-010	NEW-P	01-05-072	208-544-037	REP	01-12-003	208-680C-045	AMD	01-08-055
208-460-010	NEW	01-10-084	208-544-039	AMD-P	01-03-107	208-680C-050	AMD	01-08-055
208-460-020	NEW-P	01-05-072	208-544-039	AMD	01-06-024	208-680D-010	AMD	01-08-055
208-460-020	NEW	01-10-084	208-544-039	AMD-P	01-07-081	208-680D-020	AMD	01-08-055
208-460-030	NEW-P	01-05-072	208-544-039	AMD	01-12-003	208-680D-030	AMD	01-08-055
208-460-030	NEW	01-10-084	208-544-050	REP-P	01-07-081	208-680D-040	AMD	01-08-055
208-460-040	NEW-P	01-05-072	208-544-050	REP	01-12-003	208-680D-050	AMD	01-08-055
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208-460-050	NEW-P	01-05-072	208-556-080	AMD-P	01-03-107	208-680D-080	AMD	01-08-055
208-460-050	NEW	01-10-084	208-556-080	AMD	01-06-024	208-680D-090	NEW	01-08-055
208-460-060	NEW-P	01-05-072	208-586-135	AMD-P	01-03-107	208-680D-100	NEW-W	01-08-067
208-460-060	NEW	01-10-084	208-586-135	AMD	01-06-024	208-680E-011	AMD-W	01-08-067
208-460-070	NEW-P	01-05-072	208-586-135	REP-P	01-07-081	208-680F-010	AMD	01-08-055
208-460-070	NEW	01-10-084	208-586-135	REP	01-12-003	208-680F-020	AMD	01-08-055
208-460-080	NEW-P	01-05-072	208-586-140	AMD-P	01-03-107	208-680F-040	AMD	01-08-055
208-460-080	NEW	01-10-084	208-586-140	AMD	01-06-024	208-680F-060	AMD	01-08-055

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208-680G-020	NEW	01-08-055	220-32-05100X	NEW-E	01-09-067	220-44-05000E	REP-E	01-15-002
208-680G-030	NEW	01-08-055	220-32-05100X	REP-E	01-09-067	220-44-05000F	NEW-E	01-15-002
208-680G-040	NEW	01-08-055	220-32-05100Y	NEW-E	01-10-022	220-44-05000G	NEW-E	01-17-044
208-680G-050	NEW	01-08-055	220-32-05100Y	REP-E	01-10-022	220-47-301	AMD-P	01-02-085
210-03-010	NEW-P	01-06-060	220-32-05100Y	REP-E	01-11-002	220-47-301	AMD	01-07-015
210-03-010	NEW	01-11-062	220-32-05100Z	NEW-E	01-11-002	220-47-304	REP-P	01-10-118
210-03-020	NEW-P	01-06-060	220-32-05100Z	REP-E	01-11-042	220-47-304	REP	01-13-056
210-03-020	NEW	01-11-062	220-32-05700I	NEW-E	01-12-024	220-47-311	AMD-P	01-10-118
210-03-030	NEW-P	01-06-060	220-32-05700I	REP-E	01-12-024	220-47-311	AMD	01-13-056
210-03-030	NEW	01-11-062	220-32-05700I	REP-E	01-16-083	220-47-401	AMD-P	01-10-118
210-03-040	NEW-P	01-06-060	220-32-05700J	NEW-E	01-16-083	220-47-401	AMD	01-13-056
210-03-040	NEW	01-11-062	220-32-05700J	REP-E	01-16-083	220-47-411	AMD-P	01-10-118
210-03-050	NEW-P	01-06-060	220-33-01000Q	NEW-E	01-05-069	220-47-411	AMD	01-13-056
210-03-050	NEW	01-11-062	220-33-01000Q	REP-E	01-05-069	220-47-41100B	NEW-E	01-17-076
210-03-060	NEW-P	01-06-060	220-33-01000Q	REP-E	01-06-004	220-47-41100B	REP-E	01-17-076
210-03-060	NEW	01-11-062	220-33-01000R	NEW-E	01-06-004	220-47-428	AMD-P	01-10-118
210-03-070	NEW-P	01-06-060	220-33-01000R	REP-E	01-10-021	220-47-428	AMD	01-13-056
210-03-070	NEW	01-11-062	220-33-01000S	NEW-E	01-10-021	220-47-42800B	NEW-E	01-17-106
210-03-080	NEW-P	01-06-060	220-33-01000S	REP-E	01-11-016	220-47-42800B	REP-E	01-17-106
210-03-080	NEW	01-11-062	220-33-01000T	NEW-E	01-11-016	220-48-00500H	NEW-E	01-08-073
220-16-260	AMD	01-03-016	220-33-01000T	REP-E	01-14-018	220-48-015	AMD-P	01-05-070
220-16-270	AMD	01-03-016	220-33-01000U	NEW-E	01-14-018	220-48-015	AMD	01-10-001
220-16-410	AMD-P	01-16-148	220-33-01000U	REP-E	01-14-018	220-48-01500	NEW-E	01-08-011
220-20-016	AMD-P	01-02-085	220-33-01000U	REP-E	01-14-029	220-52-00300N	REP-E	01-14-042
220-20-016	AMD	01-07-015	220-33-01000V	NEW-E	01-14-029	220-52-03000N	NEW-E	01-14-003
220-20-05500A	NEW-E	01-12-038	220-33-01000V	REP-E	01-14-029	220-52-03000N	REP-E	01-14-003
220-20-056	NEW-P	01-16-149	220-33-01000	NEW-E	01-16-082	220-52-03000P	NEW-E	01-15-060
220-24-020	AMD-P	01-10-108	220-33-01000	REP-E	01-16-082	220-52-03000P	REP-E	01-15-060
220-24-020	AMD	01-13-006	220-33-01000X	NEW-E	01-17-037	220-52-03000P	REP-E	01-16-128
220-24-02000Q	NEW-E	01-10-058	220-33-01000X	REP-E	01-17-037	220-52-03000Q	NEW-E	01-16-128
220-24-02000Q	REP-E	01-10-058	220-33-01000Y	NEW-E	01-17-100	220-52-03000Q	REP-E	01-16-128
220-24-02000Q	REP-E	01-11-066	220-33-01000Y	REP-E	01-17-100	220-52-040	AMD	01-11-009
220-24-02000R	NEW-E	01-11-023	220-33-03000R	NEW-E	01-11-041	220-52-040	AMD-P	01-13-081
220-24-02000R	REP-E	01-11-066	220-33-03000R	REP-E	01-11-041	220-52-040	AMD-P	01-16-148
220-24-02000R	REP-E	01-13-050	220-33-040	AMD-W	01-03-015	220-52-04000A	NEW-E	01-17-036
220-24-02000S	NEW-E	01-13-050	220-33-04000K	REP-E	01-07-005	220-52-04000A	REP-E	01-17-050
220-24-02000S	REP-E	01-15-018	220-33-04000L	NEW-E	01-07-005	220-52-04000B	NEW-E	01-17-050
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220-24-02000T	REP-E	01-16-013	220-33-04000L	REP-E	01-07-047	220-52-04000	NEW-E	01-04-030
220-24-02000U	NEW-E	01-16-013	220-33-04000	NEW-E	01-07-047	220-52-04000	REP-E	01-04-030
220-24-02000U	REP-E	01-17-014	220-33-04000	REP-E	01-07-047	220-52-04000	REP-E	01-04-076
220-24-02000V	NEW-E	01-17-014	220-33-060	AMD-S	01-02-082	220-52-04000X	NEW-E	01-04-076
220-24-02000V	REP-E	01-17-065	220-33-060	AMD	01-07-016	220-52-04000X	REP-E	01-05-044
220-24-02000	NEW-E	01-17-065	220-36-021	AMD-P	01-10-116	220-52-04000Y	NEW-E	01-05-044
220-24-040	NEW-P	01-10-108	220-36-021	AMD	01-13-055	220-52-04000Y	REP-E	01-05-044
220-24-040	NEW	01-13-006	220-36-023	AMD-P	01-10-116	220-52-04000Z	NEW-E	01-12-064
220-32-05000D	NEW-E	01-16-092	220-36-023	AMD	01-13-055	220-52-043	AMD-P	01-13-081
220-32-05000D	REP-E	01-16-092	220-40-021	AMD-P	01-10-116	220-52-046	AMD	01-11-009
220-32-05100A	NEW-E	01-11-042	220-40-021	AMD	01-13-055	220-52-04600I	REP-E	01-04-030
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220-32-05100B	NEW-E	01-12-006	220-40-027	AMD	01-13-055	220-52-04600K	REP-E	01-04-076
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220-32-05100E	REP-E	01-16-015	220-44-05000C	NEW-E	01-03-088	220-52-04600Q	REP-E	01-13-031
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220-52-05100Q	REP-E	01-16-024	220-56-25500V	NEW-E	01-12-044	220-56-33000S	NEW-E	01-14-002
220-52-05100R	NEW-E	01-16-024	220-56-25500V	REP-E	01-13-021	220-56-33000S	REP-E	01-14-028
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220-52-07100S	NEW-E	01-16-014	220-56-28200A	REP-E	01-13-032	220-56-36000G	REP-E	01-04-046
220-52-07100S	REP-E	01-17-049	220-56-28200B	NEW-E	01-16-084	220-56-36000H	NEW-E	01-10-041
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220-52-07100T	REP-E	01-17-075	220-56-28500A	NEW-E	01-10-023	220-56-36000I	NEW-E	01-11-036
220-52-07100U	NEW-E	01-17-075	220-56-28500A	REP-E	01-10-023	220-56-36000I	REP-E	01-11-036
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220-52-07300F	NEW-E	01-03-093	220-56-315	AMD-W	01-07-080	220-69-240	AMD-P	01-02-085
220-52-07300F	REP-E	01-04-010	220-56-320	AMD	01-06-036	220-69-240	AMD-P	01-02-086
220-52-07300G	NEW-E	01-04-010	220-56-325	AMD	01-06-036	220-69-240	AMD	01-07-015
220-52-07300G	REP-E	01-04-049	220-56-32500K	NEW-E	01-11-001	220-69-240	AMD-W	01-15-066
220-52-07300H	NEW-E	01-04-049	220-56-32500K	REP-E	01-11-040	220-69-24000U	NEW-E	01-09-054
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220-52-07500C	NEW-E	01-10-040	220-56-32500	NEW-E	01-12-043	220-77-010	AMD-W	01-15-061
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220-55-115	AMD	01-10-030	220-56-32500N	NEW-E	01-12-049	220-77-030	AMD-W	01-15-061
220-56-105	AMD-P	01-10-109	220-56-32500N	REP-E	01-12-049	220-77-070	AMD-W	01-15-061
220-56-105	AMD	01-14-001	220-56-32500P	NEW-E	01-14-013	220-77-080	AMD-W	01-15-061
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220-56-123	AMD	01-06-036	220-56-32500Q	REP-E	01-17-039	220-77-095	NEW-P	01-13-121
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220-56-124	AMD	01-14-001	220-56-32500R	REP-E	01-17-107	220-77-095	NEW	01-17-097
220-56-12400G	NEW-E	01-10-038	220-56-32500S	NEW-E	01-17-107	220-77-100	NEW-W	01-15-061
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220-56-145	AMD	01-06-036	220-56-33000J	REP-E	01-08-072	220-88C-010	NEW	01-07-016
220-56-14500A	NEW-E	01-11-087	220-56-33000K	NEW-E	01-08-072	220-88C-020	NEW-S	01-02-082
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220- 88C-050	NEW-S	01-02-082	222- 12-050	AMD	01-12-042	222- 21-065	NEW-C	01-07-117
220- 88C-050	NEW	01-07-016	222- 12-070	AMD-C	01-07-117	222- 21-065	NEW	01-12-042
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220- 95-013	AMD	01-10-031	222- 12-090	AMD-C	01-07-117	222- 21-070	NEW	01-12-042
220- 95-018	AMD-P	01-05-120	222- 12-090	AMD	01-12-042	222- 21-080	NEW-C	01-07-117
220- 95-018	AMD	01-10-031	222- 16-010	AMD-C	01-07-117	222- 21-080	NEW	01-12-042
220- 95-01800B	NEW-E	01-10-032	222- 16-010	AMD	01-12-042	222- 21-090	NEW-C	01-07-117
220- 95-022	AMD-P	01-05-120	222- 16-030	AMD-C	01-07-117	222- 21-090	NEW	01-12-042
220- 95-022	AMD	01-10-031	222- 16-030	AMD	01-12-042	222- 22-010	AMD-W	01-09-071
220- 95-02200C	NEW-E	01-10-032	222- 16-031	NEW-C	01-07-117	222- 22-030	AMD-W	01-09-071
220- 95-027	AMD-P	01-05-120	222- 16-031	NEW	01-12-042	222- 22-035	NEW-W	01-09-071
220- 95-027	AMD	01-10-031	222- 16-035	AMD-C	01-07-117	222- 22-040	AMD-W	01-09-071
220- 95-032	AMD-P	01-05-120	222- 16-035	AMD	01-12-042	222- 22-050	AMD-W	01-09-071
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220- 95-034	NEW-P	01-05-120	222- 16-036	NEW	01-12-042	222- 22-065	NEW-W	01-09-071
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220-140-020	AMD-P	01-13-083	222- 16-050	AMD	01-12-042	222- 22-070	AMD	01-12-042
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222- 08-020	AMD-C	01-07-117	222- 16-070	AMD-C	01-07-117	222- 22-075	NEW	01-12-042
222- 08-020	AMD	01-12-042	222- 16-070	AMD	01-12-042	222- 22-076	NEW-C	01-07-117
222- 08-030	AMD-C	01-07-117	222- 16-080	AMD-C	01-07-117	222- 22-076	NEW	01-12-042
222- 08-030	AMD	01-12-042	222- 16-080	AMD	01-12-042	222- 22-080	AMD-C	01-07-117
222- 08-035	AMD-C	01-07-117	222- 16-100	AMD-C	01-07-117	222- 22-080	AMD	01-12-042
222- 08-035	AMD	01-12-042	222- 16-100	AMD	01-12-042	222- 22-090	AMD-C	01-07-117
222- 10-010	AMD-C	01-07-117	222- 16-105	AMD-C	01-07-117	222- 22-090	AMD	01-12-042
222- 10-010	AMD	01-12-042	222- 16-105	AMD	01-12-042	222- 22-100	AMD-C	01-07-117
222- 10-020	NEW-W	01-09-071	222- 20-010	AMD-C	01-07-117	222- 22-100	AMD	01-12-042
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222- 10-030	NEW	01-12-042	222- 20-015	NEW-C	01-07-117	222- 23-010	NEW	01-12-042
222- 10-035	NEW-C	01-07-117	222- 20-015	NEW	01-12-042	222- 23-020	NEW-C	01-07-117
222- 10-035	AMD	01-12-042	222- 20-020	AMD-C	01-07-117	222- 23-020	NEW	01-12-042
222- 10-041	AMD-C	01-07-117	222- 20-020	AMD	01-12-042	222- 23-025	NEW-C	01-07-117
222- 10-041	AMD	01-12-042	222- 20-040	AMD-C	01-07-117	222- 23-025	NEW	01-12-042
222- 10-125	NEW-C	01-07-117	222- 20-040	AMD	01-12-042	222- 23-030	NEW-C	01-07-117
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222- 12-010	AMD	01-12-042	222- 20-055	NEW-C	01-07-117	222- 24-010	AMD	01-12-042
222- 12-020	AMD-C	01-07-117	222- 20-055	NEW	01-12-042	222- 24-015	NEW-C	01-07-117
222- 12-020	AMD	01-12-042	222- 20-070	AMD-C	01-07-117	222- 24-015	NEW	01-12-042
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222- 12-040	AMD-C	01-07-117	222- 20-080	AMD	01-12-042	222- 24-025	REP-C	01-07-117
222- 12-040	AMD	01-12-042	222- 20-100	AMD-C	01-07-117	222- 24-025	REP	01-12-042
222- 12-0401	NEW-C	01-07-117	222- 20-100	AMD	01-12-042	222- 24-026	NEW-C	01-07-117
222- 12-0401	NEW	01-12-042	222- 21-005	NEW-C	01-07-117	222- 24-026	NEW	01-12-042
222- 12-0402	NEW-C	01-07-117	222- 21-005	NEW	01-12-042	222- 24-030	AMD-C	01-07-117
222- 12-0402	NEW	01-12-042	222- 21-010	NEW-C	01-07-117	222- 24-030	AMD	01-12-042
222- 12-0403	NEW-C	01-07-117	222- 21-010	NEW	01-12-042	222- 24-035	AMD-C	01-07-117
222- 12-0403	NEW	01-12-042	222- 21-020	NEW-C	01-07-117	222- 24-035	AMD	01-12-042
222- 12-0404	NEW-C	01-07-117	222- 21-020	NEW	01-12-042	222- 24-040	AMD-C	01-07-117
222- 12-0404	NEW	01-12-042	222- 21-030	NEW-C	01-07-117	222- 24-040	AMD	01-12-042
222- 12-0405	NEW-C	01-07-117	222- 21-030	NEW	01-12-042	222- 24-050	AMD-C	01-07-117
222- 12-0405	NEW	01-12-042	222- 21-035	NEW-C	01-07-117	222- 24-050	AMD	01-12-042
222- 12-041	NEW-C	01-07-117	222- 21-035	NEW	01-12-042	222- 24-051	NEW-C	01-07-117
222- 12-041	NEW	01-12-042	222- 21-040	NEW-C	01-07-117	222- 24-051	NEW	01-12-042
222- 12-044	NEW-C	01-07-117	222- 21-040	NEW	01-12-042	222- 24-052	NEW-C	01-07-117
222- 12-044	NEW	01-12-042	222- 21-045	NEW-C	01-07-117	222- 24-052	NEW	01-12-042
222- 12-045	AMD-C	01-07-117	222- 21-045	NEW	01-12-042	222- 24-060	AMD-C	01-07-117
222- 12-045	AMD	01-12-042	222- 21-050	NEW-C	01-07-117	222- 24-060	AMD	01-12-042
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222- 30-020	AMD-C	01-07-117	230- 02-138	REP	01-09-022	230- 40-505	NEW	01-13-091
222- 30-020	AMD	01-12-042	230- 02-260	AMD-W	01-14-072	230- 40-608	RECOD-P	01-10-122
222- 30-021	NEW-C	01-07-117	230- 02-362	REP	01-05-020	230- 40-608	RECOD	01-13-091
222- 30-021	NEW	01-12-042	230- 02-364	REP	01-05-020	230- 40-610	AMD-P	01-10-122
222- 30-022	NEW-C	01-07-117	230- 02-366	REP	01-05-020	230- 40-610	AMD	01-13-091
222- 30-022	NEW	01-12-042	230- 02-530	REP	01-05-020	230- 40-625	NEW-P	01-10-122
222- 30-023	NEW-C	01-07-117	230- 02-535	REP	01-05-020	230- 40-625	NEW	01-13-091
222- 30-023	NEW	01-12-042	230- 02-540	REP	01-05-020	230- 40-630	NEW-P	01-10-122
222- 30-025	AMD-C	01-07-117	230- 04-140	AMD	01-05-021	230- 40-630	NEW	01-13-091
222- 30-025	AMD	01-12-042	230- 04-142	AMD	01-05-021	230- 40-803	AMD-P	01-10-122
222- 30-030	REP-C	01-07-117	230- 04-190	AMD-P	01-07-091	230- 40-803	AMD	01-15-053
222- 30-030	AMD	01-12-042	230- 04-190	AMD	01-11-063	230- 40-805	AMD-P	01-10-122
222- 30-040	AMD-C	01-07-117	230- 04-202	AMD	01-05-019	230- 40-805	AMD	01-13-091
222- 30-040	AMD	01-12-042	230- 04-202	AMD-W	01-09-072	230- 40-808	RECOD-P	01-10-122
222- 30-045	NEW-C	01-07-117	230- 04-202	AMD-P	01-13-090	230- 40-808	RECOD	01-13-091
222- 30-045	NEW	01-12-042	230- 04-203	AMD	01-05-019	230- 40-815	AMD-P	01-10-122
222- 30-050	AMD-C	01-07-117	230- 04-204	AMD	01-05-019	230- 40-815	AMD	01-13-091
222- 30-050	AMD	01-12-042	230- 04-260	AMD	01-05-020	230- 40-820	REP-P	01-10-122
222- 30-060	AMD-C	01-07-117	230- 08-027	AMD-P	01-10-122	230- 40-820	REP	01-13-091
222- 30-060	AMD	01-12-042	230- 08-027	DECOD-P	01-10-122	230- 40-821	RECOD-P	01-10-122
222- 30-070	AMD-C	01-07-117	230- 08-027	AMD	01-13-091	230- 40-821	RECOD	01-13-091
222- 30-070	AMD	01-12-042	230- 08-027	DECOD	01-13-091	230- 40-825	AMD-P	01-10-122
222- 30-100	AMD-C	01-07-117	230- 08-090	AMD-P	01-10-122	230- 40-825	AMD	01-13-091
222- 30-100	AMD	01-12-042	230- 08-090	DECOD-P	01-10-122	230- 40-830	AMD-P	01-10-122
222- 30-110	AMD-C	01-07-117	230- 08-090	AMD	01-13-091	230- 40-830	AMD	01-13-091
222- 30-110	AMD	01-12-042	230- 08-090	DECOD	01-13-091	230- 40-833	AMD-P	01-10-122
222- 34-040	AMD-C	01-07-117	230- 12-072	AMD-P	01-10-122	230- 40-833	AMD	01-13-091
222- 34-040	AMD	01-12-042	230- 12-072	DECOD-P	01-10-122	230- 40-840	AMD-P	01-10-122
222- 38-010	AMD-C	01-07-117	230- 12-072	AMD	01-13-091	230- 40-840	AMD	01-13-091
222- 38-010	AMD	01-12-042	230- 12-072	DECOD	01-13-091	230- 40-865	AMD-P	01-10-122
222- 38-020	AMD-C	01-07-117	230- 12-073	AMD-P	01-10-122	230- 40-865	AMD	01-13-091
222- 38-020	AMD	01-12-042	230- 12-073	DECOD-P	01-10-122	230- 40-870	AMD-P	01-10-122
222- 38-030	AMD-C	01-07-117	230- 12-073	AMD	01-13-091	230- 40-870	AMD	01-13-091
222- 38-030	AMD	01-12-042	230- 12-073	DECOD	01-13-091	230- 40-875	AMD-P	01-10-122
222- 38-040	AMD-C	01-07-117	230- 20-036	NEW-W	01-14-072	230- 40-875	AMD	01-13-091
222- 38-040	AMD	01-12-042	230- 20-058	REP	01-05-020	230- 40-885	AMD-P	01-10-122
222- 46-012	NEW-C	01-07-117	230- 20-059	AMD	01-05-020	230- 40-885	AMD	01-13-091
222- 46-012	NEW	01-12-042	230- 20-060	REP	01-05-020	230- 40-895	AMD-P	01-10-122
222- 46-030	AMD-C	01-07-117	230- 20-062	REP	01-05-020	230- 40-895	AMD	01-13-091
222- 46-030	AMD	01-12-042	230- 20-125	AMD-P	01-10-120	230- 40-897	REP-P	01-10-122
222- 46-040	AMD-C	01-07-117	230- 20-125	AMD	01-13-089	230- 50-010	AMD	01-05-020
222- 46-040	AMD	01-12-042	230- 30-033	NEW	01-05-018	232- 12-001	AMD-P	01-05-135
222- 46-060	AMD-C	01-07-117	230- 30-034	NEW	01-05-018	232- 12-001	AMD	01-10-048
222- 46-060	AMD	01-12-042	230- 30-052	AMD	01-05-020	232- 12-004	AMD-P	01-05-144
222- 46-065	AMD-W	01-09-071	230- 30-106	AMD-P	01-10-120	232- 12-004	AMD	01-10-048
222- 46-070	AMD-C	01-07-117	230- 30-106	AMD	01-13-089	232- 12-007	AMD-P	01-05-144
222- 46-070	AMD	01-12-042	230- 40-010	AMD-P	01-07-092	232- 12-007	AMD	01-10-048
222- 46-090	NEW-C	01-07-117	230- 40-010	AMD	01-15-054	232- 12-027	AMD-P	01-05-144
222- 46-090	NEW	01-12-042	230- 40-050	AMD-P	01-10-122	232- 12-027	AMD	01-10-048
222- 50-010	AMD-C	01-07-117	230- 40-050	AMD	01-13-091	232- 12-054	AMD-P	01-13-095
222- 50-010	AMD	01-12-042	230- 40-052	RECOD-P	01-10-122	232- 12-054	AMD	01-17-068
222- 50-020	AMD-C	01-07-117	230- 40-052	RECOD	01-13-091	232- 12-068	AMD-P	01-05-138
222- 50-020	AMD	01-12-042	230- 40-055	AMD-P	01-10-122	232- 12-068	AMD	01-10-048
222- 50-030	AMD-C	01-07-117	230- 40-055	AMD	01-13-091	232- 12-068	AMD-P	01-13-120
222- 50-030	AMD	01-12-042	230- 40-070	AMD-P	01-07-092	232- 12-068	AMD	01-17-092
222- 50-040	AMD-C	01-07-117	230- 40-070	AMD	01-15-054	232- 12-071	AMD-P	01-05-135
222- 50-040	AMD	01-12-042	230- 40-120	AMD-P	01-10-122	232- 12-071	AMD	01-10-048
222- 50-050	AMD-C	01-07-117	230- 40-120	AMD	01-13-091	232- 12-077	AMD-W	01-11-074
222- 50-050	AMD	01-12-042	230- 40-455	NEW-P	01-10-122	232- 12-131	REP-P	01-05-146
222- 50-060	AMD-C	01-07-117	230- 40-500	AMD-P	01-10-122	232- 12-131	REP	01-10-048
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232- 12-142	NEW-P	01-13-082	232- 28-424	REP-P	01-13-120	232- 28-61900Y	REP-E	01-09-053
232- 12-142	NEW	01-17-067	232- 28-424	REP	01-17-092	232- 28-61900Y	REP-E	01-12-026
232- 12-243	NEW-P	01-13-093	232- 28-42400C	NEW-E	01-03-013	232- 28-61900Z	NEW-E	01-09-055
232- 12-24800A	NEW-E	01-07-020	232- 28-42400C	REP-E	01-03-013	232- 28-61900Z	REP-E	01-11-088
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232- 12-257	AMD	01-17-092	232- 28-425	NEW	01-17-092	232- 28-620	AMD	01-14-001
232- 12-271	AMD-P	01-05-144	232- 28-515	AMD-P	01-05-135	232- 28-62000B	NEW-E	01-14-024
232- 12-271	AMD	01-10-048	232- 28-515	AMD	01-10-048	232- 28-621	AMD-P	01-10-109
232- 12-619	AMD-W	01-11-074	232- 28-619	AMD	01-06-036	232- 28-621	AMD	01-14-001
232- 12-61900R	NEW-E	01-17-066	232- 28-619	AMD-P	01-10-109	232- 28-62100B	NEW-E	01-10-038
232- 12-61900R	REP-E	01-17-066	232- 28-619	AMD	01-14-001	232- 28-62100B	REP-E	01-15-004
232- 28-02203	AMD	01-04-037	232- 28-61900A	NEW-E	01-10-023	232- 28-62100C	NEW-E	01-15-004
232- 28-02203	AMD-P	01-05-136	232- 28-61900A	REP-E	01-10-023	232- 28-62100C	REP-E	01-15-036
232- 28-02203	AMD	01-10-048	232- 28-61900B	NEW-E	01-10-046	232- 28-62100D	NEW-E	01-15-036
232- 28-02204	AMD	01-04-037	232- 28-61900B	REP-E	01-10-046	232- 28-62100D	REP-E	01-16-118
232- 28-02205	AMD-P	01-05-136	232- 28-61900C	NEW-E	01-10-057	232- 28-62100E	NEW-E	01-16-118
232- 28-02205	AMD	01-10-048	232- 28-61900C	REP-E	01-10-057	246- 08-400	AMD-P	01-12-097
232- 28-02206	AMD	01-04-037	232- 28-61900D	NEW-E	01-11-017	246- 08-400	AMD	01-16-009
232- 28-02220	AMD-P	01-05-143	232- 28-61900D	REP-E	01-11-017	246- 100	PREP	01-08-088
232- 28-02220	AMD	01-10-048	232- 28-61900E	NEW-E	01-11-066	246-102-001	NEW	01-04-086
232- 28-02240	AMD-P	01-05-143	232- 28-61900E	REP-E	01-11-066	246-102-010	NEW	01-04-086
232- 28-02240	AMD	01-10-048	232- 28-61900F	NEW-E	01-11-065	246-102-020	NEW	01-04-086
232- 28-248	AMD-P	01-05-142	232- 28-61900F	REP-E	01-11-065	246-102-030	NEW	01-04-086
232- 28-248	AMD	01-10-048	232- 28-61900G	NEW-E	01-11-057	246-102-040	NEW	01-04-086
232- 28-258	REP-P	01-05-140	232- 28-61900G	REP-E	01-14-049	246-102-050	NEW	01-04-086
232- 28-258	REP	01-10-048	232- 28-61900H	NEW-E	01-11-088	246-102-060	NEW	01-04-086
232- 28-260	AMD	01-04-037	232- 28-61900H	REP-E	01-12-025	246-102-070	NEW	01-04-086
232- 28-260	REP-P	01-05-140	232- 28-61900I	NEW-E	01-12-025	246-205-990	AMD-P	01-11-158
232- 28-260	REP	01-10-048	232- 28-61900I	REP-E	01-17-012	246-205-990	AMD	01-14-047
232- 28-271	AMD	01-04-037	232- 28-61900J	NEW-E	01-12-066	246-220-010	AMD-P	01-02-087
232- 28-272	AMD-P	01-05-134	232- 28-61900J	REP-E	01-12-066	246-220-010	AMD	01-05-110
232- 28-272	AMD	01-10-048	232- 28-61900K	NEW-E	01-14-015	246-221-005	AMD-P	01-02-087
232- 28-272	AMD-P	01-13-093	232- 28-61900L	NEW-E	01-15-032	246-221-005	AMD	01-05-110
232- 28-273	AMD-P	01-05-137	232- 28-61900L	REP-E	01-15-032	246-221-010	AMD-P	01-02-087
232- 28-273	AMD	01-10-048	232- 28-61900	NEW-E	01-15-055	246-221-010	AMD	01-05-110
232- 28-274	REP-W	01-03-077	232- 28-61900N	NEW-E	01-03-061	246-221-015	AMD-P	01-02-087
232- 28-274	REP-P	01-05-146	232- 28-61900N	REP-E	01-03-061	246-221-015	AMD	01-05-110
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232- 28-276	AMD	01-10-048	232- 28-61900P	NEW-E	01-17-012	246-221-055	AMD	01-05-110
232- 28-277	AMD	01-04-037	232- 28-61900P	REP-E	01-17-012	246-221-090	AMD-P	01-02-087
232- 28-278	AMD-P	01-05-139	232- 28-61900Q	NEW-E	01-05-010	246-221-090	AMD	01-05-110
232- 28-278	AMD	01-10-048	232- 28-61900Q	REP-E	01-05-010	246-221-100	AMD-P	01-02-087
232- 28-27800B	NEW-E	01-17-088	232- 28-61900Q	NEW-E	01-17-024	246-221-100	AMD	01-05-110
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232- 28-279	AMD-P	01-05-145	232- 28-61900R	NEW-E	01-05-080	246-221-110	AMD	01-05-110
232- 28-279	AMD	01-10-048	232- 28-61900R	REP-E	01-05-080	246-221-113	AMD-P	01-02-087
232- 28-280	REP-P	01-05-146	232- 28-61900S	NEW-E	01-06-007	246-221-113	AMD	01-05-110
232- 28-280	REP	01-10-048	232- 28-61900S	REP-E	01-06-007	246-221-117	AMD-P	01-02-087
232- 28-281	REP-P	01-05-146	232- 28-61900T	NEW-E	01-07-007	246-221-117	AMD	01-05-110
232- 28-281	REP	01-10-048	232- 28-61900T	REP-E	01-07-007	246-221-230	AMD-P	01-02-087
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232- 28-291	NEW	01-10-048	232- 28-61900V	NEW-E	01-07-089	246-221-285	AMD-P	01-02-087
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246-254-053	AMD	01-14-048	246-305-001	NEW	01-08-023	246-809-221	NEW-P	01-13-118
246-254-070	AMD-P	01-11-160	246-305-010	NEW	01-08-023	246-809-221	NEW	01-17-113
246-254-070	AMD	01-14-046	246-305-020	NEW	01-08-023	246-809-230	NEW-P	01-13-118
246-254-080	AMD-P	01-11-160	246-305-030	NEW	01-08-023	246-809-230	NEW	01-17-113
246-254-080	AMD	01-14-046	246-305-040	NEW	01-08-023	246-809-240	NEW-P	01-13-118
246-254-090	AMD-P	01-11-160	246-305-050	NEW	01-08-023	246-809-240	NEW	01-17-113
246-254-090	AMD	01-14-046	246-305-060	NEW	01-08-023	246-809-320	NEW-P	01-13-118
246-254-100	AMD-P	01-11-160	246-305-070	NEW	01-08-023	246-809-320	NEW	01-17-113
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246-254-120	AMD-P	01-11-160	246-305-090	NEW	01-08-023	246-809-321	NEW	01-17-113
246-254-120	AMD	01-14-046	246-305-100	NEW	01-08-023	246-809-340	NEW-P	01-13-118
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246-260-9901	AMD	01-14-047	246-310-990	AMD-P	01-11-154	246-809-990	NEW-P	01-13-118
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246-282-005	AMD	01-04-054	246-314-990	PREP	01-10-123	246-809-990	NEW	01-17-113
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246-282-016	NEW	01-04-054	246-322-990	AMD	01-15-092	246-817-990	AMD-C	01-09-086
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246-282-032	NEW	01-04-054	246-324-990	AMD-P	01-11-156	246-836-060	REP	01-14-091
246-282-034	NEW	01-04-054	246-324-990	AMD	01-15-092	246-840-421	NEW-P	01-10-127
246-282-036	NEW	01-04-054	246-325-990	AMD-P	01-11-157	246-840-421	NEW	01-16-011
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246-282-042	NEW	01-04-054	246-326-990	AMD-P	01-11-157	246-840-422	NEW	01-16-011
246-282-050	AMD	01-04-054	246-326-990	AMD	01-15-091	246-840-423	NEW-P	01-10-127
246-282-060	AMD	01-04-054	246-327-990	PREP	01-10-125	246-840-423	NEW	01-16-011
246-282-070	AMD	01-04-054	246-327-990	AMD-P	01-16-151	246-840-424	NEW-P	01-10-127
246-282-080	AMD	01-04-054	246-329-990	AMD-P	01-11-155	246-840-424	NEW	01-16-011
246-282-082	NEW	01-04-054	246-329-990	AMD	01-15-090	246-840-425	NEW-P	01-10-127
246-282-090	REP	01-04-054	246-331-990	PREP	01-10-125	246-840-425	NEW	01-16-011
246-282-092	NEW	01-04-054	246-331-990	AMD-P	01-16-151	246-840-426	NEW-P	01-10-127
246-282-100	AMD	01-04-054	246-336-990	PREP	01-10-125	246-840-426	NEW	01-16-011
246-282-102	NEW	01-04-054	246-336-990	AMD-P	01-16-151	246-840-427	NEW-P	01-10-127
246-282-104	NEW	01-04-054	246-360-990	AMD-P	01-11-153	246-840-427	NEW	01-16-011
246-282-110	AMD	01-04-054	246-360-990	AMD	01-15-093	246-840-700	AMD-W	01-15-063
246-282-120	AMD	01-04-054	246-430-001	REP	01-04-086	246-840-705	AMD-W	01-15-063
246-282-130	AMD	01-04-054	246-430-010	REP	01-04-086	246-840-710	AMD-W	01-15-063
246-282-990	AMD	01-04-054	246-430-020	REP	01-04-086	246-840-715	REP-W	01-15-063
246-282-990	AMD-P	01-11-158	246-430-030	REP	01-04-086	246-843-072	REP	01-03-114
246-282-990	AMD	01-14-047	246-430-040	REP	01-04-086	246-843-074	REP	01-03-114
246-290	PREP	01-17-111	246-430-050	REP	01-04-086	246-853-221	NEW-P	01-10-128
246-296-010	NEW-P	01-14-092	246-430-060	REP	01-04-086	246-853-221	NEW	01-16-008
246-296-020	NEW-P	01-14-092	246-491	PREP	01-08-090	246-853-222	NEW-P	01-10-128
246-296-030	NEW-P	01-14-092	246-650	PREP-W	01-17-027	246-853-222	NEW	01-16-008
246-296-040	NEW-P	01-14-092	246-650	PREP	01-17-028	246-853-223	NEW-P	01-10-128
246-296-050	NEW-P	01-14-092	246-680	PREP	01-08-091	246-853-223	NEW	01-16-008
246-296-060	NEW-P	01-14-092	246-680	PREP	01-08-093	246-853-224	NEW-P	01-10-128
246-296-070	NEW-P	01-14-092	246-790	PREP	01-13-115	246-853-224	NEW	01-16-008
246-296-080	NEW-P	01-14-092	246-809-080	NEW-P	01-13-118	246-853-225	NEW-P	01-10-128
246-296-090	NEW-P	01-14-092	246-809-080	NEW	01-17-113	246-853-225	NEW	01-16-008
246-296-100	NEW-P	01-14-092	246-809-120	NEW-P	01-13-118	246-853-226	NEW-P	01-10-128
246-296-110	NEW-P	01-14-092	246-809-120	NEW	01-17-113	246-853-226	NEW	01-16-008
246-296-120	NEW-P	01-14-092	246-809-121	NEW-P	01-13-118	246-853-227	NEW-P	01-10-128
246-296-130	NEW-P	01-14-092	246-809-121	NEW	01-17-113	246-853-227	NEW	01-16-008
246-296-140	NEW-P	01-14-092	246-809-130	NEW-P	01-13-118	246-869-220	AMD	01-04-055
246-296-150	NEW-P	01-14-092	246-809-130	NEW	01-17-113	246-879-090	PREP	01-09-087
246-296-160	NEW-P	01-14-092	246-809-140	NEW-P	01-13-118	246-887-100	AMD	01-03-108
246-296-170	NEW-P	01-14-092	246-809-140	NEW	01-17-113	246-907	PREP	01-05-109

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246-907-030	AMD	01-12-052	246-928-220	REP-P	01-07-086	246-976-720	PREP	01-10-131
246-918-005	AMD-P	01-12-095	246-928-220	REP	01-11-165	246-976-730	PREP	01-10-131
246-918-007	AMD-P	01-12-095	246-928-310	NEW-P	01-07-086	246-976-770	PREP	01-10-131
246-918-050	AMD-P	01-12-095	246-928-310	NEW	01-11-165	246-976-780	PREP	01-10-131
246-918-080	AMD-P	01-12-095	246-928-320	NEW-P	01-07-086	246-976-810	PREP	01-10-131
246-918-120	PREP	01-15-089	246-928-320	NEW	01-11-165	246-976-820	PREP	01-10-131
246-919-330	AMD-P	01-12-098	246-928-410	NEW-P	01-07-086	246-976-885	PREP	01-10-131
246-919-340	AMD-P	01-12-096	246-928-410	NEW	01-11-165	246-976-935	PREP	01-10-132
246-919-475	NEW	01-03-115	246-928-420	NEW-P	01-07-086	246-976-960	PREP	01-11-162
246-919-840	NEW-P	01-10-129	246-928-420	NEW	01-11-165	248-554-001	REP	01-07-053
246-919-840	NEW	01-16-010	246-928-430	NEW-P	01-07-086	248-554-005	REP	01-07-053
246-919-841	NEW-P	01-10-129	246-928-430	NEW	01-11-165	248-554-010	REP	01-07-053
246-919-841	NEW	01-16-010	246-928-440	NEW-P	01-13-117	248-554-015	REP	01-07-053
246-919-842	NEW-P	01-10-129	246-928-441	NEW-P	01-13-117	248-554-018	REP	01-07-053
246-919-842	NEW	01-16-010	246-928-442	NEW-P	01-13-117	248-554-020	REP	01-07-053
246-919-843	NEW-P	01-10-129	246-928-443	NEW-P	01-13-117	248-554-030	REP	01-07-053
246-919-843	NEW	01-16-010	246-928-450	NEW-P	01-07-086	250-44-100	AMD-P	01-06-065
246-919-844	NEW-P	01-10-129	246-928-450	NEW	01-11-165	250-44-100	AMD	01-10-020
246-919-844	NEW	01-16-010	246-928-510	NEW-P	01-07-086	250-44-110	AMD-P	01-06-065
246-919-845	NEW-P	01-10-129	246-928-510	NEW	01-11-165	250-44-110	AMD	01-10-020
246-919-845	NEW	01-16-010	246-928-510	NEW	01-11-165	250-44-120	AMD-P	01-06-065
246-919-846	NEW-P	01-10-129	246-928-520	NEW-P	01-07-086	250-44-120	AMD	01-10-020
246-919-846	NEW	01-16-010	246-928-520	NEW	01-11-165	250-63-010	NEW	01-08-017
246-928	PREP	01-14-043	246-928-530	NEW-P	01-07-086	250-63-010	NEW	01-08-017
246-928-015	REP-P	01-07-086	246-928-530	NEW	01-11-165	250-63-020	NEW	01-08-017
246-928-015	REP	01-11-165	246-928-540	NEW-P	01-07-086	250-63-030	NEW	01-08-017
246-928-020	REP-P	01-07-086	246-928-540	NEW	01-11-165	250-63-040	NEW	01-08-017
246-928-020	REP	01-11-165	246-928-550	NEW-P	01-07-086	250-63-050	NEW	01-08-017
246-928-030	REP-P	01-07-086	246-928-550	NEW	01-11-165	250-63-060	NEW	01-08-017
246-928-040	REP-P	01-07-086	246-928-560	NEW-P	01-07-086	250-63-070	NEW	01-08-017
246-928-040	REP	01-11-165	246-928-560	NEW	01-11-165	250-63-080	NEW	01-08-017
246-928-050	REP-P	01-07-086	246-928-570	NEW-P	01-07-086	250-66	PREP	01-15-076
246-928-050	REP	01-11-165	246-928-570	NEW	01-11-165	251-01-415	AMD-P	01-08-063
246-928-060	REP-P	01-07-086	246-928-610	NEW-P	01-07-086	251-01-415	AMD	01-11-112
246-928-060	REP	01-11-165	246-928-620	NEW-P	01-07-086	251-12-600	AMD-P	01-08-063
246-928-080	REP-P	01-07-086	246-928-710	NEW-P	01-07-086	251-12-600	AMD	01-11-112
246-928-080	REP	01-11-165	246-928-710	NEW	01-11-165	251-17-150	AMD-W	01-07-056
246-928-085	REP-P	01-07-086	246-928-720	NEW-P	01-07-086	251-17-175	AMD-W	01-07-056
246-928-085	REP	01-11-165	246-928-720	NEW	01-11-165	260-48-930	NEW-P	01-16-124
246-928-110	REP-P	01-07-086	246-928-730	NEW-P	01-07-086	260-75-010	PREP	01-12-059
246-928-110	REP	01-11-165	246-928-730	NEW	01-11-165	260-75-010	REP-P	01-16-123
246-928-120	REP-P	01-07-086	246-928-740	NEW-P	01-07-086	262-01-110	PREP	01-03-144
246-928-120	REP	01-11-165	246-928-740	NEW	01-11-165	262-01-110	AMD-P	01-07-028
246-928-130	REP-P	01-07-086	246-928-750	NEW-P	01-07-086	262-01-110	AMD	01-11-034
246-928-130	REP	01-11-165	246-928-750	NEW	01-11-165	262-01-120	PREP	01-03-144
246-928-140	REP-P	01-07-086	246-928-760	NEW-P	01-07-086	262-01-130	PREP	01-03-144
246-928-140	REP	01-11-165	246-928-760	NEW	01-11-165	262-01-130	AMD-P	01-07-028
246-928-150	REP-P	01-07-086	246-928-990	AMD-P	01-07-086	262-01-130	AMD	01-11-034
246-928-150	REP	01-11-165	246-928-990	AMD	01-11-165	263-12-050	AMD-P	01-06-058
246-928-160	REP-P	01-07-086	246-939-005	NEW-P	01-06-054	263-12-050	AMD	01-09-031
246-928-160	REP	01-11-165	246-939-005	NEW	01-14-044	263-12-059	NEW-P	01-06-059
246-928-170	REP-P	01-07-086	246-939-020	NEW-P	01-06-054	263-12-059	NEW	01-09-032
246-928-170	REP	01-11-165	246-939-020	NEW	01-14-044	275-25-500	REP-XR	01-11-104
246-928-180	REP-P	01-07-086	246-939-040	NEW-P	01-06-054	275-25-500	REP	01-15-077
246-928-180	REP	01-11-165	246-939-040	NEW	01-14-044	284-04-120	NEW	01-03-034
246-928-190	REP-P	01-07-086	246-976-031	PREP	01-11-162	284-04-120	AMD-E	01-14-053
246-928-190	REP	01-11-165	246-976-500	PREP	01-10-131	284-04-200	NEW	01-03-034
246-928-200	REP-P	01-07-086	246-976-510	PREP	01-10-131	284-04-205	NEW	01-03-034
246-928-200	REP	01-11-165	246-976-550	PREP	01-10-131	284-04-210	NEW	01-03-034
246-928-210	REP-P	01-07-086	246-976-560	PREP	01-10-131	284-04-215	NEW	01-03-034
			246-976-600	PREP	01-10-131	284-04-220	NEW	01-03-034
			246-976-610	PREP	01-10-131	284-04-225	NEW	01-03-034

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284-04-305	NEW	01-03-034	286-06-080	AMD	01-17-056	292-100-180	AMD	01-13-033
284-04-310	NEW	01-03-034	286-06-090	AMD-P	01-09-025	292-100-190	AMD-P	01-08-080
284-04-400	NEW	01-03-034	286-06-090	AMD	01-17-056	292-100-190	AMD	01-13-033
284-04-405	NEW	01-03-034	286-06-100	AMD-P	01-09-025	292-100-200	AMD-P	01-08-080
284-04-410	NEW	01-03-034	286-06-100	AMD	01-17-056	292-100-200	AMD	01-13-033
284-04-500	NEW	01-03-034	286-06-110	AMD-P	01-09-025	292-100-210	AMD-P	01-08-080
284-04-505	NEW	01-03-034	286-06-110	AMD	01-17-056	292-100-210	AMD	01-13-033
284-04-510	NEW	01-03-034	286-06-120	AMD-P	01-09-025	292-100-220	NEW	01-13-033
284-04-515	NEW	01-03-034	286-06-120	AMD	01-17-056	292-110-010	PREP	01-11-120
284-04-520	NEW	01-03-034	286-13-040	PREP	01-02-090	292-110-050	AMD-P	01-08-080
284-04-525	NEW	01-03-034	286-13-040	AMD-P	01-09-025	292-110-050	AMD	01-13-080
284-04-600	NEW	01-03-034	286-13-040	AMD	01-17-056	292-110-060	AMD-P	01-08-080
284-04-605	NEW	01-03-034	286-40-020	AMD-P	01-09-025	292-110-060	AMD	01-13-080
284-04-610	NEW	01-03-034	286-40-020	AMD	01-17-056	292-120	PREP	01-11-121
284-04-615	NEW	01-03-034	292-09-040	AMD-P	01-14-025	292-130-020	AMD-P	01-08-080
284-04-620	NEW	01-03-034	292-09-050	AMD-P	01-14-025	292-130-020	AMD	01-13-033
284-04-900	NEW	01-03-034	292-09-060	AMD-P	01-14-025	292-130-030	AMD-P	01-08-080
284-07-050	AMD-P	01-08-098	292-100-007	AMD-P	01-08-080	292-130-030	AMD	01-13-033
284-07-050	AMD	01-11-077	292-100-007	AMD	01-13-033	292-130-040	AMD-P	01-08-080
284-07-130	AMD-P	01-11-167	292-100-010	AMD-P	01-08-080	292-130-040	AMD	01-13-033
284-16-020	NEW-W	01-09-074	292-100-010	AMD	01-13-033	292-130-060	AMD-P	01-08-080
284-43-130	AMD	01-03-032	292-100-020	AMD-P	01-08-080	292-130-060	AMD	01-13-033
284-43-130	AMD	01-03-033	292-100-020	AMD	01-13-033	292-130-065	NEW-P	01-08-080
284-43-200	AMD	01-03-033	292-100-030	AMD-P	01-08-080	292-130-065	NEW	01-13-033
284-43-251	NEW	01-03-033	292-100-030	AMD	01-13-033	292-130-070	AMD-P	01-08-080
284-43-410	NEW	01-03-033	292-100-040	AMD-P	01-08-080	292-130-070	AMD	01-13-033
284-43-610	REP	01-03-033	292-100-040	AMD	01-13-033	292-130-080	AMD-P	01-08-080
284-43-615	NEW	01-03-033	292-100-041	NEW-P	01-08-080	292-130-080	AMD	01-13-033
284-43-620	AMD	01-03-033	292-100-041	NEW	01-13-033	292-130-130	AMD-P	01-08-080
284-43-630	NEW	01-03-033	292-100-042	NEW-P	01-08-080	292-130-130	AMD	01-13-033
284-43-815	NEW	01-03-032	292-100-042	NEW	01-13-033	296-04-001	REP-P	01-16-159
284-43-820	NEW	01-03-033	292-100-045	NEW-P	01-08-080	296-04-005	REP-P	01-16-159
284-43-821	NEW	01-03-035	292-100-045	NEW	01-13-033	296-04-010	REP-P	01-16-159
284-43-821	REP-P	01-15-084	292-100-046	NEW-P	01-08-080	296-04-015	REP-P	01-16-159
284-43-822	NEW-W	01-12-083	292-100-046	NEW	01-13-033	296-04-040	REP-P	01-16-159
284-43-822	NEW-P	01-15-084	292-100-047	NEW-P	01-08-080	296-04-042	REP-P	01-16-159
284-43-823	NEW	01-03-035	292-100-047	NEW	01-13-033	296-04-045	REP-P	01-16-159
284-43-823	REP-P	01-15-084	292-100-050	AMD-P	01-08-080	296-04-05001	REP-P	01-16-159
284-43-824	NEW	01-03-035	292-100-050	AMD	01-13-033	296-04-060	REP-P	01-16-159
284-43-824	AMD-E	01-04-087	292-100-060	AMD-P	01-08-080	296-04-090	REP-P	01-16-159
284-43-824	AMD-E	01-14-054	292-100-060	AMD	01-13-033	296-04-105	REP-P	01-16-159
284-43-824	REP-P	01-15-084	292-100-070	REP-P	01-08-080	296-04-115	REP-P	01-16-159
284-43-899	NEW	01-03-033	292-100-070	REP	01-13-033	296-04-125	REP-P	01-16-159
284-66-030	AMD-W	01-12-084	292-100-080	AMD-P	01-08-080	296-04-160	REP-P	01-16-159
284-66-063	AMD-W	01-12-084	292-100-080	AMD	01-13-033	296-04-165	REP-P	01-16-159
284-66-066	AMD-W	01-12-084	292-100-100	AMD-P	01-08-080	296-04-260	REP-P	01-16-159
284-66-077	AMD-W	01-12-084	292-100-100	AMD	01-13-033	296-04-270	REP-P	01-16-159
284-66-092	AMD-W	01-12-084	292-100-110	AMD-P	01-08-080	296-04-275	REP-P	01-16-159
284-66-110	AMD-W	01-12-084	292-100-110	AMD	01-13-033	296-04-280	REP-P	01-16-159
284-66-120	AMD-W	01-12-084	292-100-130	AMD-P	01-08-080	296-04-295	REP-P	01-16-159
284-66-142	AMD-W	01-12-084	292-100-130	AMD	01-13-033	296-04-300	REP-P	01-16-159
284-66-170	AMD-W	01-12-084	292-100-140	AMD-P	01-08-080	296-04-310	REP-P	01-16-159
286-06	PREP	01-02-090	292-100-140	AMD	01-13-033	296-04-330	REP-P	01-16-159
286-06-045	NEW-P	01-09-025	292-100-150	AMD-P	01-08-080	296-04-340	REP-P	01-16-159
286-06-045	NEW	01-17-056	292-100-150	AMD	01-13-033	296-04-350	REP-P	01-16-159
286-06-050	AMD-P	01-09-025	292-100-160	AMD-P	01-08-080	296-04-351	REP-P	01-16-159
286-06-050	AMD	01-17-056	292-100-160	AMD	01-13-033	296-04-360	REP-P	01-16-159
286-06-060	AMD-P	01-09-025	292-100-170	AMD-P	01-08-080	296-04-370	REP-P	01-16-159
286-06-060	AMD	01-17-056	292-100-170	AMD	01-13-033	296-04-380	REP-P	01-16-159
286-06-065	AMD-P	01-09-025	292-100-175	NEW-P	01-08-080	296-04-390	REP-P	01-16-159
286-06-065	AMD	01-17-056	292-100-175	NEW	01-13-033	296-04-400	REP-P	01-16-159

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296-04-420	REP-P	01-16-159	296-05-445	NEW-P	01-16-159	296-24-06130	REP	01-11-038
296-04-430	REP-P	01-16-159	296-05-447	NEW-P	01-16-159	296-24-06135	REP	01-11-038
296-04-440	REP-P	01-16-159	296-05-449	NEW-P	01-16-159	296-24-06140	REP	01-11-038
296-04-460	REP-P	01-16-159	296-05-451	NEW-P	01-16-159	296-24-06145	REP	01-11-038
296-04-470	REP-P	01-16-159	296-05-453	NEW-P	01-16-159	296-24-06150	REP	01-11-038
296-04-480	REP-P	01-16-159	296-05-455	NEW-P	01-16-159	296-24-06155	REP	01-11-038
296-05-001	NEW-P	01-16-159	296-05-457	NEW-P	01-16-159	296-24-06160	REP	01-11-038
296-05-003	NEW-P	01-16-159	296-17	PREP	01-03-157	296-24-073	REP	01-11-038
296-05-005	NEW-P	01-16-159	296-17	PREP	01-11-149	296-24-075	REP	01-11-038
296-05-007	NEW-P	01-16-159	296-17	PREP	01-11-150	296-24-07501	REP	01-11-038
296-05-009	NEW-P	01-16-159	296-20	PREP	01-02-091	296-24-078	REP	01-11-038
296-05-011	NEW-P	01-16-159	296-20	PREP	01-14-084	296-24-07801	REP	01-11-038
296-05-013	NEW-P	01-16-159	296-20-01002	AMD-P	01-08-092	296-24-084	REP	01-11-038
296-05-100	NEW-P	01-16-159	296-20-01002	AMD-C	01-13-079	296-24-086	REP	01-11-038
296-05-103	NEW-P	01-16-159	296-20-03001	AMD-P	01-08-092	296-24-088	REP	01-11-038
296-05-105	NEW-P	01-16-159	296-20-03001	AMD-C	01-13-079	296-24-090	REP	01-11-038
296-05-107	NEW-P	01-16-159	296-20-091	AMD-P	01-08-092	296-24-092	REP	01-11-038
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296-05-303	NEW-P	01-16-159	296-23-170	AMD-C	01-13-079	296-24-12010	NEW	01-11-038
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296-05-403	NEW-P	01-16-159	296-24 001	REP	01-11-038	296-24-260	AMD	01-17-033
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296-24-56501	REP	01-11-038	296-24-75007	AMD	01-17-033	296-45-035	AMD	01-11-038
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296-24-56513	REP	01-11-038	296-24-76517	REP	01-11-038	296-45-285	AMD	01-11-038
296-24-56515	REP	01-11-038	296-24-780	AMD-W	01-11-039	296-45-45510	AMD	01-11-038
296-24-56517	REP	01-11-038	296-24-78003	AMD-P	01-12-103	296-45-48535	AMD	01-11-038
296-24-56519	REP	01-11-038	296-24-78003	AMD	01-17-033	296-45-52530	AMD-E	01-04-090
296-24-56521	REP	01-11-038	296-24-78005	AMD-P	01-12-103	296-45-52530	AMD-P	01-04-091
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296-24-56529	REP	01-11-038	296-24-78009	AMD-P	01-12-103	296-45-67545	AMD-P	01-12-103
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296-52-69105	NEW-P	01-16-145	296-56-60083	AMD	01-17-033	296-62-07347	AMD	01-11-038
296-52-69110	NEW-P	01-16-145	296-56-60171	AMD-P	01-12-103	296-62-07367	AMD	01-11-038
296-52-69115	NEW-P	01-16-145	296-56-60171	AMD	01-17-033	296-62-07373	AMD	01-11-038
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296-52-70015	NEW-P	01-16-145	296-59-010	AMD	01-11-038	296-62-07470	AMD	01-11-038
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296-52-70060	NEW-P	01-16-145	296-59-105	AMD-P	01-12-103	296-62-07619	AMD	01-17-033
296-52-70065	NEW-P	01-16-145	296-59-105	AMD	01-17-033	296-62-07621	AMD	01-11-038
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296-54-59340	AMD	01-11-038	296-62-05429	REP	01-11-038	296-67-005	AMD	01-11-038
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296-56	PREP	01-09-093	296-62-07306	AMD	01-11-038	296-67-061	AMD	01-11-038
296-56-60001	AMD	01-11-038	296-62-07308	AMD	01-11-038	296-67-291	AMD	01-11-038
296-56-60003	AMD	01-11-038	296-62-07336	AMD	01-11-038	296-78	PREP	01-07-102

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296-78	PREP	01-09-093	296-104-025	PREP	01-10-034	296-131-117	NEW	01-13-012
296-78-500	AMD	01-11-038	296-104-030	PREP	01-10-034	296-150C	PREP	01-03-070
296-78-515	AMD	01-11-038	296-104-035	PREP	01-10-034	296-150C	PREP	01-05-116
296-78-540	AMD	01-11-038	296-104-040	PREP	01-10-034	296-150C-3000	AMD-P	01-09-090
296-78-545	AMD	01-11-038	296-104-040	AMD-P	01-16-158	296-150C-3000	AMD	01-12-035
296-78-56501	AMD	01-11-038	296-104-045	PREP	01-10-034	296-150F	PREP	01-03-070
296-78-56505	AMD-P	01-12-103	296-104-045	AMD-P	01-16-158	296-150F	PREP	01-05-116
296-78-56505	AMD	01-17-033	296-104-050	PREP	01-10-034	296-150F-3000	AMD-P	01-09-090
296-78-670	AMD	01-11-038	296-104-055	AMD-P	01-09-091	296-150F-3000	AMD	01-12-035
296-78-71001	AMD	01-11-038	296-104-055	PREP	01-10-034	296-150M	PREP	01-03-070
296-78-71003	AMD	01-11-038	296-104-055	AMD	01-12-034	296-150M	PREP	01-05-116
296-78-71009	AMD	01-11-038	296-104-060	PREP	01-10-034	296-150M	PREP	01-13-098
296-78-71011	AMD	01-11-038	296-104-060	AMD-P	01-16-158	296-150M-0049	NEW-E	01-08-010
296-78-71015	AMD	01-11-038	296-104-065	PREP	01-10-034	296-150M-0049	NEW-E	01-16-019
296-78-71017	AMD	01-11-038	296-104-065	AMD-P	01-16-158	296-150M-0140	AMD-E	01-08-010
296-78-71019	AMD	01-11-038	296-104-100	PREP	01-10-034	296-150M-0140	AMD-E	01-16-019
296-78-71023	AMD	01-11-038	296-104-100	AMD-P	01-16-158	296-150M-3000	AMD-P	01-09-090
296-78-730	AMD	01-11-038	296-104-102	PREP	01-10-034	296-150M-3000	AMD	01-12-035
296-78-735	AMD	01-11-038	296-104-102	AMD-P	01-16-158	296-150P	PREP	01-03-070
296-78-795	AMD	01-11-038	296-104-105	PREP	01-10-034	296-150P	PREP	01-05-116
296-78-84005	AMD	01-11-038	296-104-110	PREP	01-10-034	296-150P-3000	AMD-P	01-09-090
296-79	PREP	01-07-102	296-104-115	PREP	01-10-034	296-150P-3000	AMD	01-12-035
296-79-010	AMD	01-11-038	296-104-125	PREP	01-10-034	296-150R	PREP	01-03-070
296-79-020	AMD	01-11-038	296-104-130	PREP	01-10-034	296-150R	PREP	01-05-116
296-79-040	AMD	01-11-038	296-104-130	AMD-P	01-16-158	296-150R-3000	AMD-P	01-09-090
296-79-050	AMD	01-11-038	296-104-135	PREP	01-10-034	296-150R-3000	AMD	01-12-035
296-79-090	AMD	01-11-038	296-104-140	PREP	01-10-034	296-150T	PREP	01-03-070
296-79-100	AMD	01-11-038	296-104-145	PREP	01-10-034	296-150T-3000	AMD-P	01-09-090
296-79-120	AMD	01-11-038	296-104-150	PREP	01-10-034	296-150T-3000	AMD	01-12-035
296-79-300	AMD	01-11-038	296-104-151	PREP	01-10-034	296-150V	PREP	01-03-070
296-96	PREP	01-05-116	296-104-151	AMD-P	01-16-158	296-150V	PREP	01-05-116
296-96-01010	AMD-P	01-09-090	296-104-155	PREP	01-10-034	296-150V-3000	AMD-P	01-09-090
296-96-01010	AMD	01-12-035	296-104-160	PREP	01-10-034	296-150V-3000	AMD	01-12-035
296-96-01027	AMD-P	01-09-090	296-104-165	PREP	01-10-034	296-155	PREP	01-07-102
296-96-01027	AMD	01-12-035	296-104-170	PREP	01-10-034	296-155	PREP	01-09-093
296-96-01030	AMD-P	01-09-090	296-104-180	PREP	01-10-034	296-155-005	AMD	01-11-038
296-96-01030	AMD	01-12-035	296-104-200	PREP	01-10-034	296-155-110	AMD	01-11-038
296-96-01035	AMD-P	01-09-090	296-104-200	AMD-P	01-16-158	296-155-120	AMD	01-11-038
296-96-01035	AMD	01-12-035	296-104-205	PREP	01-10-034	296-155-125	AMD	01-11-038
296-96-01040	AMD-P	01-09-090	296-104-205	AMD-P	01-16-158	296-155-130	AMD	01-11-038
296-96-01040	AMD	01-12-035	296-104-210	PREP	01-10-034	296-155-140	AMD	01-11-038
296-96-01045	AMD-P	01-09-090	296-104-215	PREP	01-10-034	296-155-17321	AMD	01-11-038
296-96-01045	AMD	01-12-035	296-104-220	PREP	01-10-034	296-155-17323	AMD	01-11-038
296-96-01050	AMD-P	01-09-090	296-104-230	PREP	01-10-034	296-155-174	AMD	01-11-038
296-96-01050	AMD	01-12-035	296-104-235	PREP	01-10-034	296-155-17609	AMD	01-11-038
296-96-01055	AMD-P	01-09-090	296-104-240	PREP	01-10-034	296-155-17615	AMD	01-11-038
296-96-01055	AMD	01-12-035	296-104-245	PREP	01-10-034	296-155-17625	AMD	01-11-038
296-96-01060	AMD-P	01-09-090	296-104-255	PREP	01-10-034	296-155-180	AMD	01-11-038
296-96-01060	AMD	01-12-035	296-104-256	PREP	01-10-034	296-155-200	PREP	01-05-115
296-96-01065	AMD-P	01-09-090	296-104-256	AMD-P	01-16-158	296-155-200	AMD	01-11-038
296-96-01065	AMD	01-12-035	296-104-260	PREP	01-10-034	296-155-20301	AMD	01-11-038
296-99-010	AMD	01-11-038	296-104-265	PREP	01-10-034	296-155-205	AMD	01-04-015
296-99-040	AMD	01-11-038	296-104-265	AMD-P	01-16-158	296-155-260	AMD	01-11-038
296-104	PREP	01-05-131	296-104-502	PREP	01-10-034	296-155-270	AMD-P	01-12-103
296-104-001	PREP	01-10-034	296-104-502	AMD-P	01-16-158	296-155-270	AMD	01-17-033
296-104-010	PREP	01-10-034	296-104-700	AMD-P	01-09-091	296-155-275	AMD-P	01-12-103
296-104-010	AMD-P	01-16-158	296-104-700	PREP	01-10-034	296-155-275	AMD	01-17-033
296-104-015	PREP	01-10-034	296-104-700	AMD	01-12-034	296-155-305	AMD	01-04-015
296-104-017	PREP	01-10-034	296-104-700	AMD-P	01-16-158	296-155-407	AMD	01-11-038
296-104-018	PREP	01-10-034	296-115	PREP	01-07-102	296-155-525	AMD-P	01-12-103
296-104-020	PREP	01-10-034	296-131	PREP	01-05-114	296-155-525	AMD	01-17-033
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296-155-575	AMD	01-17-033	296-307-12040	AMD-P	01-12-103	296-800-11035	NEW	01-11-038
296-155-605	PREP	01-05-115	296-307-12040	AMD	01-17-033	296-800-120	NEW	01-11-038
296-155-615	PREP	01-05-115	296-307-13025	AMD-P	01-12-103	296-800-12005	NEW	01-11-038
296-155-625	AMD	01-04-015	296-307-13025	AMD	01-17-033	296-800-130	NEW	01-11-038
296-155-655	PREP	01-05-115	296-307-14505	AMD-P	01-12-103	296-800-13005	NEW	01-11-038
296-155-730	AMD-P	01-12-103	296-307-14505	AMD	01-17-033	296-800-13010	NEW	01-11-038
296-155-730	AMD	01-17-033	296-307-550	NEW-P	01-12-103	296-800-13015	NEW	01-11-038
296-155-745	AMD-P	01-12-103	296-307-550	NEW	01-17-033	296-800-140	NEW	01-11-038
296-155-745	AMD	01-17-033	296-307-55005	NEW-P	01-12-103	296-800-14005	NEW	01-11-038
296-200A	PREP	01-05-116	296-307-55005	NEW	01-17-033	296-800-14015	NEW-W	01-14-071
296-200A	PREP	01-13-097	296-307-55010	NEW-P	01-12-103	296-800-14020	NEW	01-11-038
296-200A-900	AMD-P	01-09-090	296-307-55010	NEW	01-17-033	296-800-14025	NEW	01-11-038
296-200A-900	AMD	01-12-035	296-307-55015	NEW-P	01-12-103	296-800-150	NEW	01-11-038
296-301	PREP	01-07-102	296-307-55015	NEW	01-17-033	296-800-15005	NEW	01-11-038
296-301-010	AMD	01-11-038	296-307-55015	NEW	01-17-033	296-800-15010	NEW	01-11-038
296-301-020	AMD	01-11-038	296-307-55020	NEW-P	01-12-103	296-800-15010	NEW	01-11-038
296-301-020	AMD	01-11-038	296-307-55020	NEW	01-17-033	296-800-15015	NEW	01-11-038
296-301-215	AMD	01-11-038	296-307-55025	NEW-P	01-12-103	296-800-15020	NEW	01-11-038
296-301-220	AMD	01-11-038	296-307-55025	NEW	01-17-033	296-800-15020	NEW	01-11-038
296-302	PREP	01-07-102	296-307-55025	NEW	01-17-033	296-800-15025	NEW	01-11-038
296-302-010	AMD	01-11-038	296-307-55030	NEW-P	01-12-103	296-800-160	NEW	01-11-038
296-302-02501	AMD	01-11-038	296-307-55030	NEW	01-17-033	296-800-16005	NEW	01-11-038
296-302-050	AMD	01-11-038	296-307-55035	NEW-P	01-12-103	296-800-16005	NEW	01-11-038
296-302-060	AMD	01-11-038	296-307-55035	NEW	01-17-033	296-800-16010	NEW	01-11-038
296-302-06513	AMD	01-11-038	296-307-55040	NEW-P	01-12-103	296-800-16015	NEW	01-11-038
296-303	PREP	01-07-102	296-307-55040	NEW	01-17-033	296-800-16020	NEW	01-11-038
296-303-01001	AMD	01-11-038	296-307-55040	NEW	01-17-033	296-800-16025	NEW	01-11-038
296-304	PREP	01-07-102	296-307-55045	NEW-P	01-12-103	296-800-16030	NEW	01-11-038
296-304-010	AMD	01-11-038	296-307-55045	NEW	01-17-033	296-800-16035	NEW	01-11-038
296-304-06013	AMD	01-11-038	296-307-55045	NEW	01-17-033	296-800-16035	NEW	01-11-038
296-305	PREP	01-07-102	296-307-55050	NEW-P	01-12-103	296-800-16040	NEW	01-11-038
296-305-01003	AMD	01-11-038	296-307-55050	NEW	01-17-033	296-800-16045	NEW	01-11-038
296-305-01005	AMD	01-11-038	296-307-55055	NEW-P	01-12-103	296-800-16050	NEW	01-11-038
296-305-01009	AMD	01-11-038	296-307-55055	NEW	01-17-033	296-800-16055	NEW	01-11-038
296-305-01509	AMD	01-11-038	296-307-55060	NEW-P	01-12-103	296-800-16060	NEW	01-11-038
296-305-01515	AMD	01-11-038	296-307-55060	NEW	01-17-033	296-800-16065	NEW	01-11-038
296-305-01517	AMD	01-11-038	296-307-570	NEW-P	01-12-103	296-800-16070	NEW	01-11-038
296-305-04511	AMD	01-11-038	296-307-570	NEW	01-17-033	296-800-170	NEW	01-11-038
296-305-05503	AMD	01-11-038	296-307-57005	NEW-P	01-12-103	296-800-17005	NEW	01-11-038
296-305-06005	AMD	01-11-038	296-307-57005	NEW	01-17-033	296-800-17010	NEW	01-11-038
296-305-06007	AMD	01-11-038	296-307-57005	NEW	01-17-033	296-800-17015	NEW	01-11-038
296-305-06503	AMD	01-11-038	296-307-590	NEW-P	01-12-103	296-800-17020	NEW	01-11-038
296-305-06511	AMD	01-11-038	296-307-590	NEW	01-17-033	296-800-17025	NEW	01-11-038
296-305-06515	AMD	01-11-038	296-307-59005	NEW-P	01-12-103	296-800-17030	NEW	01-11-038
296-307	PREP	01-09-093	296-307-59005	NEW	01-17-033	296-800-17035	NEW	01-11-038
296-307-018	AMD-P	01-12-103	296-307-59010	NEW-P	01-12-103	296-800-17040	NEW	01-11-038
296-307-018	AMD	01-17-033	296-307-59010	NEW	01-17-033	296-800-17045	NEW	01-11-038
296-307-039	AMD-P	01-12-103	296-350	PREP	01-09-093	296-800-17050	NEW	01-11-038
296-307-039	AMD	01-17-033	296-350-60025	REP-P	01-12-103	296-800-17055	NEW	01-11-038
296-307-03905	NEW-P	01-12-103	296-350-60025	REP	01-17-033	296-800-180	NEW	01-11-038
296-307-03905	NEW	01-17-033	296-400A	PREP	01-05-116	296-800-18005	NEW	01-11-038
296-307-03910	NEW-P	01-12-103	296-400A	PREP	01-13-099	296-800-18010	NEW	01-11-038
296-307-03910	NEW	01-17-033	296-401B	PREP	01-05-116	296-800-18015	NEW	01-11-038
296-307-03915	NEW-P	01-12-103	296-401B	PREP	01-15-104	296-800-18020	NEW	01-11-038
296-307-03915	NEW	01-17-033	296-401B-700	AMD-P	01-09-090	296-800-190	NEW	01-11-038
296-307-03920	NEW-P	01-12-103	296-401B-700	AMD	01-12-035	296-800-19005	NEW	01-11-038
296-307-03920	NEW	01-17-033	296-402A	PREP	01-15-103	296-800-200	NEW	01-11-038
296-307-03925	NEW-P	01-12-103	296-403	PREP	01-15-103	296-800-20005	NEW	01-11-038
296-307-03925	NEW	01-17-033	296-800	PREP	01-09-093	296-800-210	NEW	01-11-038
296-307-042	REP-P	01-12-103	296-800-100	NEW	01-11-038	296-800-21005	NEW	01-11-038
296-307-042	REP	01-17-033	296-800-110	NEW	01-11-038	296-800-220	NEW	01-11-038
296-307-07013	AMD-P	01-12-103	296-800-11005	NEW	01-11-038	296-800-22005	NEW	01-11-038
296-307-07013	AMD	01-17-033	296-800-11010	NEW	01-11-038	296-800-22010	NEW	01-11-038
			296-800-11015	NEW	01-11-038	296-800-22015	NEW	01-11-038
			296-800-11020	NEW	01-11-038	296-800-22020	NEW	01-11-038
			296-800-11025	NEW	01-11-038	296-800-22022	NEW	01-11-038
			296-800-11030	NEW	01-11-038			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-800-22025	NEW	01-11-038	296-800-31035	NEW	01-11-038	308-13-150	AMD	01-04-002
296-800-22030	NEW	01-11-038	296-800-31040	NEW	01-11-038	308-13-150	PREP	01-09-026
296-800-22035	NEW	01-11-038	296-800-31045	NEW	01-11-038	308-13-150	AMD-P	01-12-063
296-800-22040	NEW	01-11-038	296-800-31050	NEW	01-11-038	308-13-150	AMD	01-15-034
296-800-230	NEW	01-11-038	296-800-31053	NEW	01-11-038	308-15-010	NEW-P	01-07-101
296-800-23005	NEW	01-11-038	296-800-31055	NEW	01-11-038	308-15-010	NEW	01-12-023
296-800-23010	NEW	01-11-038	296-800-31060	NEW	01-11-038	308-15-020	NEW-P	01-07-101
296-800-23015	NEW	01-11-038	296-800-31065	NEW	01-11-038	308-15-020	NEW	01-12-023
296-800-23020	NEW	01-11-038	296-800-31067	NEW	01-11-038	308-15-030	NEW-P	01-07-101
296-800-23025	NEW	01-11-038	296-800-31070	NEW	01-11-038	308-15-030	NEW	01-12-023
296-800-23030	NEW	01-11-038	296-800-31075	NEW	01-11-038	308-15-040	NEW-P	01-07-101
296-800-23035	NEW	01-11-038	296-800-31080	NEW	01-11-038	308-15-040	NEW	01-12-023
296-800-240	NEW	01-11-038	296-800-320	NEW	01-11-038	308-15-050	NEW-P	01-07-101
296-800-24005	NEW	01-11-038	296-800-32005	NEW	01-11-038	308-15-050	NEW	01-12-023
296-800-24010	NEW	01-11-038	296-800-32010	NEW	01-11-038	308-15-060	NEW-P	01-07-101
296-800-250	NEW	01-11-038	296-800-32015	NEW	01-11-038	308-15-060	NEW	01-12-023
296-800-25005	NEW	01-11-038	296-800-32020	NEW	01-11-038	308-15-070	NEW-P	01-07-101
296-800-25010	NEW	01-11-038	296-800-32025	NEW	01-11-038	308-15-070	NEW	01-12-023
296-800-25015	NEW	01-11-038	296-800-32030	NEW-W	01-14-071	308-15-075	NEW-P	01-07-101
296-800-260	NEW	01-11-038	296-800-330	NEW	01-11-038	308-15-075	NEW	01-12-023
296-800-26005	NEW	01-11-038	296-800-340	NEW	01-11-038	308-15-080	NEW-P	01-07-101
296-800-26010	NEW	01-11-038	296-800-350	NEW	01-11-038	308-15-080	NEW	01-12-023
296-800-270	NEW	01-11-038	296-800-35002	NEW	01-11-038	308-15-090	NEW-P	01-07-101
296-800-27005	NEW	01-11-038	296-800-35004	NEW	01-11-038	308-15-090	NEW	01-12-023
296-800-27010	NEW	01-11-038	296-800-35006	NEW	01-11-038	308-15-100	NEW-P	01-07-101
296-800-27015	NEW	01-11-038	296-800-35008	NEW	01-11-038	308-15-100	NEW	01-12-023
296-800-27020	NEW	01-11-038	296-800-35010	NEW	01-11-038	308-15-101	NEW-P	01-07-101
296-800-27025	NEW-W	01-14-071	296-800-35012	NEW	01-11-038	308-15-101	NEW	01-12-023
296-800-280	NEW	01-11-038	296-800-35016	NEW	01-11-038	308-15-102	NEW-P	01-07-101
296-800-28005	NEW	01-11-038	296-800-35018	NEW	01-11-038	308-15-102	NEW	01-12-023
296-800-28010	NEW	01-11-038	296-800-35020	NEW	01-11-038	308-15-103	NEW-P	01-07-101
296-800-28015	NEW	01-11-038	296-800-35022	NEW	01-11-038	308-15-103	NEW	01-12-023
296-800-28020	NEW	01-11-038	296-800-35024	NEW	01-11-038	308-15-150	NEW-P	01-07-100
296-800-28022	NEW	01-11-038	296-800-35026	NEW	01-11-038	308-15-150	NEW	01-12-022
296-800-28025	NEW	01-11-038	296-800-35028	NEW	01-11-038	308-20	PREP	01-14-089
296-800-28030	NEW	01-11-038	296-800-35030	NEW	01-11-038	308-29-010	AMD-P	01-03-130
296-800-28035	NEW	01-11-038	296-800-35032	NEW	01-11-038	308-29-010	AMD	01-11-132
296-800-28040	NEW	01-11-038	296-800-35038	NEW	01-11-038	308-29-020	AMD-P	01-03-130
296-800-28045	NEW	01-11-038	296-800-35040	NEW	01-11-038	308-29-020	AMD	01-11-132
296-800-290	NEW	01-11-038	296-800-35042	NEW	01-11-038	308-29-025	NEW-P	01-03-130
296-800-29005	NEW	01-11-038	296-800-35044	NEW	01-11-038	308-29-025	NEW	01-11-132
296-800-29010	NEW	01-11-038	296-800-35046	NEW	01-11-038	308-29-030	AMD-P	01-03-130
296-800-29015	NEW	01-11-038	296-800-35048	NEW	01-11-038	308-29-030	AMD	01-11-132
296-800-29020	NEW	01-11-038	296-800-35049	NEW	01-11-038	308-29-045	AMD-P	01-03-130
296-800-29025	NEW	01-11-038	296-800-35050	NEW	01-11-038	308-29-045	AMD	01-11-132
296-800-29030	NEW	01-11-038	296-800-35052	NEW	01-11-038	308-29-050	AMD-P	01-03-130
296-800-29035	NEW	01-11-038	296-800-35056	NEW	01-11-038	308-29-050	AMD	01-11-132
296-800-29040	NEW	01-11-038	296-800-35062	NEW	01-11-038	308-29-060	AMD-P	01-03-130
296-800-29045	NEW-W	01-14-071	296-800-35063	NEW	01-11-038	308-29-060	AMD	01-11-132
296-800-300	NEW	01-11-038	296-800-35064	NEW	01-11-038	308-29-070	AMD-P	01-03-130
296-800-30005	NEW	01-11-038	296-800-35065	NEW	01-11-038	308-29-070	AMD	01-11-132
296-800-30010	NEW	01-11-038	296-800-35066	NEW	01-11-038	308-29-080	AMD-P	01-03-130
296-800-30015	NEW	01-11-038	296-800-35072	NEW	01-11-038	308-29-080	AMD	01-11-132
296-800-30020	NEW	01-11-038	296-800-35076	NEW	01-11-038	308-29-090	NEW-P	01-03-130
296-800-30025	NEW	01-11-038	296-800-35078	NEW	01-11-038	308-29-090	NEW	01-11-132
296-800-310	NEW	01-11-038	296-800-35080	NEW	01-11-038	308-29-100	NEW-P	01-03-130
296-800-31005	NEW	01-11-038	296-800-35082	NEW	01-11-038	308-29-100	NEW	01-11-132
296-800-31010	NEW	01-11-038	296-800-35084	NEW	01-11-038	308-29-110	NEW-P	01-03-130
296-800-31015	NEW	01-11-038	296-800-360	NEW	01-11-038	308-29-110	NEW	01-11-132
296-800-31020	NEW	01-11-038	296-800-36005	NEW	01-11-038	308-29-120	NEW-P	01-03-130
296-800-31025	NEW	01-11-038	296-800-370	NEW	01-11-038	308-29-120	NEW	01-11-132
296-800-31030	NEW	01-11-038	308-08-085	AMD	01-03-129	308-32-100	REP	01-03-065

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308-32-110	REP	01-03-065	308-57-230	AMD-P	01-05-106	308-72-910	NEW-P	01-17-011
308-32-120	REP	01-03-065	308-57-230	AMD-W	01-07-029	308-72-915	NEW-P	01-17-011
308-56A	PREP	01-17-060	308-57-230	AMD-P	01-08-051	308-72-920	NEW-P	01-17-011
308-56A-021	AMD-P	01-03-072	308-57-230	AMD	01-12-099	308-72-925	NEW-P	01-17-011
308-56A-021	AMD	01-08-022	308-57-240	AMD-P	01-05-106	308-72-930	NEW-P	01-17-011
308-56A-065	AMD-P	01-03-072	308-57-240	AMD-W	01-07-029	308-77-005	NEW-P	01-17-010
308-56A-065	AMD	01-08-022	308-57-240	AMD-P	01-08-051	308-77-010	REP-P	01-17-010
308-56A-115	AMD-E	01-14-062	308-57-240	AMD	01-12-099	308-77-015	NEW-P	01-17-010
308-56A-115	AMD-P	01-15-083	308-57-500	REP-P	01-05-106	308-77-020	REP-P	01-17-010
308-56A-150	PREP	01-11-083	308-57-500	REP-W	01-07-029	308-77-025	NEW-P	01-17-010
308-56A-150	AMD-E	01-14-062	308-57-500	REP-P	01-08-051	308-77-035	NEW-P	01-17-010
308-56A-150	AMD-P	01-15-083	308-57-500	REP	01-12-099	308-77-040	REP-P	01-17-010
308-56A-310	AMD-P	01-03-072	308-63-010	AMD	01-03-141	308-77-050	REP-P	01-17-010
308-56A-310	AMD	01-08-022	308-63-040	AMD	01-03-141	308-77-075	NEW-P	01-17-010
308-56A-310	AMD-P	01-17-086	308-63-070	AMD	01-03-141	308-77-085	NEW-P	01-17-010
308-56A-335	AMD	01-03-002	308-63-100	AMD	01-03-141	308-77-091	REP-P	01-17-010
308-56A-355	REP	01-03-002	308-72-500	REP-P	01-17-011	308-77-092	NEW-P	01-17-010
308-56A-460	AMD-E	01-14-062	308-72-501	REP-P	01-17-011	308-77-093	NEW-P	01-17-010
308-56A-460	AMD-P	01-15-083	308-72-503	REP-P	01-17-011	308-77-095	REP-P	01-17-010
308-56A-500	PREP	01-17-060	308-72-505	REP-P	01-17-011	308-77-097	NEW-P	01-17-010
308-56A-505	AMD-P	01-06-018	308-72-509	REP-P	01-17-011	308-77-099	NEW-P	01-17-010
308-56A-505	AMD	01-11-069	308-72-512	REP-P	01-17-011	308-77-101	NEW-P	01-17-010
308-57-005	AMD-P	01-05-106	308-72-540	REP-P	01-17-011	308-77-102	NEW-P	01-17-010
308-57-005	AMD-W	01-07-029	308-72-542	REP-P	01-17-011	308-77-103	NEW-P	01-17-010
308-57-005	AMD-P	01-08-051	308-72-550	REP-P	01-17-011	308-77-104	NEW-P	01-17-010
308-57-005	AMD	01-12-099	308-72-555	REP-P	01-17-011	308-77-105	REP-P	01-17-010
308-57-010	AMD-P	01-05-106	308-72-557	REP-P	01-17-011	308-77-106	NEW-P	01-17-010
308-57-010	AMD-W	01-07-029	308-72-560	REP-P	01-17-011	308-77-107	NEW-P	01-17-010
308-57-010	AMD-P	01-08-051	308-72-570	REP-P	01-17-011	308-77-109	NEW-P	01-17-010
308-57-010	AMD	01-12-099	308-72-610	REP-P	01-17-011	308-77-110	REP-P	01-17-010
308-57-020	AMD-P	01-05-106	308-72-615	REP-P	01-17-011	308-77-112	NEW-P	01-17-010
308-57-020	AMD-W	01-07-029	308-72-620	REP-P	01-17-011	308-77-114	NEW-P	01-17-010
308-57-020	AMD-P	01-08-051	308-72-630	REP-P	01-17-011	308-77-115	REP-P	01-17-010
308-57-020	AMD	01-12-099	308-72-640	REP-P	01-17-011	308-77-116	NEW-P	01-17-010
308-57-030	AMD-P	01-05-106	308-72-650	REP-P	01-17-011	308-77-150	REP-P	01-17-010
308-57-030	AMD-W	01-07-029	308-72-660	REP-P	01-17-011	308-77-160	REP-P	01-17-010
308-57-030	AMD-P	01-08-051	308-72-665	REP-P	01-17-011	308-77-165	REP-P	01-17-010
308-57-030	AMD	01-12-099	308-72-670	REP-P	01-17-011	308-77-190	REP-P	01-17-010
308-57-110	AMD-P	01-05-106	308-72-680	REP-P	01-17-011	308-77-215	REP-P	01-17-010
308-57-110	AMD-W	01-07-029	308-72-690	REP-P	01-17-011	308-77-220	REP-P	01-17-010
308-57-110	AMD-P	01-08-051	308-72-700	REP-P	01-17-011	308-77-225	REP-P	01-17-010
308-57-110	AMD	01-12-099	308-72-710	REP-P	01-17-011	308-77-230	REP-P	01-17-010
308-57-120	REP-P	01-05-106	308-72-800	NEW-P	01-17-011	308-77-250	REP-P	01-17-010
308-57-120	REP-W	01-07-029	308-72-805	NEW-P	01-17-011	308-77-260	REP-P	01-17-010
308-57-120	REP-P	01-08-051	308-72-810	NEW-P	01-17-011	308-78-010	AMD-P	01-03-083
308-57-120	REP	01-12-099	308-72-815	NEW-P	01-17-011	308-78-010	AMD	01-08-083
308-57-130	REP-P	01-05-106	308-72-820	NEW-P	01-17-011	308-78-020	AMD-P	01-03-083
308-57-130	REP-W	01-07-029	308-72-830	NEW-P	01-17-011	308-78-020	AMD	01-08-083
308-57-130	REP-P	01-08-051	308-72-835	NEW-P	01-17-011	308-78-030	AMD-P	01-03-083
308-57-130	REP	01-12-099	308-72-840	NEW-P	01-17-011	308-78-030	AMD	01-08-083
308-57-135	REP-P	01-05-106	308-72-845	NEW-P	01-17-011	308-78-035	NEW-P	01-03-083
308-57-135	REP-W	01-07-029	308-72-850	NEW-P	01-17-011	308-78-035	NEW	01-08-083
308-57-135	REP-P	01-08-051	308-72-855	NEW-P	01-17-011	308-78-040	AMD-P	01-03-083
308-57-135	REP	01-12-099	308-72-860	NEW-P	01-17-011	308-78-040	AMD	01-08-083
308-57-140	AMD-P	01-05-106	308-72-865	NEW-P	01-17-011	308-78-045	AMD-P	01-03-083
308-57-140	AMD-W	01-07-029	308-72-870	NEW-P	01-17-011	308-78-045	AMD	01-08-083
308-57-140	AMD-P	01-08-051	308-72-880	NEW-P	01-17-011	308-78-046	NEW-P	01-03-083
308-57-140	AMD	01-12-099	308-72-885	NEW-P	01-17-011	308-78-046	NEW	01-08-083
308-57-210	A/R-P	01-05-106	308-72-890	NEW-P	01-17-011	308-78-060	REP-P	01-03-083
308-57-210	AMD-W	01-07-029	308-72-895	NEW-P	01-17-011	308-78-060	REP	01-08-083
308-57-210	AMD-P	01-08-051	308-72-900	NEW-P	01-17-011	308-78-070	AMD-P	01-03-083
308-57-210	AMD	01-12-099	308-72-905	NEW-P	01-17-011	308-78-070	AMD	01-08-083

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308- 78-075	NEW	01-08-083	308- 94-100	AMD-P	01-06-049	308- 96A-203	AMD-P	01-05-106
308- 78-080	AMD-P	01-03-083	308- 94-100	AMD	01-11-070	308- 96A-203	AMD-W	01-07-029
308- 78-080	AMD	01-08-083	308- 94-105	NEW-P	01-06-049	308- 96A-203	AMD-P	01-08-051
308- 78-090	AMD-P	01-03-083	308- 94-105	NEW	01-11-070	308- 96A-203	AMD	01-12-099
308- 78-090	AMD	01-08-083	308- 94A-005	AMD-P	01-08-050	308- 96A-260	AMD-P	01-11-090
308- 93	PREP	01-05-076	308- 94A-005	AMD	01-13-008	308- 96A-260	AMD	01-17-017
308- 93-010	AMD	01-03-128	308- 94A-010	AMD-P	01-08-050	308- 96A-295	AMD-P	01-04-062
308- 93-010	PREP	01-14-078	308- 94A-010	AMD	01-13-008	308- 96A-295	AMD	01-09-079
308- 93-010	AMD-P	01-17-087	308- 94A-015	AMD-P	01-08-050	308- 96A-300	AMD-P	01-11-090
308- 93-030	AMD	01-03-128	308- 94A-015	AMD	01-13-008	308- 96A-300	AMD	01-17-017
308- 93-050	AMD	01-03-128	308- 94A-020	AMD-P	01-08-050	308- 96A-345	REP-P	01-11-090
308- 93-055	AMD	01-03-128	308- 94A-020	AMD	01-13-008	308- 96A-345	REP	01-17-017
308- 93-056	AMD	01-03-128	308- 94A-025	AMD-P	01-08-050	308- 96A-350	AMD-P	01-13-060
308- 93-060	AMD-P	01-03-017	308- 94A-025	AMD	01-13-008	308- 96A-350	AMD	01-17-091
308- 93-060	AMD	01-08-021	308- 94A-030	AMD-P	01-08-050	308- 96A-355	AMD-P	01-13-060
308- 93-069	AMD-P	01-03-017	308- 94A-030	AMD	01-13-008	308- 96A-355	AMD	01-17-091
308- 93-069	AMD	01-08-021	308- 96A-005	AMD-P	01-11-090	308- 96A-365	AMD-P	01-13-060
308- 93-070	AMD-P	01-03-017	308- 96A-005	AMD	01-17-017	308- 96A-365	AMD	01-17-091
308- 93-070	AMD	01-08-021	308- 96A-015	AMD-P	01-11-090	308- 96A-400	AMD-P	01-05-106
308- 93-071	AMD-P	01-03-017	308- 96A-015	AMD	01-17-017	308- 96A-400	AMD-W	01-07-029
308- 93-071	AMD	01-08-021	308- 96A-026	AMD-P	01-11-090	308- 96A-400	AMD-P	01-08-051
308- 93-073	REP-P	01-03-017	308- 96A-026	AMD	01-17-017	308- 96A-400	AMD	01-12-099
308- 93-073	REP	01-08-021	308- 96A-065	AMD-P	01-04-017	308- 96A-410	REP-P	01-05-106
308- 93-078	AMD-P	01-03-017	308- 96A-065	AMD	01-10-069	308- 96A-410	REP-W	01-07-029
308- 93-078	AMD	01-08-021	308- 96A-066	REP-P	01-04-017	308- 96A-410	REP-P	01-08-051
308- 93-079	AMD	01-03-128	308- 96A-066	REP	01-10-069	308- 96A-410	REP	01-12-099
308- 93-087	AMD-P	01-11-084	308- 96A-067	REP-P	01-04-017	308- 96A-550	AMD-P	01-04-017
308- 93-087	AMD	01-16-105	308- 96A-067	REP	01-10-069	308- 96A-550	AMD	01-10-069
308- 93-088	AMD-P	01-11-084	308- 96A-068	REP-P	01-04-017	308- 96A-560	AMD-P	01-04-017
308- 93-088	AMD	01-16-105	308- 96A-068	REP	01-10-069	308- 96A-560	AMD	01-10-069
308- 93-089	NEW-P	01-11-084	308- 96A-070	AMD-P	01-04-017	308- 97-230	AMD-P	01-05-106
308- 93-089	NEW	01-16-105	308- 96A-070	AMD	01-10-069	308- 97-230	AMD-W	01-07-029
308- 93-090	AMD	01-03-128	308- 96A-071	AMD-P	01-04-017	308- 97-230	AMD-P	01-13-061
308- 93-145	PREP	01-05-076	308- 96A-071	AMD	01-10-069	308- 97-230	AMD	01-17-085
308- 93-145	AMD-P	01-08-052	308- 96A-072	AMD-P	01-04-017	308-100-140	AMD-P	01-04-075
308- 93-145	AMD	01-11-100	308- 96A-072	AMD	01-10-069	308-100-140	AMD	01-09-062
308- 93-160	AMD	01-03-128	308- 96A-073	AMD-P	01-04-017	308-124A-460	PREP	01-17-058
308- 93-285	AMD-P	01-03-017	308- 96A-073	AMD	01-10-069	308-124B-050	PREP	01-08-095
308- 93-285	AMD	01-08-021	308- 96A-074	AMD-P	01-04-017	308-124H-061	PREP	01-08-096
308- 93-350	AMD-P	01-03-017	308- 96A-074	AMD	01-10-069	308-125-120	PREP	01-16-004
308- 93-350	AMD	01-08-021	308- 96A-099	AMD-P	01-05-106	308-390-100	NEW-P	01-07-084
308- 93-360	AMD-P	01-03-017	308- 96A-099	AMD-W	01-07-029	308-390-100	NEW	01-10-056
308- 93-360	AMD	01-08-021	308- 96A-099	AMD-P	01-08-051	308-390-101	NEW-P	01-07-084
308- 93-370	AMD-P	01-17-086	308- 96A-099	AMD	01-12-099	308-390-101	NEW	01-10-056
308- 93-380	AMD-P	01-17-086	308- 96A-135	REP-P	01-05-106	308-390-102	NEW-P	01-07-084
308- 93-390	AMD-P	01-03-072	308- 96A-135	REP-W	01-07-029	308-390-102	NEW	01-10-056
308- 93-390	AMD	01-08-022	308- 96A-135	AMD-P	01-08-051	308-390-102	NEW	01-10-056
308- 93-400	AMD-P	01-17-086	308- 96A-135	AMD	01-12-099	308-390-103	NEW-P	01-07-084
308- 93-445	NEW-P	01-17-086	308- 96A-145	AMD-P	01-05-106	308-390-103	NEW	01-10-056
308- 93-490	AMD-P	01-17-086	308- 96A-145	AMD-W	01-07-029	308-390-104	NEW-P	01-07-084
308- 93-500	AMD-P	01-17-086	308- 96A-145	AMD-P	01-08-051	308-390-104	NEW	01-10-056
308- 93-510	AMD-P	01-17-086	308- 96A-145	AMD	01-12-099	308-390-105	NEW-P	01-07-084
308- 93-640	AMD-P	01-03-017	308- 96A-175	AMD-P	01-04-017	308-390-105	NEW	01-10-056
308- 93-640	AMD	01-08-021	308- 96A-175	AMD	01-10-069	308-390-106	NEW-P	01-07-084
308- 93-660	REP-P	01-11-084	308- 96A-176	AMD-P	01-04-017	308-390-106	NEW	01-10-056
308- 93-660	REP	01-16-105	308- 96A-176	AMD	01-10-069	308-390-107	NEW-P	01-07-084
308- 94-030	AMD-P	01-06-049	308- 96A-177	NEW-P	01-04-017	308-390-107	NEW	01-10-056
308- 94-030	AMD	01-11-070	308- 96A-177	NEW	01-10-069	308-390-108	NEW-P	01-07-084
308- 94-050	AMD-P	01-06-049	308- 96A-202	AMD-P	01-05-106	308-390-108	NEW	01-10-056
308- 94-050	AMD	01-11-070	308- 96A-202	AMD-W	01-07-029	308-390-109	NEW-P	01-07-084
308- 94-080	AMD-P	01-06-049	308- 96A-202	AMD-P	01-08-051	308-390-109	NEW	01-10-056
						308-390-200	NEW-P	01-07-084

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308-390-200	NEW	01-10-056	308-390-600	NEW	01-10-056	314- 08-020	REP	01-11-058
308-390-201	NEW-P	01-07-084	308-390-601	NEW-P	01-07-084	314- 08-030	REP-S	01-06-062
308-390-201	NEW	01-10-056	308-390-601	NEW	01-10-056	314- 08-030	REP	01-11-058
308-390-202	NEW-P	01-07-084	308-390-602	NEW-P	01-07-084	314- 08-040	REP-S	01-06-062
308-390-202	NEW	01-10-056	308-390-602	NEW	01-10-056	314- 08-040	REP	01-11-058
308-390-203	NEW-P	01-07-084	308-390-603	NEW-P	01-07-084	314- 08-050	REP-S	01-06-062
308-390-203	NEW	01-10-056	308-390-603	NEW	01-10-056	314- 08-050	REP	01-11-058
308-390-204	NEW-P	01-07-084	308-400	REP-P	01-07-084	314- 08-070	REP-S	01-06-062
308-390-204	NEW	01-10-056	308-400-010	REP-P	01-07-084	314- 08-070	REP	01-11-058
308-390-300	NEW-P	01-07-084	308-400-010	REP	01-10-056	314- 08-080	REP-S	01-06-062
308-390-300	NEW	01-10-056	308-400-020	REP-P	01-07-084	314- 08-080	REP	01-11-058
308-390-301	NEW-P	01-07-084	308-400-020	REP	01-10-056	314- 08-090	REP-S	01-06-062
308-390-301	NEW	01-10-056	308-400-025	REP-P	01-07-084	314- 08-090	REP	01-11-058
308-390-302	NEW-P	01-07-084	308-400-025	REP	01-10-056	314- 08-100	REP-S	01-06-062
308-390-302	NEW	01-10-056	308-400-030	REP-P	01-07-084	314- 08-100	REP	01-11-058
308-390-303	NEW-P	01-07-084	308-400-030	REP	01-10-056	314- 08-110	REP-S	01-06-062
308-390-303	NEW	01-10-056	308-400-053	REP-P	01-07-084	314- 08-110	REP	01-11-058
308-390-304	NEW-P	01-07-084	308-400-053	REP	01-10-056	314- 08-120	REP-S	01-06-062
308-390-304	NEW	01-10-056	308-400-056	REP-P	01-07-084	314- 08-120	REP	01-11-058
308-390-305	NEW-P	01-07-084	308-400-056	REP	01-10-056	314- 08-130	REP-S	01-06-062
308-390-305	NEW	01-10-056	308-400-058	REP-P	01-07-084	314- 08-130	REP	01-11-058
308-390-306	NEW-P	01-07-084	308-400-058	REP	01-10-056	314- 08-140	REP-S	01-06-062
308-390-306	NEW	01-10-056	308-400-059	REP-P	01-07-084	314- 08-140	REP	01-11-058
308-390-307	NEW-P	01-07-084	308-400-059	REP	01-10-056	314- 08-150	REP-S	01-06-062
308-390-307	NEW	01-10-056	308-400-060	REP-P	01-07-084	314- 08-150	REP	01-11-058
308-390-308	NEW-P	01-07-084	308-400-060	REP	01-10-056	314- 08-160	REP-S	01-06-062
308-390-308	NEW	01-10-056	308-400-062	REP-P	01-07-084	314- 08-160	REP	01-11-058
308-390-309	NEW-P	01-07-084	308-400-062	REP	01-10-056	314- 08-170	REP-S	01-06-062
308-390-309	NEW	01-10-056	308-400-080	REP-P	01-07-084	314- 08-170	REP	01-11-058
308-390-310	NEW-P	01-07-084	308-400-080	REP	01-10-056	314- 08-180	REP-S	01-06-062
308-390-310	NEW	01-10-056	308-400-092	REP-P	01-07-084	314- 08-180	REP	01-11-058
308-390-311	NEW-P	01-07-084	308-400-092	REP	01-10-056	314- 08-190	REP-S	01-06-062
308-390-311	NEW	01-10-056	308-400-095	REP-P	01-07-084	314- 08-190	REP	01-11-058
308-390-312	NEW-P	01-07-084	308-400-095	REP	01-10-056	314- 08-200	REP-S	01-06-062
308-390-312	NEW	01-10-056	308-400-100	REP-P	01-07-084	314- 08-200	REP	01-11-058
308-390-313	NEW-P	01-07-084	308-400-100	REP	01-10-056	314- 08-210	REP-S	01-06-062
308-390-313	NEW	01-10-056	308-400-110	REP-P	01-07-084	314- 08-210	REP	01-11-058
308-390-314	NEW-P	01-07-084	308-400-110	REP	01-10-056	314- 08-220	REP-S	01-06-062
308-390-314	NEW	01-10-056	308-400-120	REP-P	01-07-084	314- 08-220	REP	01-11-058
308-390-315	NEW-P	01-07-084	308-400-120	REP	01-10-056	314- 08-230	REP-S	01-06-062
308-390-315	NEW	01-10-056	308-410	REP-P	01-07-084	314- 08-230	REP	01-11-058
308-390-400	NEW-P	01-07-084	308-410-010	REP-P	01-07-084	314- 08-240	REP-S	01-06-062
308-390-400	NEW	01-10-056	308-410-010	REP	01-10-056	314- 08-240	REP	01-11-058
308-390-401	NEW-P	01-07-084	308-410-020	REP-P	01-07-084	314- 08-250	REP-S	01-06-062
308-390-401	NEW	01-10-056	308-410-020	REP	01-10-056	314- 08-250	REP	01-11-058
308-390-402	NEW-P	01-07-084	308-410-030	REP-P	01-07-084	314- 08-260	REP-S	01-06-062
308-390-402	NEW	01-10-056	308-410-030	REP	01-10-056	314- 08-260	REP	01-11-058
308-390-403	NEW-P	01-07-084	308-410-040	REP-P	01-07-084	314- 08-270	REP-S	01-06-062
308-390-403	NEW	01-10-056	308-410-040	REP	01-10-056	314- 08-270	REP	01-11-058
308-390-500	NEW-P	01-07-084	308-410-060	REP-P	01-07-084	314- 08-280	REP-S	01-06-062
308-390-500	NEW	01-10-056	308-410-060	REP	01-10-056	314- 08-280	REP	01-11-058
308-390-501	NEW-P	01-07-084	308-410-070	REP-P	01-07-084	314- 08-290	REP-S	01-06-062
308-390-501	NEW	01-10-056	308-410-070	REP	01-10-056	314- 08-290	REP	01-11-058
308-390-502	NEW-P	01-07-084	314- 01-005	NEW	01-06-016	314- 08-300	REP-S	01-06-062
308-390-502	NEW	01-10-056	314- 04-005	REP	01-03-086	314- 08-300	REP	01-11-058
308-390-503	NEW-P	01-07-084	314- 04-006	REP	01-03-086	314- 08-310	REP-S	01-06-062
308-390-503	NEW	01-10-056	314- 04-007	REP	01-03-086	314- 08-310	REP	01-11-058
308-390-504	NEW-P	01-07-084	314- 08-001	REP-S	01-06-062	314- 08-320	REP-S	01-06-062
308-390-504	NEW	01-10-056	314- 08-001	REP	01-11-058	314- 08-320	REP	01-11-058
308-390-505	NEW-P	01-07-084	314- 08-010	REP-S	01-06-062	314- 08-330	REP-S	01-06-062
308-390-505	NEW	01-10-056	314- 08-010	REP	01-11-058	314- 08-330	REP	01-11-058
308-390-600	NEW-P	01-07-084	314- 08-020	REP-S	01-06-062	314- 08-340	REP-S	01-06-062

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314- 08-350	REP-S	01-06-062	314- 11-040	NEW	01-06-014	314- 17-010	NEW	01-03-085
314- 08-350	REP	01-11-058	314- 11-045	NEW	01-06-014	314- 17-015	NEW	01-03-085
314- 08-360	REP-S	01-06-062	314- 11-050	NEW	01-06-014	314- 17-020	NEW	01-03-085
314- 08-360	REP	01-11-058	314- 11-055	NEW	01-06-014	314- 17-025	NEW	01-03-085
314- 08-370	REP-S	01-06-062	314- 11-060	NEW	01-06-014	314- 17-030	NEW	01-03-085
314- 08-370	REP	01-11-058	314- 11-065	NEW	01-06-014	314- 17-035	NEW	01-03-085
314- 08-380	REP-S	01-06-062	314- 11-070	NEW	01-06-014	314- 17-040	NEW	01-03-085
314- 08-380	REP	01-11-058	314- 11-080	NEW	01-06-014	314- 17-045	NEW	01-03-085
314- 08-390	REP-S	01-06-062	314- 11-085	NEW	01-06-014	314- 17-050	NEW	01-03-085
314- 08-390	REP	01-11-058	314- 11-090	NEW	01-06-014	314- 17-055	NEW	01-03-085
314- 08-400	REP-S	01-06-062	314- 11-095	NEW	01-06-014	314- 17-060	NEW	01-03-085
314- 08-400	REP	01-11-058	314- 11-100	NEW	01-06-014	314- 17-065	NEW	01-03-085
314- 08-410	REP-S	01-06-062	314- 11-105	NEW	01-06-014	314- 17-070	NEW	01-03-085
314- 08-410	REP	01-11-058	314- 11-110	NEW	01-06-014	314- 17-075	NEW	01-03-085
314- 08-415	REP-S	01-06-062	314- 12-020	AMD	01-03-087	314- 17-080	NEW	01-03-085
314- 08-415	REP	01-11-058	314- 12-115	REP	01-06-014	314- 17-085	NEW	01-03-085
314- 08-420	REP-S	01-06-062	314- 12-120	REP	01-06-014	314- 17-090	NEW	01-03-085
314- 08-420	REP	01-11-058	314- 12-125	REP	01-06-014	314- 17-095	NEW	01-03-085
314- 08-430	REP-S	01-06-062	314- 12-130	REP	01-06-014	314- 17-100	NEW	01-03-085
314- 08-430	REP	01-11-058	314- 12-140	AMD	01-06-015	314- 17-105	NEW	01-03-085
314- 08-440	REP-S	01-06-062	314- 12-195	REP	01-06-014	314- 17-110	NEW	01-03-085
314- 08-440	REP	01-11-058	314- 13-005	NEW	01-06-015	314- 17-115	NEW	01-03-085
314- 08-450	REP-S	01-06-062	314- 13-010	NEW	01-06-015	314- 24-170	REP	01-06-015
314- 08-450	REP	01-11-058	314- 13-015	NEW	01-06-015	314- 29-005	NEW	01-03-086
314- 08-460	REP-S	01-06-062	314- 13-020	NEW	01-06-015	314- 29-010	NEW	01-03-086
314- 08-460	REP	01-11-058	314- 13-025	NEW	01-06-015	314- 42-010	PREP	01-06-061
314- 08-470	REP-S	01-06-062	314- 13-030	NEW	01-06-015	314- 42-010	AMD-P	01-11-059
314- 08-470	REP	01-11-058	314- 13-040	NEW	01-06-015	314- 42-010	AMD	01-15-049
314- 08-480	REP-S	01-06-062	314- 14-010	REP	01-03-085	314- 42-020	NEW-S	01-06-062
314- 08-480	REP	01-11-058	314- 14-020	REP	01-03-085	314- 42-020	NEW	01-11-058
314- 08-490	REP-S	01-06-062	314- 14-030	REP	01-03-085	314- 42-025	NEW-S	01-06-062
314- 08-490	REP	01-11-058	314- 14-040	REP	01-03-085	314- 42-025	NEW	01-11-058
314- 08-500	REP-S	01-06-062	314- 14-050	REP	01-03-085	314- 42-030	NEW-S	01-06-062
314- 08-500	REP	01-11-058	314- 14-060	REP	01-03-085	314- 42-030	NEW	01-11-058
314- 08-510	REP-S	01-06-062	314- 14-070	REP	01-03-085	314- 42-040	NEW-S	01-06-062
314- 08-510	REP	01-11-058	314- 14-080	REP	01-03-085	314- 42-040	NEW	01-11-058
314- 08-520	REP-S	01-06-062	314- 14-090	REP	01-03-085	314- 42-045	NEW-S	01-06-062
314- 08-520	REP	01-11-058	314- 14-100	REP	01-03-085	314- 42-045	NEW	01-11-058
314- 08-530	REP-S	01-06-062	314- 14-110	REP	01-03-085	314- 42-050	NEW-S	01-06-062
314- 08-530	REP	01-11-058	314- 14-120	REP	01-03-085	314- 42-050	NEW	01-11-058
314- 08-540	REP-S	01-06-062	314- 14-130	REP	01-03-085	314- 42-055	NEW-W	01-11-075
314- 08-540	REP	01-11-058	314- 14-140	REP	01-03-085	314- 42-060	NEW-S	01-06-062
314- 08-550	REP-S	01-06-062	314- 14-150	REP	01-03-085	314- 42-060	NEW	01-11-058
314- 08-550	REP	01-11-058	314- 14-160	REP	01-03-085	314- 42-065	NEW-S	01-06-062
314- 08-560	REP-S	01-06-062	314- 14-165	REP	01-03-085	314- 42-065	NEW	01-11-058
314- 08-560	REP	01-11-058	314- 14-170	REP	01-03-085	314- 42-070	NEW-S	01-06-062
314- 08-570	REP-S	01-06-062	314- 16-020	AMD	01-06-014	314- 42-070	NEW	01-11-058
314- 08-570	REP	01-11-058	314- 16-025	REP	01-06-014	314- 42-075	NEW-S	01-06-062
314- 08-580	REP-S	01-06-062	314- 16-030	REP	01-06-014	314- 42-075	NEW	01-11-058
314- 08-580	REP	01-11-058	314- 16-040	AMD	01-06-014	314- 42-080	NEW-S	01-06-062
314- 08-590	REP-S	01-06-062	314- 16-050	REP	01-06-014	314- 42-080	NEW	01-11-058
314- 08-590	REP	01-11-058	314- 16-060	REP	01-06-014	314- 42-085	NEW-S	01-06-062
314- 09-005	NEW	01-03-087	314- 16-070	REP	01-06-014	314- 42-085	NEW	01-11-058
314- 09-010	NEW	01-03-087	314- 16-075	REP	01-06-014	314- 42-090	NEW-S	01-06-062
314- 09-015	NEW	01-03-087	314- 16-090	REP	01-06-014	314- 42-090	NEW	01-11-058
314- 10-020	REP	01-06-014	314- 16-120	REP	01-06-014	314- 42-100	NEW-S	01-06-062
314- 11-005	NEW	01-06-014	314- 16-122	REP	01-06-014	314- 42-100	NEW	01-11-058
314- 11-015	NEW	01-06-014	314- 16-125	REP	01-06-014	314- 42-105	NEW-S	01-06-062
314- 11-020	NEW	01-06-014	314- 16-145	REP	01-06-014	314- 42-105	NEW	01-11-058
314- 11-025	NEW	01-06-014	314- 16-150	REP-W	01-12-082	314- 70-020	REP	01-06-014
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314- 70-050	REP	01-06-014	352	PREP	01-12-077	356- 56-210	AMD	01-03-003
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315- 04-085	NEW	01-12-039	356- 05-415	AMD-P	01-16-130	363-116-185	AMD-P	01-10-072
315- 06-040	PREP	01-04-040	356- 06-045	AMD-C	01-02-088	363-116-185	AMD	01-13-066
315- 06-040	AMD-P	01-08-038	356- 06-045	AMD	01-07-055	363-116-185	AMD-P	01-14-086
315- 06-040	AMD	01-12-040	356- 10-040	AMD-C	01-02-089	363-116-185	AMD-P	01-14-087
315- 34	PREP	01-07-013	356- 10-040	AMD	01-07-057	363-116-300	AMD-P	01-08-081
315- 34-040	AMD-P	01-11-082	356- 14-067	AMD-C	01-02-089	363-116-300	AMD	01-12-032
315- 34-040	AMD	01-17-022	356- 14-067	AMD	01-07-057	363-116-300	AMD-P	01-14-088
315- 34-050	AMD-P	01-11-082	356- 14-075	AMD-C	01-02-089	365-120-080	PREP	01-11-137
315- 34-050	AMD	01-17-022	356- 14-075	AMD	01-07-057	365-120-080	AMD-E	01-14-035
315- 34-057	AMD-P	01-11-082	356- 14-085	AMD-C	01-02-089	365-120-080	AMD-E	01-17-063
315- 34-057	AMD	01-17-022	356- 14-085	AMD	01-07-057	365-195-900	AMD-P	01-03-166
315- 36	PREP	01-07-004	356- 14-110	AMD-C	01-02-089	365-195-900	AMD	01-08-056
315- 36-010	AMD-P	01-11-081	356- 14-110	AMD	01-07-057	365-197-010	NEW-P	01-03-165
315- 36-010	AMD	01-17-021	356- 14-120	AMD-C	01-02-089	365-197-010	NEW	01-13-039
315- 36-030	AMD-P	01-11-081	356- 14-120	AMD	01-07-057	365-197-020	NEW-P	01-03-165
315- 36-030	AMD	01-17-021	356- 15-125	AMD-E	01-04-051	365-197-020	NEW	01-13-039
315- 36-050	AMD-P	01-11-081	356- 15-125	AMD-P	01-04-079	365-197-030	NEW-P	01-03-165
315- 36-050	AMD	01-17-021	356- 15-125	AMD	01-08-005	365-197-030	NEW	01-13-039
315- 36-090	AMD-P	01-11-081	356- 15-140	AMD-C	01-02-089	365-197-040	NEW-P	01-03-165
315- 36-090	AMD	01-17-021	356- 15-140	AMD	01-07-057	365-197-040	NEW	01-13-039
315- 36-110	AMD-P	01-11-081	356- 18-112	AMD-P	01-16-130	365-197-050	NEW-P	01-03-165
315- 36-110	AMD	01-17-021	356- 18-140	AMD-C	01-02-089	365-197-050	NEW	01-13-039
317- 21-010	REP	01-05-036	356- 18-140	AMD	01-07-057	365-197-060	NEW-P	01-03-165
317- 21-020	REP	01-05-036	356- 18-220	AMD-C	01-02-089	365-197-060	NEW	01-13-039
317- 21-030	REP	01-05-036	356- 18-220	AMD	01-07-057	365-197-070	NEW-P	01-03-165
317- 21-040	REP	01-05-036	356- 22-160	AMD-P	01-12-074	365-197-070	NEW	01-13-039
317- 21-050	REP	01-05-036	356- 22-160	AMD	01-17-081	365-197-080	NEW-P	01-03-165
317- 21-060	REP	01-05-036	356- 22-170	REP-P	01-12-074	365-197-080	NEW	01-13-039
317- 21-070	REP	01-05-036	356- 22-170	REP	01-17-081	388- 05-0001	NEW-P	01-08-077
317- 21-100	REP	01-05-036	356- 22-220	AMD-W	01-07-056	388- 05-0001	NEW	01-12-071
317- 21-110	REP	01-05-036	356- 26-030	AMD-P	01-16-095	388- 05-0005	NEW-P	01-08-077
317- 21-120	REP	01-05-036	356- 26-030	AMD-E	01-16-096	388- 05-0005	NEW	01-12-071
317- 21-140	REP	01-05-036	356- 26-040	AMD-P	01-12-075	388- 05-0010	NEW-P	01-08-077
317- 21-300	REP	01-05-036	356- 26-040	AMD	01-17-082	388- 05-0010	NEW	01-12-071
317- 21-305	REP	01-05-036	356- 26-140	AMD-P	01-16-095	388- 06-0010	NEW-P	01-10-062
317- 21-310	REP	01-05-036	356- 26-140	AMD-E	01-16-096	388- 06-0020	NEW-P	01-10-062
317- 21-315	REP	01-05-036	356- 30-012	NEW-P	01-16-095	388- 06-0100	NEW-P	01-10-062
317- 21-320	REP	01-05-036	356- 30-012	NEW-E	01-16-096	388- 06-0110	NEW-P	01-10-062
317- 21-325	REP	01-05-036	356- 30-025	REP-P	01-16-130	388- 06-0120	NEW-P	01-10-062
317- 21-330	REP	01-05-036	356- 30-065	AMD-P	01-16-130	388- 06-0130	NEW-P	01-10-062
317- 21-335	REP	01-05-036	356- 30-067	AMD-P	01-16-130	388- 06-0140	NEW-P	01-10-062
317- 21-340	REP	01-05-036	356- 30-140	AMD-P	01-16-130	388- 06-0150	NEW-P	01-10-062
317- 21-345	REP	01-05-036	356- 30-260	AMD-P	01-12-076	388- 06-0160	NEW-P	01-10-062
317- 21-400	REP	01-05-036	356- 30-260	AMD-W	01-17-080	388- 06-0170	NEW-P	01-10-062
317- 21-410	REP	01-05-036	356- 30-305	AMD-P	01-12-076	388- 06-0180	NEW-P	01-10-062
317- 21-500	REP	01-05-036	356- 30-305	AMD-W	01-17-080	388- 06-0190	NEW-P	01-10-062
317- 21-510	REP	01-05-036	356- 30-320	AMD-C	01-02-088	388- 06-0200	NEW-P	01-10-062
317- 21-520	REP	01-05-036	356- 30-320	AMD	01-07-055	388- 06-0210	NEW-P	01-10-062
317- 21-530	REP	01-05-036	356- 30-330	AMD-P	01-16-095	388- 06-0220	NEW-P	01-10-062
317- 21-550	REP	01-05-036	356- 30-330	AMD-E	01-16-096	388- 06-0230	NEW-P	01-10-062
317- 21-560	REP	01-05-036	356- 30-331	AMD-C	01-02-088	388- 06-0240	NEW-P	01-10-062
317- 21-900	REP	01-05-036	356- 30-331	AMD	01-07-055	388- 06-0250	NEW-P	01-10-062
317- 21-910	REP	01-05-036	356- 30-331	AMD-P	01-08-062	388- 06-0260	NEW-P	01-10-062
326- 40-010	REP-X	01-16-156	356- 30-331	AMD	01-11-113	388- 06-0500	NEW-P	01-10-064
326- 40-020	REP-X	01-16-156	356- 34-090	AMD-P	01-16-095	388- 06-0500	NEW	01-15-019
332- 10-020	AMD-P	01-04-061	356- 34-090	AMD-E	01-16-096	388- 06-0510	NEW-P	01-10-064
332- 10-020	AMD	01-07-049	356- 46-150	NEW-P	01-08-062	388- 06-0510	NEW	01-15-019
332- 10-040	AMD-P	01-04-061	356- 46-150	NEW	01-11-113	388- 06-0520	NEW-P	01-10-064
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388-06-0530	NEW	01-15-019	388-14-260	REP	01-03-089	388-14A-2015	NEW	01-03-089
388-06-0535	NEW-P	01-10-064	388-14-270	REP	01-03-089	388-14A-2020	NEW	01-03-089
388-06-0535	NEW	01-15-019	388-14-271	REP	01-03-089	388-14A-2025	NEW	01-03-089
388-06-0540	NEW-P	01-10-064	388-14-272	REP	01-03-089	388-14A-2030	NEW	01-03-089
388-06-0540	NEW	01-15-019	388-14-273	REP	01-03-089	388-14A-2035	NEW	01-03-089
388-11-011	REP	01-03-089	388-14-274	REP	01-03-089	388-14A-2036	NEW	01-03-089
388-11-015	REP	01-03-089	388-14-276	REP	01-03-089	388-14A-2037	NEW	01-03-089
388-11-045	REP	01-03-089	388-14-300	REP	01-03-089	388-14A-2038	NEW	01-03-089
388-11-048	REP	01-03-089	388-14-310	REP	01-03-089	388-14A-2040	NEW	01-03-089
388-11-065	REP	01-03-089	388-14-350	REP	01-03-089	388-14A-2041	NEW	01-03-089
388-11-067	REP	01-03-089	388-14-360	REP	01-03-089	388-14A-2045	NEW	01-03-089
388-11-100	REP	01-03-089	388-14-365	REP	01-03-089	388-14A-2050	NEW	01-03-089
388-11-120	REP	01-03-089	388-14-370	REP	01-03-089	388-14A-2060	NEW	01-03-089
388-11-135	REP	01-03-089	388-14-376	REP	01-03-089	388-14A-2065	NEW	01-03-089
388-11-140	REP	01-03-089	388-14-385	REP	01-03-089	388-14A-2065	PREP	01-13-049
388-11-143	REP	01-03-089	388-14-386	REP	01-03-089	388-14A-2070	NEW	01-03-089
388-11-145	REP	01-03-089	388-14-387	REP	01-03-089	388-14A-2075	NEW	01-03-089
388-11-150	REP	01-03-089	388-14-388	REP	01-03-089	388-14A-2080	NEW	01-03-089
388-11-155	REP	01-03-089	388-14-390	REP	01-03-089	388-14A-2085	NEW	01-03-089
388-11-170	REP	01-03-089	388-14-395	REP	01-03-089	388-14A-2090	NEW	01-03-089
388-11-180	REP	01-03-089	388-14-410	REP	01-03-089	388-14A-2095	NEW	01-03-089
388-11-205	REP	01-03-089	388-14-415	REP	01-03-089	388-14A-2097	NEW	01-03-089
388-11-210	REP	01-03-089	388-14-420	REP	01-03-089	388-14A-2099	NEW	01-03-089
388-11-215	REP	01-03-089	388-14-421	REP	01-03-089	388-14A-2105	NEW	01-03-089
388-11-220	REP	01-03-089	388-14-422	REP	01-03-089	388-14A-2105	PREP	01-09-027
388-11-280	REP	01-03-089	388-14-423	REP	01-03-089	388-14A-2110	NEW	01-03-089
388-11-300	REP	01-03-089	388-14-424	REP	01-03-089	388-14A-2110	PREP	01-09-027
388-11-305	REP	01-03-089	388-14-427	REP	01-03-089	388-14A-2115	NEW	01-03-089
388-11-310	REP	01-03-089	388-14-435	REP	01-03-089	388-14A-2115	PREP	01-09-027
388-11-320	REP	01-03-089	388-14-440	REP	01-03-089	388-14A-2120	NEW	01-03-089
388-11-325	REP	01-03-089	388-14-450	REP	01-03-089	388-14A-2120	PREP	01-09-027
388-11-330	REP	01-03-089	388-14-460	REP	01-03-089	388-14A-2125	NEW	01-03-089
388-11-335	REP	01-03-089	388-14-480	REP	01-03-089	388-14A-2125	PREP	01-09-027
388-11-340	REP	01-03-089	388-14-490	REP	01-03-089	388-14A-2150	NEW	01-03-089
388-13-010	REP	01-03-089	388-14-495	REP	01-03-089	388-14A-2155	NEW	01-03-089
388-13-020	REP	01-03-089	388-14-496	REP	01-03-089	388-14A-2160	NEW	01-03-089
388-13-030	REP	01-03-089	388-14-500	REP	01-03-089	388-14A-3131	PREP	01-13-048
388-13-040	REP	01-03-089	388-14-510	REP	01-03-089	388-14A-3132	PREP	01-13-048
388-13-050	REP	01-03-089	388-14-520	REP	01-03-089	388-14A-3275	NEW	01-03-089
388-13-060	REP	01-03-089	388-14-530	REP	01-03-089	388-14A-3300	NEW	01-03-089
388-13-070	REP	01-03-089	388-14-540	REP	01-03-089	388-14A-3304	NEW	01-03-089
388-13-085	REP	01-03-089	388-14-550	REP	01-03-089	388-14A-3310	NEW	01-03-089
388-13-090	REP	01-03-089	388-14-560	REP	01-03-089	388-14A-3315	NEW	01-03-089
388-13-100	REP	01-03-089	388-14-570	REP	01-03-089	388-14A-3320	NEW	01-03-089
388-13-110	REP	01-03-089	388-14A-1000	NEW	01-03-089	388-14A-3350	NEW	01-03-089
388-13-120	REP	01-03-089	388-14A-1005	NEW	01-03-089	388-14A-3370	NEW	01-03-089
388-14-010	REP	01-03-089	388-14A-1010	NEW	01-03-089	388-14A-3375	NEW	01-03-089
388-14-020	REP	01-03-089	388-14A-1015	NEW	01-03-089	388-14A-3400	NEW	01-03-089
388-14-030	REP	01-03-089	388-14A-1020	NEW	01-03-089	388-14A-3500	NEW	01-03-089
388-14-035	REP	01-03-089	388-14A-1025	NEW	01-03-089	388-14A-3600	NEW	01-03-089
388-14-040	REP	01-03-089	388-14A-1025	PREP	01-13-049	388-14A-3600	PREP	01-09-042
388-14-045	REP	01-03-089	388-14A-1030	NEW	01-03-089	388-14A-3700	NEW	01-03-089
388-14-050	REP	01-03-089	388-14A-1035	NEW	01-03-089	388-14A-3800	NEW	01-03-089
388-14-100	REP	01-03-089	388-14A-1036	NEW	01-03-089	388-14A-3810	NEW	01-03-089
388-14-200	REP	01-03-089	388-14A-1040	NEW	01-03-089	388-14A-3900	NEW	01-03-089
388-14-201	REP	01-03-089	388-14A-1045	NEW	01-03-089	388-14A-3900	PREP	01-13-020
388-14-202	REP	01-03-089	388-14A-1050	NEW	01-03-089	388-14A-3901	NEW	01-03-089
388-14-203	REP	01-03-089	388-14A-1055	NEW	01-03-089	388-14A-3901	PREP	01-13-020
388-14-205	REP	01-03-089	388-14A-1060	NEW	01-03-089	388-14A-3902	NEW	01-03-089
388-14-210	REP	01-03-089	388-14A-2000	NEW	01-03-089	388-14A-3902	PREP	01-13-020

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-3903	NEW	01-03-089	388- 14A-5400	NEW	01-03-089	388- 15-125	NEW-W	01-07-072
388- 14A-3903	PREP	01-13-020	388- 14A-5500	NEW	01-03-089	388- 15-129	NEW-W	01-07-072
388- 14A-3904	NEW	01-03-089	388- 14A-5505	NEW	01-03-089	388- 15-130	REP-W	01-07-072
388- 14A-3904	PREP	01-13-020	388- 14A-5510	NEW	01-03-089	388- 15-131	REP-W	01-07-072
388- 14A-3905	NEW	01-03-089	388- 14A-5515	NEW	01-03-089	388- 15-132	REP-W	01-07-072
388- 14A-3905	PREP	01-13-020	388- 14A-5520	NEW	01-03-089	388- 15-133	NEW-W	01-07-072
388- 14A-3906	NEW	01-03-089	388- 14A-5525	NEW	01-03-089	388- 15-134	REP-W	01-07-072
388- 14A-3906	PREP	01-13-020	388- 14A-5530	NEW	01-03-089	388- 15-135	NEW-W	01-07-072
388- 14A-3907	NEW	01-03-089	388- 14A-5535	NEW	01-03-089	388- 15-141	NEW-W	01-07-072
388- 14A-3907	PREP	01-13-020	388- 14A-5540	NEW	01-03-089	388- 15-150	REP	01-08-047
388- 14A-3925	NEW	01-03-089	388- 14A-6000	NEW	01-03-089	388- 15-160	REP	01-08-047
388- 14A-3925	PREP	01-13-020	388- 14A-6100	NEW	01-03-089	388- 15-220	REP	01-08-047
388- 14A-4000	NEW	01-03-089	388- 14A-6150	PREP	01-13-048	388- 15-570	REP	01-08-047
388- 14A-4010	NEW	01-03-089	388- 14A-6200	NEW	01-03-089	388- 25-0005	NEW	01-08-047
388- 14A-4020	NEW	01-03-089	388- 14A-6200	PREP	01-09-041	388- 25-0010	NEW	01-08-047
388- 14A-4030	NEW	01-03-089	388- 14A-6300	NEW	01-03-089	388- 25-0015	NEW	01-08-047
388- 14A-4040	NEW	01-03-089	388- 14A-6400	NEW	01-03-089	388- 25-0020	NEW	01-08-047
388- 14A-4100	NEW	01-03-089	388- 14A-6405	NEW	01-03-089	388- 25-0025	NEW	01-08-047
388- 14A-4110	NEW	01-03-089	388- 14A-6410	NEW	01-03-089	388- 25-0030	NEW	01-08-047
388- 14A-4115	NEW	01-03-089	388- 14A-6415	NEW	01-03-089	388- 25-0035	NEW	01-08-047
388- 14A-4120	NEW	01-03-089	388- 14A-6500	NEW	01-03-089	388- 25-0040	NEW	01-08-047
388- 14A-4130	NEW	01-03-089	388- 14A-7100	NEW	01-03-089	388- 25-0045	NEW	01-08-047
388- 14A-4200	NEW	01-03-089	388- 14A-7200	NEW	01-03-089	388- 25-0050	NEW	01-08-047
388- 14A-4300	NEW	01-03-089	388- 14A-8100	NEW	01-03-089	388- 25-0055	NEW	01-08-047
388- 14A-4301	NEW	01-03-089	388- 14A-8105	NEW	01-03-089	388- 25-0060	NEW	01-08-047
388- 14A-4302	NEW	01-03-089	388- 14A-8110	NEW	01-03-089	388- 25-0065	NEW	01-08-047
388- 14A-4303	NEW	01-03-089	388- 14A-8120	NEW	01-03-089	388- 25-0070	NEW	01-08-047
388- 14A-4304	NEW	01-03-089	388- 14A-8200	NEW	01-03-089	388- 25-0075	NEW	01-08-047
388- 14A-4500	NEW	01-03-089	388- 14A-8300	NEW	01-03-089	388- 25-0080	NEW	01-08-047
388- 14A-4505	NEW	01-03-089	388- 14A-8400	NEW	01-03-089	388- 25-0085	NEW	01-08-047
388- 14A-4510	NEW	01-03-089	388- 14A-8500	NEW	01-03-089	388- 25-0090	NEW	01-08-047
388- 14A-4515	NEW	01-03-089	388- 15-001	NEW-W	01-07-072	388- 25-0095	NEW	01-08-047
388- 14A-4520	NEW	01-03-089	388- 15-005	NEW-W	01-07-072	388- 25-0100	NEW	01-08-047
388- 14A-4525	NEW	01-03-089	388- 15-009	NEW-W	01-07-072	388- 25-0105	NEW	01-08-047
388- 14A-4530	NEW	01-03-089	388- 15-013	NEW-W	01-07-072	388- 25-0110	NEW	01-08-047
388- 14A-4600	NEW	01-03-089	388- 15-017	NEW-W	01-07-072	388- 25-0115	NEW	01-08-047
388- 14A-4605	NEW	01-03-089	388- 15-021	NEW-W	01-07-072	388- 25-0120	NEW	01-08-047
388- 14A-4605	PREP	01-13-047	388- 15-025	NEW-W	01-07-072	388- 25-0125	NEW	01-08-047
388- 14A-4610	NEW	01-03-089	388- 15-029	NEW-W	01-07-072	388- 25-0130	NEW	01-08-047
388- 14A-4615	NEW	01-03-089	388- 15-033	NEW-W	01-07-072	388- 25-0135	NEW	01-08-047
388- 14A-4620	NEW	01-03-089	388- 15-037	NEW-W	01-07-072	388- 25-0140	NEW	01-08-047
388- 14A-5000	NEW	01-03-089	388- 15-041	NEW-W	01-07-072	388- 25-0145	NEW	01-08-047
388- 14A-5000	PREP	01-09-043	388- 15-045	NEW-W	01-07-072	388- 25-0150	NEW	01-08-047
388- 14A-5001	NEW	01-03-089	388- 15-049	NEW-W	01-07-072	388- 25-0155	NEW	01-08-047
388- 14A-5001	PREP	01-09-043	388- 15-053	NEW-W	01-07-072	388- 25-0160	NEW	01-08-047
388- 14A-5002	NEW	01-03-089	388- 15-057	NEW-W	01-07-072	388- 25-0170	NEW	01-08-047
388- 14A-5002	PREP	01-09-043	388- 15-061	NEW-W	01-07-072	388- 25-0175	NEW	01-08-047
388- 14A-5003	NEW	01-03-089	388- 15-065	NEW-W	01-07-072	388- 25-0180	NEW	01-08-047
388- 14A-5003	PREP	01-09-043	388- 15-069	NEW-W	01-07-072	388- 25-0185	NEW	01-08-047
388- 14A-5004	NEW	01-03-089	388- 15-073	NEW-W	01-07-072	388- 25-0190	NEW	01-08-047
388- 14A-5004	PREP	01-09-043	388- 15-077	NEW-W	01-07-072	388- 25-0195	NEW	01-08-047
388- 14A-5005	NEW	01-03-089	388- 15-081	NEW-W	01-07-072	388- 25-0200	NEW	01-08-047
388- 14A-5005	PREP	01-09-043	388- 15-085	NEW-W	01-07-072	388- 25-0205	NEW	01-08-047
388- 14A-5006	NEW	01-03-089	388- 15-089	NEW-W	01-07-072	388- 25-0210	NEW	01-08-047
388- 14A-5006	PREP	01-09-043	388- 15-093	NEW-W	01-07-072	388- 25-0215	NEW	01-08-047
388- 14A-5007	NEW	01-03-089	388- 15-097	NEW-W	01-07-072	388- 25-0220	NEW	01-08-047
388- 14A-5007	PREP	01-09-043	388- 15-101	NEW-W	01-07-072	388- 25-0225	NEW	01-08-047
388- 14A-5008	NEW	01-03-089	388- 15-105	NEW-W	01-07-072	388- 25-0230	NEW	01-08-047
388- 14A-5050	NEW	01-03-089	388- 15-109	NEW-W	01-07-072	388- 25-0235	NEW	01-08-047
388- 14A-5100	NEW	01-03-089	388- 15-113	NEW-W	01-07-072	388- 25-0240	NEW	01-08-047
388- 14A-5200	NEW	01-03-089	388- 15-117	NEW-W	01-07-072	388- 25-0245	NEW	01-08-047
388- 14A-5300	NEW	01-03-089	388- 15-121	NEW-W	01-07-072	388- 25-0250	NEW	01-08-047

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-25-0255	NEW	01-08-047	388-27-0110	NEW	01-08-047	388-31-020	REP	01-09-023
388-25-0260	NEW	01-08-047	388-27-0115	NEW	01-08-047	388-31-025	REP-P	01-04-070
388-25-0265	NEW	01-08-047	388-27-0120	NEW	01-08-045	388-31-025	REP	01-09-023
388-25-0270	NEW	01-08-047	388-27-0125	NEW	01-08-045	388-31-030	REP-P	01-04-070
388-25-0275	NEW	01-08-047	388-27-0130	NEW	01-08-045	388-31-030	REP	01-09-023
388-25-0280	NEW	01-08-047	388-27-0135	NEW	01-08-045	388-31-035	REP-P	01-04-070
388-25-0285	NEW	01-08-047	388-27-0140	NEW	01-08-045	388-31-035	REP	01-09-023
388-25-0290	NEW	01-08-047	388-27-0145	NEW	01-08-045	388-32-0005	NEW	01-08-047
388-25-0295	NEW	01-08-047	388-27-0150	NEW	01-08-045	388-32-0010	NEW	01-08-047
388-25-0300	NEW	01-08-047	388-27-0155	NEW	01-08-045	388-32-0015	NEW	01-08-047
388-25-0305	NEW	01-08-047	388-27-0160	NEW	01-08-045	388-32-0020	NEW	01-08-047
388-25-0310	NEW	01-08-047	388-27-0165	NEW	01-08-045	388-32-0025	NEW	01-08-047
388-25-0315	NEW	01-08-047	388-27-0170	NEW	01-08-045	388-32-0030	NEW	01-08-047
388-25-0320	NEW	01-08-047	388-27-0175	NEW	01-08-045	388-39A-010	NEW	01-06-041
388-25-0325	NEW	01-08-047	388-27-0180	NEW	01-08-045	388-39A-030	NEW	01-06-041
388-25-0330	NEW	01-08-047	388-27-0185	NEW	01-08-045	388-39A-035	NEW	01-06-041
388-25-0335	NEW	01-08-047	388-27-0190	NEW	01-08-045	388-39A-040	NEW	01-06-041
388-25-0340	NEW	01-08-047	388-27-0195	NEW	01-08-045	388-39A-045	NEW	01-06-041
388-25-0345	NEW	01-08-047	388-27-0200	NEW	01-08-045	388-39A-050	NEW	01-06-041
388-25-0350	NEW	01-08-047	388-27-0205	NEW	01-08-045	388-39A-055	NEW	01-06-041
388-25-0355	NEW	01-08-047	388-27-0210	NEW	01-08-045	388-39A-060	NEW	01-06-041
388-25-0360	NEW	01-08-047	388-27-0215	NEW	01-08-045	388-46-010	REP	01-06-044
388-25-0365	NEW	01-08-047	388-27-0220	NEW	01-08-045	388-46-100	REP	01-06-044
388-25-0370	NEW	01-08-047	388-27-0225	NEW	01-08-045	388-46-110	REP	01-06-044
388-25-0375	NEW	01-08-047	388-27-0230	NEW	01-08-045	388-46-120	REP	01-06-044
388-25-0380	NEW	01-08-047	388-27-0235	NEW	01-08-045	388-60-0015	NEW	01-08-046
388-25-0385	NEW	01-08-047	388-27-0240	NEW	01-08-045	388-60-0025	NEW	01-08-046
388-25-0390	NEW	01-08-047	388-27-0245	NEW	01-08-045	388-60-0035	NEW	01-08-046
388-25-0395	NEW	01-08-047	388-27-0250	NEW	01-08-045	388-60-0045	NEW	01-08-046
388-25-0400	NEW	01-08-047	388-27-0255	NEW	01-08-045	388-60-0055	NEW	01-08-046
388-25-0405	NEW	01-08-047	388-27-0260	NEW	01-08-045	388-60-0065	NEW	01-08-046
388-25-0410	NEW	01-08-047	388-27-0265	NEW	01-08-045	388-60-0075	NEW	01-08-046
388-25-0415	NEW	01-08-047	388-27-0270	NEW	01-08-045	388-60-0085	NEW	01-08-046
388-25-0420	NEW	01-08-047	388-27-0275	NEW	01-08-045	388-60-0095	NEW	01-08-046
388-25-0425	NEW	01-08-047	388-27-0280	NEW	01-08-045	388-60-0105	NEW	01-08-046
388-25-0430	NEW	01-08-047	388-27-0285	NEW	01-08-045	388-60-0115	NEW	01-08-046
388-25-0435	NEW	01-08-047	388-27-0290	NEW	01-08-045	388-60-0125	NEW	01-08-046
388-25-0440	NEW	01-08-047	388-27-0295	NEW	01-08-045	388-60-0135	NEW	01-08-046
388-25-0445	NEW	01-08-047	388-27-0300	NEW	01-08-045	388-60-0145	NEW	01-08-046
388-25-0450	NEW	01-08-047	388-27-0305	NEW	01-08-045	388-60-0155	NEW	01-08-046
388-25-0455	NEW	01-08-047	388-27-0310	NEW	01-08-045	388-60-0165	NEW	01-08-046
388-25-0460	NEW	01-08-047	388-27-0315	NEW	01-08-045	388-60-0175	NEW	01-08-046
388-27-0005	NEW	01-08-047	388-27-0320	NEW	01-08-045	388-60-0185	NEW	01-08-046
388-27-0010	NEW	01-08-047	388-27-0325	NEW	01-08-045	388-60-0195	NEW	01-08-046
388-27-0015	NEW	01-08-047	388-27-0330	NEW	01-08-045	388-60-0205	NEW	01-08-046
388-27-0020	NEW	01-08-047	388-27-0335	NEW	01-08-045	388-60-0215	NEW	01-08-046
388-27-0025	NEW	01-08-047	388-27-0340	NEW	01-08-045	388-60-0225	NEW	01-08-046
388-27-0030	NEW	01-08-047	388-27-0345	NEW	01-08-045	388-60-0235	NEW	01-08-046
388-27-0035	NEW	01-08-047	388-27-0350	NEW	01-08-045	388-60-0245	NEW	01-08-046
388-27-0040	NEW	01-08-047	388-27-0355	NEW	01-08-045	388-60-0255	NEW	01-08-046
388-27-0045	NEW	01-08-047	388-27-0360	NEW	01-08-045	388-60-0265	NEW	01-08-046
388-27-0050	NEW	01-08-047	388-27-0365	NEW	01-08-045	388-60-0275	NEW	01-08-046
388-27-0055	NEW	01-08-047	388-27-0370	NEW	01-08-045	388-60-0285	NEW	01-08-046
388-27-0060	NEW	01-08-047	388-27-0375	NEW	01-08-045	388-60-0295	NEW	01-08-046
388-27-0065	NEW	01-08-047	388-27-0380	NEW	01-08-045	388-60-0305	NEW	01-08-046
388-27-0070	NEW	01-08-047	388-27-0385	NEW	01-08-045	388-60-0315	NEW	01-08-046
388-27-0075	NEW	01-08-047	388-27-0390	NEW	01-08-045	388-60-0325	NEW	01-08-046
388-27-0080	NEW	01-08-047	388-31-010	REP-P	01-04-070	388-60-0335	NEW	01-08-046
388-27-0085	NEW	01-08-047	388-31-010	REP	01-09-023	388-60-0345	NEW	01-08-046
388-27-0090	NEW	01-08-047	388-31-015	REP-P	01-04-070	388-60-0355	NEW	01-08-046
388-27-0100	NEW	01-08-047	388-31-015	REP	01-09-023	388-60-0365	NEW	01-08-046
388-27-0105	NEW	01-08-047	388-31-020	REP-P	01-04-070			

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-60-0375	NEW	01-08-046	388-61A-0045	NEW	01-07-053	388-70-430	REP	01-08-047
388-60-0385	NEW	01-08-046	388-61A-0050	NEW	01-07-053	388-70-440	REP	01-08-047
388-60-0395	NEW	01-08-046	388-61A-0055	NEW	01-07-053	388-70-460	REP	01-08-047
388-60-0405	NEW	01-08-046	388-61A-0060	NEW	01-07-053	388-70-470	REP	01-08-047
388-60-0415	NEW	01-08-046	388-61A-0065	NEW	01-07-053	388-70-480	REP	01-08-047
388-60-0425	NEW	01-08-046	388-61A-0070	NEW	01-07-053	388-70-510	REP	01-08-045
388-60-0435	NEW	01-08-046	388-61A-0075	NEW	01-07-053	388-70-520	REP	01-08-045
388-60-0445	NEW	01-08-046	388-61A-0080	NEW	01-07-053	388-70-530	REP	01-08-045
388-60-0455	NEW	01-08-046	388-61A-0085	NEW	01-07-053	388-70-540	REP	01-08-045
388-60-0465	NEW	01-08-046	388-61A-0090	NEW	01-07-053	388-70-550	REP	01-08-045
388-60-0475	NEW	01-08-046	388-61A-0095	NEW	01-07-053	388-70-560	REP	01-08-045
388-60-0485	NEW	01-08-046	388-61A-0100	NEW	01-07-053	388-70-570	REP	01-08-045
388-60-0495	NEW	01-08-046	388-61A-0105	NEW	01-07-053	388-70-580	REP	01-08-045
388-60-0505	NEW	01-08-046	388-61A-0110	NEW	01-07-053	388-70-590	REP	01-08-045
388-60-0515	NEW	01-08-046	388-61A-0115	NEW	01-07-053	388-70-595	REP	01-08-045
388-60-0525	NEW	01-08-046	388-61A-0120	NEW	01-07-053	388-70-700	REP	01-08-047
388-60-0535	NEW	01-08-046	388-61A-0125	NEW	01-07-053	388-71	PREP	01-11-095
388-60-0545	NEW	01-08-046	388-61A-0130	NEW	01-07-053	388-71-0500	AMD-P	01-07-045
388-60-0555	NEW	01-08-046	388-61A-0135	NEW	01-07-053	388-71-0500	AMD	01-11-019
388-60-0565	NEW	01-08-046	388-61A-0140	NEW	01-07-053	388-71-0505	AMD-P	01-07-045
388-60-0575	NEW	01-08-046	388-61A-0145	NEW	01-07-053	388-71-0505	AMD	01-11-019
388-60-0585	NEW	01-08-046	388-61A-0150	NEW	01-07-053	388-71-0510	AMD-P	01-07-045
388-60-0595	NEW	01-08-046	388-61A-0155	NEW	01-07-053	388-71-0510	AMD	01-11-019
388-60-0605	NEW	01-08-046	388-61A-0160	NEW	01-07-053	388-71-0513	NEW-P	01-07-045
388-60-0615	NEW	01-08-046	388-61A-0165	NEW	01-07-053	388-71-0513	NEW	01-11-019
388-60-0625	NEW	01-08-046	388-61A-0170	NEW	01-07-053	388-71-0515	AMD-P	01-07-045
388-60-0635	NEW	01-08-046	388-61A-0175	NEW	01-07-053	388-71-0515	AMD	01-11-019
388-60-0645	NEW	01-08-046	388-61A-0180	NEW	01-07-053	388-71-0540	AMD-P	01-07-045
388-60-0655	NEW	01-08-046	388-61A-0185	NEW	01-07-053	388-71-0540	AMD	01-11-019
388-60-0665	NEW	01-08-046	388-61A-0190	NEW	01-07-053	388-71-0545	REP-P	01-07-045
388-60-0675	NEW	01-08-046	388-61A-0195	NEW	01-07-053	388-71-0545	REP	01-11-019
388-60-0685	NEW	01-08-046	388-70-010	REP	01-08-047	388-71-0546	NEW-P	01-07-045
388-60-0695	NEW	01-08-046	388-70-012	REP	01-08-047	388-71-0546	NEW	01-11-019
388-60-0705	NEW	01-08-046	388-70-013	REP	01-08-047	388-71-0550	REP-P	01-07-045
388-60-0715	NEW	01-08-046	388-70-022	REP	01-08-047	388-71-0550	REP	01-11-019
388-60-0725	NEW	01-08-046	388-70-024	REP	01-08-047	388-71-0551	NEW-P	01-07-045
388-60-0735	NEW	01-08-046	388-70-031	REP	01-08-047	388-71-0551	NEW	01-11-019
388-60-0745	NEW	01-08-046	388-70-032	REP	01-08-047	388-71-0555	REP-P	01-07-045
388-60-0755	NEW	01-08-046	388-70-033	REP	01-08-047	388-71-0555	REP	01-11-019
388-60-120	REP	01-08-046	388-70-034	REP	01-08-047	388-71-0556	NEW-P	01-07-045
388-60-130	REP	01-08-046	388-70-035	REP	01-08-047	388-71-0556	NEW	01-11-019
388-60-140	REP	01-08-046	388-70-036	REP	01-08-047	388-71-0560	AMD-P	01-07-045
388-60-150	REP	01-08-046	388-70-037	REP	01-08-047	388-71-0560	AMD	01-11-019
388-60-160	REP	01-08-046	388-70-041	REP	01-08-047	388-71-0580	AMD-P	01-07-045
388-60-170	REP	01-08-046	388-70-042	REP	01-08-047	388-71-0580	AMD	01-11-019
388-60-180	REP	01-08-046	388-70-044	REP	01-08-047	388-71-0605	AMD-P	01-03-155
388-60-190	REP	01-08-046	388-70-048	REP	01-08-047	388-71-0605	AMD	01-14-055
388-60-200	REP	01-08-046	388-70-051	REP	01-08-047	388-71-0613	NEW-P	01-03-155
388-60-210	REP	01-08-046	388-70-054	REP	01-08-047	388-71-0613	NEW	01-14-055
388-60-220	REP	01-08-046	388-70-058	REP	01-08-047	388-71-0900	NEW-P	01-07-044
388-60-230	REP	01-08-046	388-70-062	REP	01-08-047	388-71-0900	NEW	01-11-018
388-60-240	REP	01-08-046	388-70-066	REP	01-08-047	388-71-0905	NEW-P	01-07-044
388-60-250	REP	01-08-046	388-70-068	REP	01-08-047	388-71-0905	NEW	01-11-018
388-60-260	REP	01-08-046	388-70-069	REP	01-08-047	388-71-0910	NEW-P	01-07-044
388-61A-0005	NEW	01-07-053	388-70-075	REP	01-08-047	388-71-0910	NEW	01-11-018
388-61A-0010	NEW	01-07-053	388-70-078	REP	01-08-047	388-71-0915	NEW-P	01-07-044
388-61A-0015	NEW	01-07-053	388-70-080	REP	01-08-047	388-71-0915	NEW	01-11-018
388-61A-0020	NEW	01-07-053	388-70-082	REP	01-08-047	388-71-0920	NEW-P	01-07-044
388-61A-0025	NEW	01-07-053	388-70-084	REP	01-08-047	388-71-0920	NEW	01-11-018
388-61A-0030	NEW	01-07-053	388-70-170	REP	01-08-047	388-71-0925	NEW-P	01-07-044
388-61A-0035	NEW	01-07-053	388-70-410	REP	01-08-047	388-71-0925	NEW	01-11-018
388-61A-0040	NEW	01-07-053	388-70-420	REP	01-08-047	388-71-0930	NEW-P	01-07-044

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0930	NEW	01-11-018	388-73-052	REP-P	01-12-101	388-73-122	REP-P	01-12-101
388-71-0935	NEW-P	01-07-044	388-73-054	REP-W	01-08-064	388-73-124	REP-W	01-08-064
388-71-0935	NEW	01-11-018	388-73-054	REP-P	01-12-101	388-73-124	REP-P	01-12-101
388-71-0940	NEW-P	01-07-044	388-73-056	REP-W	01-08-064	388-73-126	REP-W	01-08-064
388-71-0940	NEW	01-11-018	388-73-056	REP-P	01-12-101	388-73-126	REP-P	01-12-101
388-71-0945	NEW-P	01-07-044	388-73-057	REP-W	01-08-064	388-73-128	REP-W	01-08-064
388-71-0945	NEW	01-11-018	388-73-057	REP-P	01-12-101	388-73-128	REP-P	01-12-101
388-71-0950	NEW-P	01-07-044	388-73-058	REP-W	01-08-064	388-73-130	REP-W	01-08-064
388-71-0950	NEW	01-11-018	388-73-058	REP-P	01-12-101	388-73-130	REP-P	01-12-101
388-71-0955	NEW-P	01-07-044	388-73-060	REP-W	01-08-064	388-73-132	REP-W	01-08-064
388-71-0955	NEW	01-11-018	388-73-060	REP-P	01-12-101	388-73-132	REP-P	01-12-101
388-71-0960	NEW-P	01-07-044	388-73-062	REP-W	01-08-064	388-73-134	REP-W	01-08-064
388-71-0960	NEW	01-11-018	388-73-062	REP-P	01-12-101	388-73-134	REP-P	01-12-101
388-71-0965	NEW-P	01-07-044	388-73-064	REP-W	01-08-064	388-73-136	REP-W	01-08-064
388-71-0965	NEW	01-11-018	388-73-064	REP-P	01-12-101	388-73-136	REP-P	01-12-101
388-73-010	REP-W	01-08-064	388-73-066	REP-W	01-08-064	388-73-138	REP-W	01-08-064
388-73-010	REP-P	01-12-101	388-73-066	REP-P	01-12-101	388-73-138	REP-P	01-12-101
388-73-012	REP-W	01-08-064	388-73-068	REP-W	01-08-064	388-73-140	REP-W	01-08-064
388-73-012	REP-P	01-12-101	388-73-068	REP-P	01-12-101	388-73-140	REP-P	01-12-101
388-73-014	REP-W	01-08-064	388-73-069	REP-W	01-08-064	388-73-142	REP-W	01-08-064
388-73-014	REP-P	01-12-101	388-73-069	REP-P	01-12-101	388-73-142	REP-P	01-12-101
388-73-016	REP-W	01-08-064	388-73-070	REP-W	01-08-064	388-73-143	REP-W	01-08-064
388-73-016	REP-P	01-12-101	388-73-070	REP-P	01-12-101	388-73-143	REP-P	01-12-101
388-73-018	REP-W	01-08-064	388-73-072	REP-W	01-08-064	388-73-144	REP-W	01-08-064
388-73-018	REP-P	01-12-101	388-73-072	REP-P	01-12-101	388-73-144	REP-P	01-12-101
388-73-019	REP-W	01-08-064	388-73-074	REP-W	01-08-064	388-73-146	REP-W	01-08-064
388-73-019	REP-P	01-12-101	388-73-074	REP-P	01-12-101	388-73-146	REP-P	01-12-101
388-73-01950	REP-W	01-08-064	388-73-076	REP-W	01-08-064	388-73-200	REP-W	01-08-064
388-73-01950	REP-P	01-12-101	388-73-076	REP-P	01-12-101	388-73-200	REP-P	01-12-101
388-73-020	REP-W	01-08-064	388-73-077	REP-W	01-08-064	388-73-202	REP-W	01-08-064
388-73-020	REP-P	01-12-101	388-73-077	REP-P	01-12-101	388-73-202	REP-P	01-12-101
388-73-022	REP-W	01-08-064	388-73-078	REP-W	01-08-064	388-73-204	REP-W	01-08-064
388-73-022	REP-P	01-12-101	388-73-078	REP-P	01-12-101	388-73-204	REP-P	01-12-101
388-73-024	REP-W	01-08-064	388-73-080	REP-W	01-08-064	388-73-206	REP-W	01-08-064
388-73-024	REP-P	01-12-101	388-73-080	REP-P	01-12-101	388-73-206	REP-P	01-12-101
388-73-026	REP-W	01-08-064	388-73-100	REP-W	01-08-064	388-73-208	REP-W	01-08-064
388-73-026	REP-P	01-12-101	388-73-100	REP-P	01-12-101	388-73-208	REP-P	01-12-101
388-73-028	REP-W	01-08-064	388-73-101	REP-W	01-08-064	388-73-210	REP-W	01-08-064
388-73-028	REP-P	01-12-101	388-73-101	REP-P	01-12-101	388-73-210	REP-P	01-12-101
388-73-030	REP-W	01-08-064	388-73-102	REP-W	01-08-064	388-73-212	REP-W	01-08-064
388-73-030	REP-P	01-12-101	388-73-102	REP-P	01-12-101	388-73-212	REP-P	01-12-101
388-73-032	REP-W	01-08-064	388-73-103	REP-W	01-08-064	388-73-213	REP-W	01-08-064
388-73-032	REP-P	01-12-101	388-73-103	REP-P	01-12-101	388-73-213	REP-P	01-12-101
388-73-034	REP-W	01-08-064	388-73-104	REP-W	01-08-064	388-73-214	REP-W	01-08-064
388-73-034	REP-P	01-12-101	388-73-104	REP-P	01-12-101	388-73-214	REP-P	01-12-101
388-73-036	REP-W	01-08-064	388-73-106	REP-W	01-08-064	388-73-216	REP-W	01-08-064
388-73-036	REP-P	01-12-101	388-73-106	REP-P	01-12-101	388-73-216	REP-P	01-12-101
388-73-038	REP-W	01-08-064	388-73-108	REP-W	01-08-064	388-73-300	REP-W	01-08-064
388-73-038	REP-P	01-12-101	388-73-108	REP-P	01-12-101	388-73-300	REP-P	01-12-101
388-73-040	REP-W	01-08-064	388-73-110	REP-W	01-08-064	388-73-302	REP-W	01-08-064
388-73-040	REP-P	01-12-101	388-73-110	REP-P	01-12-101	388-73-302	REP-P	01-12-101
388-73-042	REP-W	01-08-064	388-73-112	REP-W	01-08-064	388-73-304	REP-W	01-08-064
388-73-042	REP-P	01-12-101	388-73-112	REP-P	01-12-101	388-73-304	REP-P	01-12-101
388-73-044	REP-W	01-08-064	388-73-114	REP-W	01-08-064	388-73-306	REP-W	01-08-064
388-73-044	REP-P	01-12-101	388-73-114	REP-P	01-12-101	388-73-306	REP-P	01-12-101
388-73-046	REP-W	01-08-064	388-73-116	REP-W	01-08-064	388-73-308	REP-W	01-08-064
388-73-046	REP-P	01-12-101	388-73-116	REP-P	01-12-101	388-73-308	REP-P	01-12-101
388-73-048	REP-W	01-08-064	388-73-118	REP-W	01-08-064	388-73-310	REP-W	01-08-064
388-73-048	REP-P	01-12-101	388-73-118	REP-P	01-12-101	388-73-310	REP-P	01-12-101
388-73-050	REP-W	01-08-064	388-73-120	REP-W	01-08-064	388-73-312	REP-W	01-08-064
388-73-050	REP-P	01-12-101	388-73-120	REP-P	01-12-101	388-73-312	REP-P	01-12-101
388-73-052	REP-W	01-08-064	388-73-122	REP-W	01-08-064	388-73-351	REP-W	01-08-064

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 73-351	REP-P	01-12-101	388- 73-604	REP-P	01-12-101	388- 86-085	REP	01-06-029
388- 73-353	REP-W	01-08-064	388- 73-606	REP-W	01-08-064	388- 86-086	REP	01-03-084
388- 73-353	REP-P	01-12-101	388- 73-606	REP-P	01-12-101	388- 86-100	REP-W	01-03-001
388- 73-355	REP-W	01-08-064	388- 73-610	REP-W	01-08-064	388- 86-100	REP	01-06-028
388- 73-355	REP-P	01-12-101	388- 73-610	REP-P	01-12-101	388- 87-027	REP	01-06-032
388- 73-357	REP-W	01-08-064	388- 73-700	REP-W	01-08-064	388- 87-035	REP	01-06-029
388- 73-357	REP-P	01-12-101	388- 73-700	REP-P	01-12-101	388- 87-036	REP	01-03-084
388- 73-361	REP-W	01-08-064	388- 73-702	REP-W	01-08-064	388- 87-060	REP	01-06-033
388- 73-361	REP-P	01-12-101	388- 73-702	REP-P	01-12-101	388- 96	PREP	01-16-136
388- 73-363	REP-W	01-08-064	388- 73-704	REP-W	01-08-064	388- 96-010	AMD-P	01-06-057
388- 73-363	REP-P	01-12-101	388- 73-704	REP-P	01-12-101	388- 96-010	AMD	01-12-037
388- 73-365	REP-W	01-08-064	388- 73-706	REP-W	01-08-064	388- 96-218	AMD-P	01-06-057
388- 73-365	REP-P	01-12-101	388- 73-706	REP-P	01-12-101	388- 96-218	AMD	01-12-037
388- 73-367	REP-W	01-08-064	388- 73-708	REP-W	01-08-064	388- 96-310	AMD-P	01-06-057
388- 73-367	REP-P	01-12-101	388- 73-708	REP-P	01-12-101	388- 96-310	AMD-W	01-12-036
388- 73-369	REP-W	01-08-064	388- 73-710	REP-W	01-08-064	388- 96-369	AMD-P	01-06-057
388- 73-369	REP-P	01-12-101	388- 73-710	REP-P	01-12-101	388- 96-369	AMD	01-12-037
388- 73-371	REP-W	01-08-064	388- 73-712	REP-W	01-08-064	388- 96-384	AMD-P	01-06-057
388- 73-371	REP-P	01-12-101	388- 73-712	REP-P	01-12-101	388- 96-384	AMD	01-12-037
388- 73-373	REP-W	01-08-064	388- 73-714	REP-W	01-08-064	388- 96-559	AMD-P	01-06-057
388- 73-373	REP-P	01-12-101	388- 73-714	REP-P	01-12-101	388- 96-559	AMD	01-12-037
388- 73-375	REP-W	01-08-064	388- 73-718	REP-W	01-08-064	388- 96-708	AMD-P	01-06-057
388- 73-375	REP-P	01-12-101	388- 73-718	REP-P	01-12-101	388- 96-708	AMD	01-12-037
388- 73-377	REP-W	01-08-064	388- 73-720	REP-W	01-08-064	388- 96-709	AMD-P	01-06-057
388- 73-377	REP-P	01-12-101	388- 73-720	REP-P	01-12-101	388- 96-709	AMD	01-12-037
388- 73-379	REP-W	01-08-064	388- 73-722	REP-W	01-08-064	388- 96-710	AMD-P	01-06-057
388- 73-379	REP-P	01-12-101	388- 73-722	REP-P	01-12-101	388- 96-710	AMD	01-12-037
388- 73-381	REP-W	01-08-064	388- 73-800	REP-W	01-08-064	388- 96-713	AMD-P	01-06-057
388- 73-381	REP-P	01-12-101	388- 73-800	REP-P	01-12-101	388- 96-713	AMD	01-12-037
388- 73-383	REP-W	01-08-064	388- 73-802	REP-W	01-08-064	388- 96-714	AMD-P	01-06-057
388- 73-383	REP-P	01-12-101	388- 73-802	REP-P	01-12-101	388- 96-714	AMD	01-12-037
388- 73-385	REP-W	01-08-064	388- 73-803	REP-W	01-08-064	388- 96-723	AMD-P	01-06-057
388- 73-385	REP-P	01-12-101	388- 73-803	REP-P	01-12-101	388- 96-723	AMD	01-12-037
388- 73-387	REP-W	01-08-064	388- 73-804	REP-W	01-08-064	388- 96-732	NEW-P	01-06-057
388- 73-387	REP-P	01-12-101	388- 73-804	REP-P	01-12-101	388- 96-732	NEW	01-12-037
388- 73-389	REP-W	01-08-064	388- 73-805	REP-W	01-08-064	388- 96-740	AMD-P	01-06-057
388- 73-389	REP-P	01-12-101	388- 73-805	REP-P	01-12-101	388- 96-740	AMD	01-12-037
388- 73-391	REP-W	01-08-064	388- 73-810	REP-W	01-08-064	388- 96-776	AMD-P	01-06-057
388- 73-391	REP-P	01-12-101	388- 73-810	REP-P	01-12-101	388- 96-776	AMD	01-12-037
388- 73-393	REP-W	01-08-064	388- 73-815	REP-W	01-08-064	388- 96-777	AMD-P	01-06-057
388- 73-393	REP-P	01-12-101	388- 73-815	REP-P	01-12-101	388- 96-777	AMD	01-12-037
388- 73-395	REP-W	01-08-064	388- 73-820	REP-W	01-08-064	388- 96-780	AMD-P	01-06-057
388- 73-395	REP-P	01-12-101	388- 73-820	REP-P	01-12-101	388- 96-780	AMD	01-12-037
388- 73-500	REP-W	01-08-064	388- 73-821	REP-W	01-08-064	388- 96-802	NEW-P	01-06-057
388- 73-500	REP-P	01-12-101	388- 73-821	REP-P	01-12-101	388- 96-802	NEW	01-12-037
388- 73-502	REP-W	01-08-064	388- 73-822	REP-W	01-08-064	388- 96-803	NEW-P	01-06-057
388- 73-502	REP-P	01-12-101	388- 73-822	REP-P	01-12-101	388- 96-803	NEW	01-12-037
388- 73-504	REP-W	01-08-064	388- 73-823	REP-W	01-08-064	388- 96-901	AMD-P	01-06-057
388- 73-504	REP-P	01-12-101	388- 73-823	REP-P	01-12-101	388- 96-901	AMD	01-12-037
388- 73-506	REP-W	01-08-064	388- 73-825	REP-W	01-08-064	388-105-0005	NEW-P	01-10-103
388- 73-506	REP-P	01-12-101	388- 73-825	REP-P	01-12-101	388-105-0005	NEW	01-14-056
388- 73-508	REP-W	01-08-064	388- 73-900	REP-W	01-08-064	388-105-0010	NEW-P	01-10-103
388- 73-508	REP-P	01-12-101	388- 73-900	REP-P	01-12-101	388-105-0010	NEW	01-14-056
388- 73-510	REP-W	01-08-064	388- 73-901	REP-W	01-08-064	388-105-0015	NEW-P	01-10-103
388- 73-510	REP-P	01-12-101	388- 73-901	REP-P	01-12-101	388-105-0015	NEW	01-14-056
388- 73-512	REP-W	01-08-064	388- 73-902	REP-W	01-08-064	388-105-0020	NEW-P	01-10-103
388- 73-512	REP-P	01-12-101	388- 73-902	REP-P	01-12-101	388-105-0020	NEW	01-14-056
388- 73-600	REP-W	01-08-064	388- 73-904	REP-W	01-08-064	388-105-0025	NEW-P	01-10-103
388- 73-600	REP-P	01-12-101	388- 73-904	REP-P	01-12-101	388-105-0025	NEW	01-14-056
388- 73-602	REP-W	01-08-064	388- 74-010	REP	01-06-041	388-146-0010	NEW-W	01-07-071
388- 73-602	REP-P	01-12-101	388- 74-030	REP	01-06-041	388-146-0020	NEW-W	01-07-071
388- 73-604	REP-W	01-08-064	388- 86-071	REP	01-05-040	388-146-0030	NEW-W	01-07-071

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0885	NEW-W	01-08-064	388-148-1040	NEW-W	01-08-064	388-155-160	AMD-P	01-07-052
388-148-0885	NEW-P	01-12-101	388-148-1040	NEW-P	01-12-101	388-155-160	AMD	01-17-084
388-148-0890	NEW-W	01-08-064	388-148-1045	NEW-W	01-08-064	388-155-190	AMD-P	01-07-052
388-148-0890	NEW-P	01-12-101	388-148-1045	NEW-P	01-12-101	388-155-190	AMD	01-17-084
388-148-0895	NEW-W	01-08-064	388-148-1050	NEW-W	01-08-064	388-155-270	AMD-P	01-07-052
388-148-0895	NEW-P	01-12-101	388-148-1050	NEW-P	01-12-101	388-155-270	AMD	01-17-084
388-148-0900	NEW-W	01-08-064	388-148-1055	NEW-W	01-08-064	388-155-330	AMD-P	01-07-052
388-148-0900	NEW-P	01-12-101	388-148-1055	NEW-P	01-12-101	388-155-330	AMD	01-17-084
388-148-0905	NEW-W	01-08-064	388-148-1060	NEW-W	01-08-064	388-155-370	AMD-P	01-07-052
388-148-0905	NEW-P	01-12-101	388-148-1060	NEW-P	01-12-101	388-155-370	AMD	01-17-084
388-148-0910	NEW-W	01-08-064	388-148-1065	NEW-W	01-08-064	388-155-380	AMD-P	01-07-052
388-148-0910	NEW-P	01-12-101	388-148-1065	NEW-P	01-12-101	388-155-380	AMD	01-17-084
388-148-0915	NEW-W	01-08-064	388-148-1070	NEW-W	01-08-064	388-155-420	AMD-P	01-07-052
388-148-0915	NEW-P	01-12-101	388-148-1070	NEW-P	01-12-101	388-155-420	AMD	01-17-084
388-148-0920	NEW-W	01-08-064	388-148-1075	NEW-W	01-08-064	388-155-480	AMD-P	01-07-052
388-148-0920	NEW-P	01-12-101	388-148-1075	NEW-P	01-12-101	388-155-480	AMD	01-17-084
388-148-0925	NEW-W	01-08-064	388-148-1080	NEW-W	01-08-064	388-155-605	AMD-P	01-07-052
388-148-0925	NEW-P	01-12-101	388-148-1080	NEW-P	01-12-101	388-155-605	AMD	01-17-084
388-148-0930	NEW-W	01-08-064	388-148-1085	NEW-W	01-08-064	388-155-610	AMD-P	01-07-052
388-148-0930	NEW-P	01-12-101	388-148-1085	NEW-P	01-12-101	388-155-610	AMD	01-17-084
388-148-0935	NEW-W	01-08-064	388-148-1090	NEW-W	01-08-064	388-155-620	AMD-P	01-07-052
388-148-0935	NEW-P	01-12-101	388-148-1090	NEW-P	01-12-101	388-155-620	AMD	01-17-084
388-148-0940	NEW-W	01-08-064	388-148-1095	NEW-W	01-08-064	388-155-630	AMD-P	01-07-052
388-148-0940	NEW-P	01-12-101	388-148-1095	NEW-P	01-12-101	388-155-630	AMD	01-17-084
388-148-0945	NEW-W	01-08-064	388-148-1100	NEW-W	01-08-064	388-155-640	AMD-P	01-07-052
388-148-0945	NEW-P	01-12-101	388-148-1100	NEW-P	01-12-101	388-155-640	AMD	01-17-084
388-148-0950	NEW-W	01-08-064	388-148-1105	NEW-W	01-08-064	388-155-650	AMD-P	01-07-052
388-148-0950	NEW-P	01-12-101	388-148-1105	NEW-P	01-12-101	388-155-650	AMD	01-17-084
388-148-0955	NEW-W	01-08-064	388-148-1110	NEW-W	01-08-064	388-155-660	AMD-P	01-07-052
388-148-0955	NEW-P	01-12-101	388-148-1110	NEW-P	01-12-101	388-155-660	AMD	01-17-084
388-148-0960	NEW-W	01-08-064	388-148-1115	NEW-W	01-08-064	388-155-670	AMD-P	01-07-052
388-148-0960	NEW-P	01-12-101	388-148-1115	NEW-P	01-12-101	388-155-670	AMD	01-17-084
388-148-0965	NEW-W	01-08-064	388-148-1120	NEW-W	01-08-064	388-155-680	AMD-P	01-07-052
388-148-0965	NEW-P	01-12-101	388-148-1120	NEW-P	01-12-101	388-155-680	AMD	01-17-084
388-148-0970	NEW-W	01-08-064	388-148-1125	NEW-W	01-08-064	388-160-0005	NEW-W	01-07-070
388-148-0970	NEW-P	01-12-101	388-148-1125	NEW-P	01-12-101	388-160-0005	NEW-P	01-10-063
388-148-0975	NEW-W	01-08-064	388-148-1130	NEW-W	01-08-064	388-160-0005	NEW	01-15-001
388-148-0975	NEW-P	01-12-101	388-148-1130	NEW-P	01-12-101	388-160-0015	NEW-W	01-07-070
388-148-0980	NEW-W	01-08-064	388-148-1135	NEW-W	01-08-064	388-160-0015	NEW-P	01-10-063
388-148-0980	NEW-P	01-12-101	388-148-1135	NEW-P	01-12-101	388-160-0015	NEW	01-15-001
388-148-0985	NEW-W	01-08-064	388-148-1140	NEW-W	01-08-064	388-160-0025	NEW-W	01-07-070
388-148-0985	NEW-P	01-12-101	388-148-1140	NEW-P	01-12-101	388-160-0025	NEW-P	01-10-063
388-148-0990	NEW-W	01-08-064	388-148-1145	NEW-W	01-08-064	388-160-0025	NEW	01-15-001
388-148-0990	NEW-P	01-12-101	388-155-040	AMD-P	01-07-052	388-160-0025	NEW	01-15-001
388-148-0995	NEW-W	01-08-064	388-155-040	AMD	01-17-084	388-160-0035	NEW-W	01-07-070
388-148-0995	NEW-P	01-12-101	388-155-050	AMD-P	01-07-052	388-160-0035	NEW-P	01-10-063
388-148-1000	NEW-W	01-08-064	388-155-050	AMD	01-17-084	388-160-0035	NEW	01-15-001
388-148-1000	NEW-P	01-12-101	388-155-060	AMD-P	01-07-052	388-160-0045	NEW-W	01-07-070
388-148-1005	NEW-W	01-08-064	388-155-060	AMD	01-17-084	388-160-0045	NEW-P	01-10-063
388-148-1005	NEW-P	01-12-101	388-155-080	AMD-P	01-07-052	388-160-0045	NEW	01-15-001
388-148-1010	NEW-W	01-08-064	388-155-080	AMD	01-17-084	388-160-0055	NEW-W	01-07-070
388-148-1010	NEW-P	01-12-101	388-155-085	AMD-P	01-07-052	388-160-0055	NEW-P	01-10-063
388-148-1015	NEW-W	01-08-064	388-155-085	AMD	01-17-084	388-160-0055	NEW	01-15-001
388-148-1015	NEW-P	01-12-101	388-155-090	AMD-P	01-07-052	388-160-0065	NEW-W	01-07-070
388-148-1020	NEW-W	01-08-064	388-155-090	AMD	01-17-084	388-160-0065	NEW-P	01-10-063
388-148-1020	NEW-P	01-12-101	388-155-092	AMD-P	01-07-052	388-160-0065	NEW	01-15-001
388-148-1025	NEW-W	01-08-064	388-155-092	AMD	01-17-084	388-160-0075	NEW-W	01-07-070
388-148-1025	NEW-P	01-12-101	388-155-093	AMD-P	01-07-052	388-160-0075	NEW-P	01-10-063
388-148-1030	NEW-W	01-08-064	388-155-093	AMD	01-17-084	388-160-0075	NEW	01-15-001
388-148-1030	NEW-P	01-12-101	388-155-094	AMD-P	01-07-052	388-160-0085	NEW-W	01-07-070
388-148-1035	NEW-W	01-08-064	388-155-094	AMD	01-17-084	388-160-0085	NEW-P	01-10-063
388-148-1035	NEW-P	01-12-101	388-155-095	AMD-P	01-07-052	388-160-0085	NEW	01-15-001
			388-155-095	AMD	01-17-084	388-160-0095	NEW-W	01-07-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-160-0655	NEW	01-15-001	388-160-260	REP	01-15-001	388-160-490	REP-P	01-10-063
388-160-0665	NEW-P	01-10-063	388-160-270	REP-W	01-07-070	388-160-490	REP	01-15-001
388-160-0665	NEW	01-15-001	388-160-270	REP-P	01-10-063	388-160-500	REP-W	01-07-070
388-160-070	REP-W	01-07-070	388-160-270	REP	01-15-001	388-160-500	REP-P	01-10-063
388-160-070	REP-P	01-10-063	388-160-280	REP-W	01-07-070	388-160-500	REP	01-15-001
388-160-070	REP	01-15-001	388-160-280	REP-P	01-10-063	388-160-510	REP-W	01-07-070
388-160-080	REP-W	01-07-070	388-160-280	REP	01-15-001	388-160-510	REP-P	01-10-063
388-160-080	REP-P	01-10-063	388-160-290	REP-W	01-07-070	388-160-510	REP	01-15-001
388-160-080	REP	01-15-001	388-160-290	REP-P	01-10-063	388-160-520	REP-W	01-07-070
388-160-090	REP-W	01-07-070	388-160-290	REP	01-15-001	388-160-520	REP-P	01-10-063
388-160-090	REP-P	01-10-063	388-160-300	REP-W	01-07-070	388-160-520	REP	01-15-001
388-160-090	REP	01-15-001	388-160-300	REP-P	01-10-063	388-160-530	REP-W	01-07-070
388-160-100	REP-W	01-07-070	388-160-300	REP	01-15-001	388-160-530	REP-P	01-10-063
388-160-100	REP-P	01-10-063	388-160-310	REP-W	01-07-070	388-160-530	REP	01-15-001
388-160-100	REP	01-15-001	388-160-310	REP-P	01-10-063	388-160-540	REP-W	01-07-070
388-160-110	REP-W	01-07-070	388-160-310	REP	01-15-001	388-160-540	REP-P	01-10-063
388-160-110	REP-P	01-10-063	388-160-320	REP-W	01-07-070	388-160-540	REP	01-15-001
388-160-110	REP	01-15-001	388-160-320	REP-P	01-10-063	388-160-550	REP-W	01-07-070
388-160-120	REP-W	01-07-070	388-160-320	REP	01-15-001	388-160-550	REP-P	01-10-063
388-160-120	REP-P	01-10-063	388-160-340	REP-W	01-07-070	388-160-550	REP	01-15-001
388-160-120	REP	01-15-001	388-160-340	REP-P	01-10-063	388-160-560	REP-W	01-07-070
388-160-130	REP-W	01-07-070	388-160-340	REP	01-15-001	388-160-560	REP-P	01-10-063
388-160-130	REP-P	01-10-063	388-160-350	REP-W	01-07-070	388-160-560	REP	01-15-001
388-160-130	REP	01-15-001	388-160-350	REP-P	01-10-063	388-200-1050	REP-P	01-07-051
388-160-140	REP-W	01-07-070	388-160-350	REP	01-15-001	388-200-1050	REP	01-10-104
388-160-140	REP-P	01-10-063	388-160-360	REP-W	01-07-070	388-200-1300	REP-P	01-07-051
388-160-140	REP	01-15-001	388-160-360	REP-P	01-10-063	388-200-1300	REP	01-10-104
388-160-150	REP-W	01-07-070	388-160-360	REP	01-15-001	388-200-1350	REP-P	01-07-051
388-160-150	REP-P	01-10-063	388-160-370	REP-W	01-07-070	388-200-1350	REP	01-10-104
388-160-150	REP	01-15-001	388-160-370	REP-P	01-10-063	388-222-001	REP	01-03-066
388-160-160	REP-W	01-07-070	388-160-370	REP	01-15-001	388-222-010	REP	01-03-066
388-160-160	REP-P	01-10-063	388-160-380	REP-W	01-07-070	388-222-020	REP	01-03-066
388-160-160	REP	01-15-001	388-160-380	REP-P	01-10-063	388-273-0010	NEW-P	01-04-070
388-160-170	REP-W	01-07-070	388-160-380	REP	01-15-001	388-273-0010	NEW	01-09-023
388-160-170	REP-P	01-10-063	388-160-390	REP-W	01-07-070	388-273-0020	NEW-P	01-04-070
388-160-170	REP	01-15-001	388-160-390	REP-P	01-10-063	388-273-0020	NEW	01-09-023
388-160-180	REP-W	01-07-070	388-160-390	REP	01-15-001	388-273-0025	NEW-P	01-04-070
388-160-180	REP-P	01-10-063	388-160-400	REP-W	01-07-070	388-273-0025	NEW	01-09-023
388-160-180	REP	01-15-001	388-160-400	REP-P	01-10-063	388-273-0030	NEW-P	01-04-070
388-160-190	REP-W	01-07-070	388-160-400	REP	01-15-001	388-273-0030	NEW	01-09-023
388-160-190	REP-P	01-10-063	388-160-410	REP-W	01-07-070	388-273-0035	NEW-P	01-04-070
388-160-190	REP	01-15-001	388-160-410	REP-P	01-10-063	388-273-0035	NEW	01-09-023
388-160-200	REP-W	01-07-070	388-160-410	REP	01-15-001	388-310-0600	AMD-E	01-15-010
388-160-200	REP-P	01-10-063	388-160-420	REP-W	01-07-070	388-310-0800	AMD-P	01-12-056
388-160-200	REP	01-15-001	388-160-420	REP-P	01-10-063	388-310-0800	AMD	01-17-053
388-160-210	REP-W	01-07-070	388-160-420	REP	01-15-001	388-310-0900	AMD-P	01-03-060
388-160-210	REP-P	01-10-063	388-160-430	REP-W	01-07-070	388-310-0900	AMD-E	01-03-132
388-160-210	REP	01-15-001	388-160-430	REP-P	01-10-063	388-310-0900	AMD	01-15-009
388-160-220	REP-W	01-07-070	388-160-430	REP	01-15-001	388-310-1000	AMD-P	01-03-060
388-160-220	REP-P	01-10-063	388-160-440	REP-W	01-07-070	388-310-1000	AMD-E	01-03-132
388-160-220	REP	01-15-001	388-160-440	REP-P	01-10-063	388-310-1000	AMD	01-15-009
388-160-230	REP-W	01-07-070	388-160-440	REP	01-15-001	388-310-1050	AMD-P	01-03-060
388-160-230	REP-P	01-10-063	388-160-460	REP-W	01-07-070	388-310-1050	AMD-E	01-03-132
388-160-230	REP	01-15-001	388-160-460	REP-P	01-10-063	388-310-1050	AMD	01-15-009
388-160-240	REP-W	01-07-070	388-160-460	REP	01-15-001	388-310-1300	AMD-E	01-05-007
388-160-240	REP-P	01-10-063	388-160-470	REP-W	01-07-070	388-310-2000	NEW	01-03-042
388-160-240	REP	01-15-001	388-160-470	REP-P	01-10-063	388-330-010	REP-W	01-07-071
388-160-250	REP-W	01-07-070	388-160-470	REP	01-15-001	388-330-010	REP-P	01-10-062
388-160-250	REP-P	01-10-063	388-160-480	REP-W	01-07-070	388-330-020	REP-W	01-07-071
388-160-250	REP	01-15-001	388-160-480	REP-P	01-10-063	388-330-020	REP-P	01-10-062
388-160-260	REP-W	01-07-070	388-160-480	REP	01-15-001	388-330-030	REP-W	01-07-071
388-160-260	REP-P	01-10-063	388-160-490	REP-W	01-07-070	388-330-030	REP-P	01-10-062

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388-330-035	REP-W	01-07-071	388-448-0020	AMD	01-14-059	388-458-0040	NEW	01-16-087
388-330-035	REP-P	01-10-062	388-448-0070	AMD-P	01-11-106	388-458-0045	NEW-P	01-12-055
388-330-040	REP-W	01-07-071	388-448-0070	AMD	01-14-059	388-458-0045	NEW	01-16-087
388-330-040	REP-P	01-10-062	388-448-0120	AMD-P	01-11-106	388-462-0020	NEW-E	01-13-085
388-330-050	REP-W	01-07-071	388-448-0120	AMD	01-14-059	388-468-0005	PREP	01-08-028
388-330-050	REP-P	01-10-062	388-448-0130	AMD-P	01-11-106	388-470	PREP	01-06-027
388-330-060	REP-W	01-07-071	388-448-0130	AMD	01-14-059	388-470-0026	NEW-P	01-13-086
388-330-060	REP-P	01-10-062	388-448-0140	AMD-P	01-11-106	388-470-0060	AMD-E	01-13-003
388-400-0005	AMD	01-03-121	388-448-0140	AMD	01-14-059	388-470-0060	AMD-P	01-16-088
388-400-0015	REP	01-03-121	388-448-0180	AMD-P	01-11-106	388-470-0075	AMD-W	01-09-073
388-400-0020	REP-P	01-03-120	388-448-0180	AMD	01-14-059	388-470-0075	AMD-P	01-12-069
388-400-0020	REP	01-07-001	388-448-0200	AMD-P	01-11-106	388-470-0075	AMD	01-15-078
388-400-0030	AMD-P	01-03-040	388-448-0200	AMD	01-14-059	388-470-0075	AMD	01-16-134
388-400-0030	AMD-E	01-03-041	388-450	PREP	01-06-027	388-472-0005	PREP	01-03-119
388-400-0030	AMD	01-06-031	388-450-0015	AMD-P	01-13-086	388-472-0005	AMD-P	01-07-051
388-400-0035	AMD-P	01-10-066	388-450-0080	AMD-P	01-16-140	388-472-0005	AMD	01-10-104
388-400-0035	AMD-E	01-10-067	388-450-0085	AMD-P	01-16-140	388-472-0010	NEW-P	01-07-051
388-400-0035	AMD	01-13-046	388-450-0090	REP-P	01-16-140	388-472-0010	NEW	01-10-104
388-404-0005	AMD	01-03-121	388-450-0125	REP-P	01-08-044	388-472-0020	NEW-P	01-07-051
388-406	PREP	01-06-027	388-450-0125	REP	01-11-108	388-472-0020	NEW	01-10-104
388-406-0015	AMD-P	01-14-057	388-450-0155	AMD-E	01-12-057	388-472-0030	NEW-P	01-07-051
388-408-0005	AMD	01-03-121	388-450-0155	AMD-P	01-16-088	388-472-0030	NEW	01-10-104
388-408-0010	AMD	01-03-121	388-450-0156	NEW-E	01-12-057	388-472-0040	NEW-P	01-07-051
388-408-0015	AMD	01-03-121	388-450-0156	NEW-P	01-16-088	388-472-0040	NEW	01-10-104
388-408-0020	AMD	01-03-121	388-450-0160	AMD-E	01-12-057	388-472-0050	NEW-P	01-07-051
388-408-0025	AMD	01-03-121	388-450-0160	AMD-P	01-16-088	388-472-0050	NEW	01-10-104
388-408-0030	AMD	01-03-121	388-450-0190	AMD-P	01-03-038	388-474-0001	AMD	01-06-042
388-410-0020	AMD-P	01-11-091	388-450-0190	AMD-E	01-03-039	388-474-0010	PREP	01-11-050
388-410-0020	AMD	01-14-032	388-450-0190	AMD	01-06-030	388-474-0010	AMD-P	01-16-137
388-410-0025	AMD-P	01-11-091	388-452	PREP	01-06-027	388-478-0015	AMD-P	01-08-044
388-410-0025	AMD	01-14-032	388-452-0005	AMD-P	01-10-065	388-478-0015	AMD	01-11-108
388-410-0030	AMD-P	01-11-091	388-452-0005	AMD	01-14-060	388-478-0055	AMD-P	01-04-068
388-410-0030	AMD	01-14-032	388-454	PREP	01-08-029	388-478-0055	AMD	01-08-015
388-412-0005	AMD-P	01-13-068	388-454-0005	AMD	01-03-121	388-478-0055	AMD-E	01-14-031
388-412-0015	AMD-P	01-13-068	388-454-0006	NEW-E	01-06-025	388-478-0055	AMD-P	01-16-086
388-412-0020	AMD-P	01-13-068	388-454-0006	NEW-E	01-14-058	388-478-0056	REP-P	01-04-068
388-412-0025	AMD-P	01-13-068	388-454-0010	AMD	01-03-121	388-478-0056	REP	01-08-015
388-412-0040	AMD-P	01-13-068	388-458-0001	REP-P	01-12-055	388-478-0057	PREP	01-11-079
388-412-0045	REP-P	01-13-068	388-458-0001	REP	01-16-087	388-478-0065	PREP	01-08-027
388-414	PREP	01-06-027	388-458-0002	NEW-P	01-12-055	388-478-0065	AMD-E	01-08-032
388-414-0001	AMD-P	01-04-074	388-458-0002	NEW	01-16-087	388-478-0065	AMD-P	01-14-079
388-414-0001	AMD	01-07-054	388-458-0005	REP-P	01-12-055	388-478-0065	AMD-E	01-14-080
388-416	PREP	01-06-027	388-458-0005	REP	01-16-087	388-478-0070	AMD-P	01-09-068
388-416-0005	AMD-P	01-08-058	388-458-0006	NEW-P	01-12-055	388-478-0070	AMD-E	01-09-069
388-416-0005	AMD	01-11-107	388-458-0006	NEW	01-16-087	388-478-0070	AMD	01-12-073
388-418	PREP	01-06-027	388-458-0010	REP-P	01-12-055	388-478-0075	PREP	01-08-027
388-418-0005	AMD-S	01-08-059	388-458-0010	REP	01-16-087	388-478-0075	AMD-E	01-08-032
388-418-0005	AMD	01-11-109	388-458-0011	NEW-P	01-12-055	388-478-0075	AMD-P	01-14-079
388-418-0007	NEW-S	01-08-059	388-458-0011	NEW	01-16-087	388-478-0075	AMD-E	01-14-080
388-418-0007	NEW	01-11-109	388-458-0015	REP-P	01-12-055	388-478-0080	AMD-P	01-09-068
388-422-0005	PREP	01-13-025	388-458-0015	REP	01-16-087	388-478-0080	AMD-E	01-09-069
388-422-0005	AMD-P	01-16-139	388-458-0016	NEW-P	01-12-055	388-478-0080	AMD	01-12-073
388-432-0005	NEW	01-03-066	388-458-0016	NEW	01-16-087	388-478-0085	PREP	01-08-027
388-434	PREP	01-06-027	388-458-0020	NEW-P	01-12-055	388-478-0085	AMD-E	01-08-032
388-434-0010	AMD-P	01-11-037	388-458-0020	NEW	01-16-087	388-478-0085	AMD-P	01-14-079
388-434-0010	AMD	01-15-011	388-458-0025	NEW-P	01-12-055	388-478-0085	AMD-E	01-14-080
388-438	PREP	01-07-018	388-458-0025	NEW	01-16-087	388-484-0005	AMD	01-04-016
388-438-0110	AMD	01-05-041	388-458-0030	NEW-P	01-12-055	388-484-0010	NEW	01-04-016
388-444	PREP	01-12-020	388-458-0030	NEW	01-16-087	388-488	PREP	01-03-024
388-444-0075	AMD	01-05-006	388-458-0035	NEW-P	01-12-055	388-490	PREP	01-06-027
388-448	PREP	01-04-069	388-458-0035	NEW	01-16-087	388-501-0050	AMD	01-12-070
388-448-0020	AMD-P	01-11-106	388-458-0040	NEW-P	01-12-055	388-501-0300	AMD-P	01-09-037

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388-501-0300	AMD	01-12-072	388-546-0800	NEW	01-03-084	388-815-200	REP-XR	01-07-019
388-502	PREP	01-16-135	388-546-1000	NEW	01-03-084	388-815-200	REP	01-13-026
388-502-0010	AMD	01-07-076	388-546-5000	NEW	01-06-029	388-815-205	REP-XR	01-07-019
388-502-0020	AMD	01-07-076	388-546-5100	NEW	01-06-029	388-815-205	REP	01-13-026
388-502-0160	AMD	01-05-100	388-546-5200	NEW	01-06-029	388-815-210	REP-XR	01-07-019
388-502-0160	PREP	01-10-060	388-546-5300	NEW	01-06-029	388-815-210	REP	01-13-026
388-502-0160	AMD-P	01-17-047	388-546-5400	NEW	01-06-029	388-815-215	REP-XR	01-07-019
388-505-0210	AMD-P	01-07-012	388-546-5500	NEW	01-06-029	388-815-215	REP	01-13-026
388-505-0210	AMD	01-11-110	388-550	PREP	01-11-096	388-815-220	REP-XR	01-07-019
388-505-0220	AMD-P	01-07-012	388-550-1050	AMD-P	01-09-070	388-815-220	REP	01-13-026
388-505-0220	AMD	01-11-110	388-550-1050	AMD	01-16-142	388-815-230	REP-XR	01-07-019
388-505-0595	REP	01-06-043	388-550-1100	AMD-P	01-09-070	388-815-230	REP	01-13-026
388-512-1210	REP-W	01-06-046	388-550-1100	AMD	01-16-142	388-815-240	REP-XR	01-07-019
388-512-1215	REP	01-06-042	388-550-2700	REP-P	01-09-070	388-815-240	REP	01-13-026
388-512-1220	REP	01-06-042	388-550-2700	REP	01-16-142	388-815-250	REP-XR	01-07-019
388-512-1225	REP	01-06-042	388-550-2800	AMD-P	01-09-070	388-815-250	REP	01-13-026
388-512-1230	REP	01-06-042	388-550-2800	AMD	01-16-142	388-820-005	REP-XR	01-10-061
388-512-1235	REP	01-06-042	388-550-2900	AMD-P	01-09-070	388-820-005	REP	01-16-016
388-512-1240	REP	01-06-042	388-550-2900	AMD	01-16-142	388-820-010	AMD-P	01-09-081
388-512-1245	REP	01-06-042	388-550-3300	AMD-P	01-09-070	388-820-015	REP-XR	01-10-061
388-512-1250	REP	01-06-042	388-550-3300	AMD	01-16-142	388-820-015	REP	01-16-016
388-512-1255	REP	01-06-042	388-550-3600	AMD-P	01-09-070	388-820-020	AMD-P	01-09-081
388-512-1260	REP	01-06-042	388-550-3600	AMD	01-16-142	388-820-025	REP-XR	01-10-061
388-512-1265	REP	01-06-042	388-550-3700	AMD-P	01-09-070	388-820-025	REP	01-16-016
388-512-1275	REP	01-06-042	388-550-3700	AMD	01-16-142	388-820-030	AMD-P	01-09-081
388-513-1350	AMD-P	01-13-087	388-550-3800	AMD-P	01-09-070	388-820-035	REP-XR	01-10-061
388-513-1350	AMD-E	01-13-088	388-550-3800	AMD	01-16-142	388-820-035	REP	01-16-016
388-513-1380	AMD-P	01-13-087	388-550-4300	AMD-P	01-09-070	388-820-040	AMD-P	01-09-081
388-513-1380	AMD-E	01-13-088	388-550-4300	AMD	01-16-142	388-820-045	REP-XR	01-10-061
388-515	PREP	01-11-095	388-550-4400	AMD-P	01-09-070	388-820-045	REP	01-16-016
388-517-0400	NEW	01-06-033	388-550-4400	AMD	01-16-142	388-820-050	AMD-P	01-09-081
388-530	PREP	01-15-007	388-550-4500	AMD-P	01-09-070	388-820-055	REP-XR	01-10-061
388-530-1050	PREP	01-13-070	388-550-4500	AMD	01-16-142	388-820-055	REP	01-16-016
388-530-1260	PREP	01-13-070	388-550-4800	AMD-P	01-09-070	388-820-060	AMD-P	01-09-081
388-533	PREP	01-17-052	388-550-4800	AMD	01-16-142	388-820-065	REP-XR	01-10-061
388-533-1000	NEW-P	01-11-097	388-551	PREP	01-03-095	388-820-065	REP	01-16-016
388-533-1000	NEW	01-15-008	388-551	PREP	01-03-096	388-820-070	AMD-P	01-09-081
388-535	PREP	01-07-018	388-551-3000	NEW	01-05-040	388-820-075	REP-XR	01-10-061
388-535-1230	AMD-P	01-03-154	388-561-0001	NEW	01-06-043	388-820-075	REP	01-16-016
388-535-1230	AMD	01-07-077	388-561-0100	NEW	01-06-043	388-820-080	AMD-P	01-09-081
388-538	PREP	01-07-008	388-561-0200	NEW	01-06-043	388-820-085	REP-XR	01-10-061
388-538-067	PREP	01-10-059	388-561-0300	NEW	01-06-043	388-820-085	REP	01-16-016
388-538-068	PREP	01-10-059	388-815-005	REP-XR	01-07-019	388-820-090	AMD-P	01-09-081
388-543-1150	PREP	01-05-027	388-815-005	REP	01-13-026	388-820-095	REP-XR	01-10-061
388-543-1150	NEW-P	01-11-105	388-815-010	REP-XR	01-07-019	388-820-095	REP	01-16-016
388-543-1150	NEW	01-16-141	388-815-010	REP	01-13-026	388-820-100	AMD-P	01-09-081
388-543-2800	PREP	01-05-027	388-815-020	REP-XR	01-07-019	388-820-105	REP-XR	01-10-061
388-543-2800	AMD-P	01-11-105	388-815-020	REP	01-13-026	388-820-105	REP	01-16-016
388-543-2800	AMD	01-16-141	388-815-030	REP-XR	01-07-019	388-820-110	AMD-P	01-09-081
388-544	PREP	01-07-018	388-815-030	REP	01-13-026	388-820-115	REP-XR	01-10-061
388-545-900	NEW-P	01-16-138	388-815-100	REP-XR	01-07-019	388-820-115	REP	01-16-016
388-546-0001	NEW	01-03-084	388-815-100	REP	01-13-026	388-820-120	AMD-P	01-09-081
388-546-0100	NEW	01-03-084	388-815-110	REP-XR	01-07-019	388-820-125	REP-XR	01-10-061
388-546-0150	NEW	01-03-084	388-815-110	REP	01-13-026	388-820-125	REP	01-16-016
388-546-0200	NEW	01-03-084	388-815-120	REP-XR	01-07-019	388-820-130	AMD-P	01-09-081
388-546-0250	NEW	01-03-084	388-815-120	REP	01-13-026	388-820-140	NEW-P	01-09-081
388-546-0300	NEW	01-03-084	388-815-130	REP-XR	01-07-019	388-820-150	NEW-P	01-09-081
388-546-0400	NEW	01-03-084	388-815-130	REP	01-13-026	388-820-160	NEW-P	01-09-081
388-546-0450	NEW	01-03-084	388-815-140	REP-XR	01-07-019	388-820-170	NEW-P	01-09-081
388-546-0500	NEW	01-03-084	388-815-140	REP	01-13-026	388-820-180	NEW-P	01-09-081
388-546-0600	NEW	01-03-084	388-815-160	REP-XR	01-07-019	388-820-190	NEW-P	01-09-081
388-546-0700	NEW	01-03-084	388-815-160	REP	01-13-026	388-820-200	NEW-P	01-09-081

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388-865-0452	NEW	01-12-047	388-865-0555	NEW-P	01-07-116	391-25-070	AMD-P	01-10-112
388-865-0454	NEW-P	01-07-116	388-865-0555	NEW	01-12-047	391-25-070	AMD	01-14-009
388-865-0454	NEW	01-12-047	388-865-0557	NEW-P	01-07-116	391-25-090	AMD-P	01-10-112
388-865-0456	NEW-P	01-07-116	388-865-0557	NEW	01-12-047	391-25-090	AMD	01-14-009
388-865-0456	NEW	01-12-047	388-865-0560	NEW-P	01-07-116	391-25-110	AMD-P	01-10-112
388-865-0458	NEW-P	01-07-116	388-865-0560	NEW	01-12-047	391-25-110	AMD	01-14-009
388-865-0458	NEW	01-12-047	388-865-0565	NEW-P	01-07-116	391-25-130	AMD-P	01-10-112
388-865-0460	NEW-P	01-07-116	388-865-0565	NEW	01-12-047	391-25-130	AMD	01-14-009
388-865-0460	NEW	01-12-047	388-865-0600	NEW-P	01-07-116	391-25-140	AMD-P	01-10-112
388-865-0462	NEW-P	01-07-116	388-865-0600	NEW	01-12-047	391-25-140	AMD	01-14-009
388-865-0462	NEW	01-12-047	388-865-0610	NEW-P	01-07-116	391-25-190	AMD-P	01-10-112
388-865-0464	NEW-P	01-07-116	388-865-0610	NEW	01-12-047	391-25-190	AMD	01-14-009
388-865-0464	NEW	01-12-047	388-865-0620	NEW-P	01-07-116	391-25-210	AMD-P	01-10-112
388-865-0466	NEW-P	01-07-116	388-865-0620	NEW	01-12-047	391-25-210	AMD	01-14-009
388-865-0466	NEW	01-12-047	388-865-0630	NEW-P	01-07-116	391-25-220	AMD-P	01-10-112
388-865-0468	NEW-P	01-07-116	388-865-0630	NEW	01-12-047	391-25-220	AMD	01-14-009
388-865-0468	NEW	01-12-047	388-865-0640	NEW-P	01-07-116	391-25-230	AMD-P	01-10-112
388-865-0470	NEW-P	01-07-116	388-865-0640	NEW	01-12-047	391-25-230	AMD	01-14-009
388-865-0470	NEW	01-12-047	390	PREP	01-16-127	391-25-250	AMD-P	01-10-112
388-865-0472	NEW-P	01-07-116	390-16-011	PREP	01-03-164	391-25-250	AMD	01-14-009
388-865-0472	NEW	01-12-047	390-16-011	AMD-P	01-07-105	391-25-270	AMD-P	01-10-112
388-865-0474	NEW-P	01-07-116	390-16-011	AMD	01-10-049	391-25-270	AMD	01-14-009
388-865-0474	NEW	01-12-047	390-16-012	PREP	01-03-163	391-25-290	AMD-P	01-10-112
388-865-0476	NEW-P	01-07-116	390-16-012	AMD-P	01-07-110	391-25-290	AMD	01-14-009
388-865-0476	NEW	01-12-047	390-16-012	AMD	01-10-054	391-25-299	AMD-P	01-10-112
388-865-0478	NEW-P	01-07-116	390-16-041	PREP	01-07-111	391-25-299	AMD	01-14-009
388-865-0478	NEW	01-12-047	390-16-105	PREP	01-03-161	391-25-350	AMD-P	01-10-112
388-865-0480	NEW-P	01-07-116	390-16-105	AMD-P	01-07-106	391-25-350	AMD	01-14-009
388-865-0480	NEW	01-12-047	390-16-105	AMD	01-10-050	391-25-370	AMD-P	01-10-112
388-865-0482	NEW-P	01-07-116	390-16-111	PREP	01-03-159	391-25-370	AMD	01-14-009
388-865-0482	NEW	01-12-047	390-16-111	AMD-P	01-07-107	391-25-390	AMD-P	01-10-112
388-865-0484	NEW-P	01-07-116	390-16-111	AMD	01-10-051	391-25-390	AMD	01-14-009
388-865-0484	NEW	01-12-047	390-16-115	PREP	01-07-113	391-25-410	AMD-P	01-10-112
388-865-0500	NEW-P	01-07-116	390-16-115	AMD-E	01-14-036	391-25-410	AMD	01-14-009
388-865-0500	NEW	01-12-047	390-16-120	PREP	01-07-104	391-25-420	NEW-P	01-10-112
388-865-0501	NEW-P	01-07-116	390-16-120	REP-E	01-14-039	391-25-420	NEW	01-14-009
388-865-0501	NEW	01-12-047	390-16-125	PREP	01-07-114	391-25-430	AMD-P	01-10-112
388-865-0502	NEW-P	01-07-116	390-16-125	AMD-E	01-14-037	391-25-430	AMD	01-14-009
388-865-0502	NEW	01-12-047	390-16-150	PREP	01-03-162	391-25-450	AMD-P	01-10-112
388-865-0504	NEW-E	01-06-040	390-16-150	REP-P	01-07-108	391-25-450	AMD	01-14-009
388-865-0504	NEW-S	01-09-078	390-16-150	REP	01-10-052	391-25-470	AMD-P	01-10-112
388-865-0504	NEW	01-12-047	390-16-155	PREP	01-07-112	391-25-470	AMD	01-14-009
388-865-0505	NEW-P	01-07-116	390-16-155	REP-E	01-14-038	391-25-490	AMD-P	01-10-112
388-865-0505	NEW	01-12-047	390-16-190	PREP	01-07-115	391-25-490	AMD	01-14-009
388-865-0510	NEW-P	01-07-116	390-16-309	PREP	01-03-081	391-25-510	AMD-P	01-10-112
388-865-0510	NEW	01-12-047	390-16-311	PREP	01-03-082	391-25-510	AMD	01-14-009
388-865-0515	NEW-P	01-07-116	390-24-200	PREP	01-03-160	391-25-610	AMD-P	01-10-112
388-865-0515	NEW	01-12-047	390-24-200	AMD-P	01-07-109	391-25-610	AMD	01-14-009
388-865-0525	NEW-P	01-07-116	390-24-200	AMD	01-10-053	391-25-650	AMD-P	01-10-112
388-865-0525	NEW	01-12-047	391-08-001	AMD-P	01-10-112	391-25-650	AMD	01-14-009
388-865-0530	NEW-P	01-07-116	391-08-001	AMD	01-14-009	391-35	PREP	01-04-073
388-865-0530	NEW	01-12-047	391-25	PREP	01-04-073	391-35-001	AMD-P	01-10-112
388-865-0535	NEW-P	01-07-116	391-25-001	AMD-P	01-10-112	391-35-001	AMD	01-14-009
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388-865-0545	NEW	01-12-047	391-25-010	AMD	01-14-009	391-35-030	AMD-P	01-10-112
388-865-0546	NEW-P	01-07-116	391-25-030	AMD-P	01-10-112	391-35-030	AMD	01-14-009
388-865-0546	NEW	01-12-047	391-25-030	AMD	01-14-009	391-35-050	AMD-P	01-10-112
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391-35-090	AMD	01-14-009	392-138-012	REP	01-16-078	392-138-205	NEW	01-16-078
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391-35-099	AMD	01-14-009	392-138-013	NEW	01-16-078	392-138-210	NEW	01-16-078
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391-35-330	NEW	01-14-009	392-138-019	NEW	01-16-078	392-140-571	REP-X	01-16-115
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391-35-340	NEW	01-14-009	392-138-021	NEW	01-16-078	392-140-573	REP-X	01-16-115
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391-35-350	NEW	01-14-009	392-138-035	REP	01-16-078	392-140-580	REP-X	01-16-115
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391-45-001	AMD	01-14-009	392-138-040	REP	01-16-078	392-140-582	REP-X	01-16-115
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392-121-550	REP-X	01-16-116	392-138-060	REP	01-16-078	392-140-600	PREP	01-17-035
392-121-552	REP-X	01-16-116	392-138-065	REP-P	01-12-048	392-140-601	PREP	01-17-035
392-121-554	REP-X	01-16-116	392-138-065	REP	01-16-078	392-140-602	PREP	01-17-035
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392-121-558	REP-X	01-16-116	392-138-070	REP	01-16-078	392-140-605	PREP	01-17-035
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392-121-562	REP-X	01-16-116	392-138-071	REP	01-16-078	392-140-609	AMD	01-04-023
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392-121-566	REP-X	01-16-116	392-138-075	REP	01-16-078	392-140-610	PREP	01-17-035
392-121-568	REP-X	01-16-116	392-138-080	REP-P	01-12-048	392-140-613	AMD	01-04-023
392-122-205	AMD-P	01-17-013	392-138-080	REP	01-16-078	392-140-613	PREP	01-17-035
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392-136-020	AMD	01-11-098	392-138-115	NEW-P	01-12-048	392-140-643	PREP	01-17-035
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392-140-806	REP-X	01-16-114	392-151-095	AMD-W	01-15-029	392-172-239	AMD-P	01-11-129
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392-140-820	REP-X	01-16-114	392-153-014	AMD-P	01-11-064	392-172-404	AMD-P	01-11-129
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392-140-824	REP-X	01-16-114	392-153-015	AMD-P	01-11-064	392-172-426	AMD-P	01-11-129
392-140-826	REP-X	01-16-114	392-153-015	AMD	01-16-003	392-172-504	AMD-P	01-11-129
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415-108-0109	REP-P	01-17-016	415-600-440	NEW-E	01-17-043	415-640-020	REP-E	01-17-043
415-108-0110	REP-P	01-17-016	415-600-440	NEW-P	01-17-057	415-640-020	REP-P	01-17-057
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480- 62-100	REP	01-04-026	480- 70-101	NEW	01-08-012	480- 70-300	REP	01-08-012
480- 62-120	REP	01-04-026	480- 70-106	NEW	01-08-012	480- 70-301	NEW	01-08-012
480- 62-125	NEW	01-04-026	480- 70-110	REP	01-08-012	480- 70-306	NEW	01-08-012
480- 62-130	NEW	01-04-026	480- 70-111	NEW	01-08-012	480- 70-310	REP	01-08-012
480- 62-135	NEW	01-04-026	480- 70-116	NEW	01-08-012	480- 70-311	NEW	01-08-012
480- 62-140	NEW	01-04-026	480- 70-120	REP	01-08-012	480- 70-316	NEW	01-08-012
480- 62-145	NEW	01-04-026	480- 70-121	NEW	01-08-012	480- 70-320	REP	01-08-012
480- 62-150	NEW	01-04-026	480- 70-126	NEW	01-08-012	480- 70-321	NEW	01-08-012
480- 62-155	NEW	01-04-026	480- 70-130	REP	01-08-012	480- 70-325	REP	01-08-012
480- 62-160	NEW	01-04-026	480- 70-131	NEW	01-08-012	480- 70-326	NEW	01-08-012
480- 62-165	NEW	01-04-026	480- 70-136	NEW	01-08-012	480- 70-330	REP	01-08-012
480- 62-170	NEW	01-04-026	480- 70-140	REP	01-08-012	480- 70-331	NEW	01-08-012
480- 62-200	NEW	01-04-026	480- 70-141	NEW	01-08-012	480- 70-335	REP	01-08-012
480- 62-205	NEW	01-04-026	480- 70-146	NEW	01-08-012	480- 70-336	NEW	01-08-012
480- 62-210	NEW	01-04-026	480- 70-150	REP	01-08-012	480- 70-339	NEW	01-08-012
480- 62-215	NEW	01-04-026	480- 70-151	NEW	01-08-012	480- 70-340	REP	01-08-012
480- 62-220	NEW	01-04-026	480- 70-155	REP	01-08-012	480- 70-341	NEW	01-08-012
480- 62-225	NEW	01-04-026	480- 70-156	NEW	01-08-012	480- 70-346	NEW	01-08-012
480- 62-230	NEW	01-04-026	480- 70-160	REP	01-08-012	480- 70-350	REP	01-08-012
480- 62-235	NEW	01-04-026	480- 70-161	NEW	01-08-012	480- 70-351	NEW	01-08-012
480- 62-240	NEW	01-04-026	480- 70-166	NEW	01-08-012	480- 70-356	NEW-W	01-12-085
480- 62-245	NEW	01-04-026	480- 70-170	REP	01-08-012	480- 70-360	REP	01-08-012
480- 62-250	NEW	01-04-026	480- 70-171	NEW	01-08-012	480- 70-361	NEW	01-08-012
480- 62-300	NEW	01-04-026	480- 70-176	NEW	01-08-012	480- 70-366	NEW	01-08-012
480- 62-305	NEW	01-04-026	480- 70-180	REP	01-08-012	480- 70-370	REP	01-08-012
480- 62-310	NEW	01-04-026	480- 70-181	NEW	01-08-012	480- 70-371	NEW	01-08-012
480- 62-315	NEW	01-04-026	480- 70-186	NEW	01-08-012	480- 70-376	NEW	01-08-012
480- 62-320	NEW	01-04-026	480- 70-190	REP	01-08-012	480- 70-380	REP	01-08-012
480- 62-325	NEW	01-04-026	480- 70-191	NEW	01-08-012	480- 70-381	NEW	01-08-012
480- 62-999	NEW	01-04-026	480- 70-196	NEW	01-08-012	480- 70-386	NEW	01-08-012
480- 70	PREP	01-13-125	480- 70-200	REP	01-08-012	480- 70-390	REP	01-08-012
480- 70-001	NEW	01-08-012	480- 70-201	NEW	01-08-012	480- 70-391	NEW	01-08-012
480- 70-006	NEW	01-08-012	480- 70-206	NEW	01-08-012	480- 70-396	NEW	01-08-012
480- 70-010	REP	01-08-012	480- 70-210	REP	01-08-012	480- 70-400	REP	01-08-012
480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012	480- 70-401	NEW	01-08-012
480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012	480- 70-405	REP	01-08-012
480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012	480- 70-406	NEW	01-08-012
480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012	480- 70-410	REP	01-08-012
480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012	480- 70-411	NEW	01-08-012
480- 70-030	REP	01-08-012	480- 70-230	REP	01-08-012	480- 70-416	NEW	01-08-012
480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012	480- 70-420	REP	01-08-012
480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012	480- 70-421	NEW	01-08-012
480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012	480- 70-426	NEW	01-08-012
480- 70-041	NEW	01-08-012	480- 70-241	NEW	01-08-012	480- 70-430	REP	01-08-012
480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012	480- 70-431	NEW	01-08-012
480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012	480- 70-436	NEW	01-08-012
480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012	480- 70-440	REP	01-08-012
480- 70-055	REP	01-08-012	480- 70-251	NEW	01-08-012	480- 70-441	NEW	01-08-012
480- 70-056	NEW	01-08-012	480- 70-256	NEW	01-08-012	480- 70-446	NEW	01-08-012
480- 70-060	REP	01-08-012	480- 70-260	REP	01-08-012	480- 70-451	NEW	01-08-012
480- 70-061	NEW	01-08-012	480- 70-261	NEW	01-08-012	480- 70-456	NEW	01-08-012
480- 70-066	NEW	01-08-012	480- 70-262	NEW	01-08-012	480- 70-461	NEW	01-08-012
480- 70-070	REP	01-08-012	480- 70-266	NEW	01-08-012	480- 70-466	NEW	01-08-012
480- 70-071	NEW	01-08-012	480- 70-270	REP	01-08-012	480- 70-471	NEW	01-08-012
480- 70-076	NEW	01-08-012	480- 70-271	NEW	01-08-012	480- 70-476	NEW	01-08-012
480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012	480- 70-481	NEW	01-08-012
480- 70-081	NEW	01-08-012	480- 70-280	REP	01-08-012	480- 70-486	NEW	01-08-012
480- 70-086	NEW	01-08-012	480- 70-281	NEW	01-08-012	480- 70-500	REP	01-08-012
480- 70-090	REP	01-08-012	480- 70-286	NEW	01-08-012	480- 70-510	REP	01-08-012
480- 70-091	NEW	01-08-012	480- 70-290	REP	01-08-012	480- 70-530	REP	01-08-012
480- 70-096	NEW	01-08-012	480- 70-291	NEW	01-08-012	480- 70-540	REP	01-08-012

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-70-550	REP	01-08-012	480-90-031	REP	01-11-003	480-90-133	NEW	01-11-003
480-70-560	REP	01-08-012	480-90-032	REP-P	01-02-084	480-90-136	REP-P	01-02-084
480-70-570	REP	01-08-012	480-90-032	REP	01-11-003	480-90-136	REP	01-11-003
480-70-700	REP	01-08-012	480-90-033	NEW-P	01-02-084	480-90-138	NEW-P	01-02-084
480-70-710	REP	01-08-012	480-90-033	NEW	01-11-003	480-90-138	NEW	01-11-003
480-70-720	REP	01-08-012	480-90-036	REP-P	01-02-084	480-90-141	REP-P	01-02-084
480-70-730	REP	01-08-012	480-90-036	REP	01-11-003	480-90-141	REP	01-11-003
480-70-740	REP	01-08-012	480-90-041	REP-P	01-02-084	480-90-143	NEW-P	01-02-084
480-70-750	REP	01-08-012	480-90-041	REP	01-11-003	480-90-143	NEW	01-11-003
480-70-760	REP	01-08-012	480-90-043	REP-P	01-02-084	480-90-146	REP-P	01-02-084
480-70-770	REP	01-08-012	480-90-043	REP	01-11-003	480-90-146	REP	01-11-003
480-70-780	REP	01-08-012	480-90-046	REP-P	01-02-084	480-90-148	NEW-P	01-02-084
480-70-790	REP	01-08-012	480-90-046	REP	01-11-003	480-90-148	NEW	01-11-003
480-70-999	NEW	01-08-012	480-90-051	REP-P	01-02-084	480-90-151	REP-P	01-02-084
480-70-999	AMD-P	01-17-110	480-90-051	REP	01-11-003	480-90-151	REP	01-11-003
480-75	PREP	01-13-125	480-90-056	REP-P	01-02-084	480-90-153	NEW-P	01-02-084
480-75-005	AMD-E	01-13-044	480-90-056	REP-S	01-11-148	480-90-153	NEW-S	01-11-148
480-75-005	AMD-P	01-17-110	480-90-061	REP-P	01-02-102	480-90-156	REP-P	01-02-084
480-75-240	NEW-E	01-13-045	480-90-061	REP	01-09-002	480-90-156	REP	01-11-003
480-75-999	NEW-P	01-17-110	480-90-066	REP-P	01-02-084	480-90-158	NEW-P	01-02-084
480-80	AMD	01-09-002	480-90-066	REP	01-11-003	480-90-158	NEW	01-11-003
480-80-010	AMD-P	01-02-102	480-90-071	REP-P	01-02-084	480-90-161	REP-P	01-02-084
480-80-010	AMD	01-09-002	480-90-071	REP	01-11-003	480-90-161	REP	01-11-003
480-80-035	NEW-P	01-02-102	480-90-072	REP-P	01-02-084	480-90-163	NEW-P	01-02-084
480-80-035	NEW	01-09-002	480-90-072	REP	01-11-003	480-90-163	NEW	01-11-003
480-80-047	REP-P	01-02-102	480-90-076	REP-P	01-02-084	480-90-166	REP-P	01-02-084
480-80-047	REP	01-09-002	480-90-076	REP	01-11-003	480-90-166	REP	01-11-003
480-80-048	REP-P	01-02-102	480-90-081	REP-P	01-02-084	480-90-168	NEW-P	01-02-084
480-80-048	REP	01-09-002	480-90-081	REP	01-11-003	480-90-168	NEW	01-11-003
480-80-049	REP-P	01-02-102	480-90-086	REP-P	01-02-084	480-90-171	REP-P	01-02-084
480-80-049	REP	01-09-002	480-90-086	REP	01-11-003	480-90-171	REP	01-11-003
480-80-120	REP-P	01-02-102	480-90-091	REP-P	01-02-084	480-90-173	NEW-P	01-02-084
480-80-120	REP	01-09-002	480-90-091	REP	01-11-003	480-90-173	NEW	01-11-003
480-80-325	NEW-P	01-02-102	480-90-096	REP-P	01-02-084	480-90-176	REP-P	01-02-084
480-80-325	NEW	01-09-002	480-90-096	REP	01-11-003	480-90-176	REP	01-11-003
480-80-326	NEW-P	01-02-102	480-90-101	REP-P	01-02-084	480-90-178	NEW-P	01-02-084
480-80-326	NEW	01-09-002	480-90-101	REP	01-11-003	480-90-178	NEW	01-11-003
480-80-390	REP-P	01-02-102	480-90-103	NEW-P	01-02-084	480-90-181	REP-P	01-02-084
480-80-390	REP	01-09-002	480-90-103	NEW	01-11-003	480-90-181	REP	01-11-003
480-90-001	NEW-P	01-02-084	480-90-106	REP-P	01-02-084	480-90-183	NEW-P	01-02-084
480-90-001	NEW	01-11-003	480-90-106	REP	01-11-003	480-90-183	NEW	01-11-003
480-90-003	NEW-P	01-02-084	480-90-108	NEW-P	01-02-084	480-90-188	NEW-P	01-02-084
480-90-003	NEW	01-11-003	480-90-108	NEW	01-11-003	480-90-188	NEW	01-11-003
480-90-008	NEW-P	01-02-084	480-90-113	NEW-P	01-02-084	480-90-191	REP-P	01-02-084
480-90-008	NEW	01-11-003	480-90-113	NEW	01-11-003	480-90-191	REP	01-11-003
480-90-011	REP-P	01-02-084	480-90-116	REP-P	01-02-084	480-90-193	NEW-P	01-02-102
480-90-011	REP	01-11-003	480-90-116	REP	01-11-003	480-90-193	NEW	01-09-002
480-90-013	NEW-P	01-02-084	480-90-116	REP-S	01-11-148	480-90-203	NEW-P	01-02-084
480-90-013	NEW	01-11-003	480-90-118	NEW-P	01-02-084	480-90-203	NEW	01-11-003
480-90-016	REP-P	01-02-084	480-90-118	NEW	01-11-003	480-90-208	NEW-P	01-02-084
480-90-016	REP	01-11-003	480-90-121	REP-P	01-02-084	480-90-208	NEW	01-11-003
480-90-018	NEW-P	01-02-084	480-90-121	REP-W	01-15-065	480-90-211	REP-P	01-02-084
480-90-018	NEW	01-11-003	480-90-121	REP-S	01-15-088	480-90-211	REP	01-11-003
480-90-021	REP-P	01-02-084	480-90-123	NEW-P	01-02-084	480-90-213	NEW-P	01-02-084
480-90-021	REP	01-11-003	480-90-123	NEW-S	01-11-148	480-90-213	NEW	01-11-003
480-90-023	NEW-P	01-02-084	480-90-126	REP-P	01-02-084	480-90-218	NEW-P	01-02-084
480-90-023	NEW	01-11-003	480-90-126	REP	01-11-003	480-90-218	NEW	01-11-003
480-90-026	REP-P	01-02-084	480-90-128	NEW-P	01-02-084	480-90-223	NEW-P	01-02-084
480-90-026	REP	01-11-003	480-90-128	NEW	01-11-003	480-90-223	NEW	01-11-003
480-90-028	NEW-P	01-02-084	480-90-131	REP-P	01-02-084	480-90-228	NEW-P	01-02-084
480-90-028	NEW	01-11-003	480-90-131	REP	01-11-003	480-90-228	NEW	01-11-003
480-90-031	REP-P	01-02-084	480-90-133	NEW-P	01-02-084	480-90-233	NEW-P	01-02-084

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-90-233	NEW	01-11-003	480-100-032	REP-P	01-02-083	480-100-138	NEW-P	01-02-083
480-90-238	NEW-P	01-02-084	480-100-032	REP	01-11-004	480-100-138	NEW	01-11-004
480-90-238	NEW	01-11-003	480-100-033	NEW-P	01-02-083	480-100-141	REP-P	01-02-083
480-90-303	NEW-P	01-02-084	480-100-033	NEW	01-11-004	480-100-141	REP	01-11-004
480-90-303	NEW	01-11-003	480-100-036	REP-P	01-02-083	480-100-143	NEW-P	01-02-083
480-90-308	NEW-P	01-02-084	480-100-036	REP	01-11-004	480-100-143	NEW	01-11-004
480-90-308	NEW	01-11-003	480-100-041	REP-P	01-02-083	480-100-146	REP-P	01-02-083
480-90-313	NEW-P	01-02-084	480-100-041	REP	01-11-004	480-100-146	REP	01-11-004
480-90-313	NEW	01-11-003	480-100-043	REP-P	01-02-083	480-100-148	NEW-P	01-02-083
480-90-323	NEW-P	01-02-084	480-100-043	REP	01-11-004	480-100-148	NEW	01-11-004
480-90-323	NEW	01-11-003	480-100-046	REP-P	01-02-083	480-100-151	REP-P	01-02-083
480-90-328	NEW-P	01-02-084	480-100-046	REP	01-11-004	480-100-151	REP	01-11-004
480-90-328	NEW	01-11-003	480-100-051	REP-P	01-02-083	480-100-153	NEW-P	01-02-083
480-90-333	NEW-P	01-02-084	480-100-051	REP	01-11-004	480-100-153	NEW-S	01-11-147
480-90-333	NEW	01-11-003	480-100-056	REP-P	01-02-083	480-100-156	REP-P	01-02-083
480-90-338	NEW-P	01-02-084	480-100-056	REP-S	01-11-147	480-100-156	REP	01-11-004
480-90-338	NEW	01-11-003	480-100-061	REP-P	01-02-102	480-100-161	REP-P	01-02-083
480-90-343	NEW-P	01-02-084	480-100-061	REP	01-09-002	480-100-161	REP	01-11-004
480-90-343	NEW	01-11-003	480-100-066	REP-P	01-02-083	480-100-163	NEW-P	01-02-083
480-90-348	NEW-P	01-02-084	480-100-066	REP	01-11-004	480-100-163	NEW	01-11-004
480-90-348	NEW	01-11-003	480-100-071	REP-P	01-02-083	480-100-166	REP-P	01-02-083
480-90-353	NEW-P	01-02-084	480-100-071	REP	01-11-004	480-100-166	REP	01-11-004
480-90-353	NEW	01-11-003	480-100-072	REP-P	01-02-083	480-100-168	NEW-P	01-02-083
480-90-999	NEW-P	01-02-084	480-100-072	REP	01-11-004	480-100-168	NEW	01-11-004
480-90-999	NEW	01-11-003	480-100-076	REP-P	01-02-083	480-100-171	REP-P	01-02-083
480-93	PREP	01-13-125	480-100-076	REP	01-11-004	480-100-171	REP	01-11-004
480-93	PREP	01-17-048	480-100-081	REP-P	01-02-083	480-100-173	NEW-P	01-02-083
480-93-005	AMD-P	01-17-110	480-100-081	REP	01-11-004	480-100-173	NEW	01-11-004
480-93-010	AMD-E	01-13-044	480-100-086	REP-P	01-02-083	480-100-176	REP-P	01-02-083
480-93-010	AMD-P	01-17-110	480-100-086	REP	01-11-004	480-100-176	REP	01-11-004
480-93-015	AMD-P	01-17-110	480-100-091	REP-P	01-02-083	480-100-178	NEW-P	01-02-083
480-93-110	AMD-P	01-17-110	480-100-091	REP	01-11-004	480-100-178	NEW	01-11-004
480-93-124	AMD-P	01-17-110	480-100-096	REP-P	01-02-083	480-100-181	REP-P	01-02-083
480-93-155	AMD-P	01-17-110	480-100-096	REP	01-11-004	480-100-181	REP	01-11-004
480-93-180	AMD-P	01-17-110	480-100-101	REP-P	01-02-083	480-100-183	NEW-P	01-02-083
480-93-220	AMD-P	01-17-110	480-100-101	REP	01-11-004	480-100-183	NEW	01-11-004
480-93-240	NEW-E	01-13-045	480-100-103	NEW-P	01-02-083	480-100-186	REP-P	01-02-083
480-93-999	NEW-P	01-17-110	480-100-103	NEW	01-11-004	480-100-186	REP	01-11-004
480-100-001	NEW-P	01-02-083	480-100-108	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083
480-100-001	NEW	01-11-004	480-100-108	NEW	01-11-004	480-100-188	NEW	01-11-004
480-100-003	NEW-P	01-02-083	480-100-111	REP-P	01-02-083	480-100-191	REP-P	01-02-083
480-100-003	NEW	01-11-004	480-100-111	REP	01-11-004	480-100-191	REP	01-11-004
480-100-008	NEW-P	01-02-083	480-100-113	NEW-P	01-02-083	480-100-193	NEW-P	01-02-102
480-100-008	NEW	01-11-004	480-100-113	NEW	01-11-004	480-100-193	NEW	01-09-002
480-100-011	REP-P	01-02-083	480-100-116	REP-P	01-02-083	480-100-201	REP-P	01-02-083
480-100-011	REP	01-11-004	480-100-116	REP-S	01-11-147	480-100-201	REP	01-11-004
480-100-013	NEW-P	01-02-083	480-100-118	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083
480-100-013	NEW	01-11-004	480-100-118	NEW	01-11-004	480-100-203	NEW	01-11-004
480-100-016	REP-P	01-02-083	480-100-121	REP-P	01-02-083	480-100-206	REP-P	01-02-083
480-100-016	REP	01-11-004	480-100-121	REP	01-11-004	480-100-206	REP	01-11-004
480-100-018	NEW-P	01-02-083	480-100-123	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083
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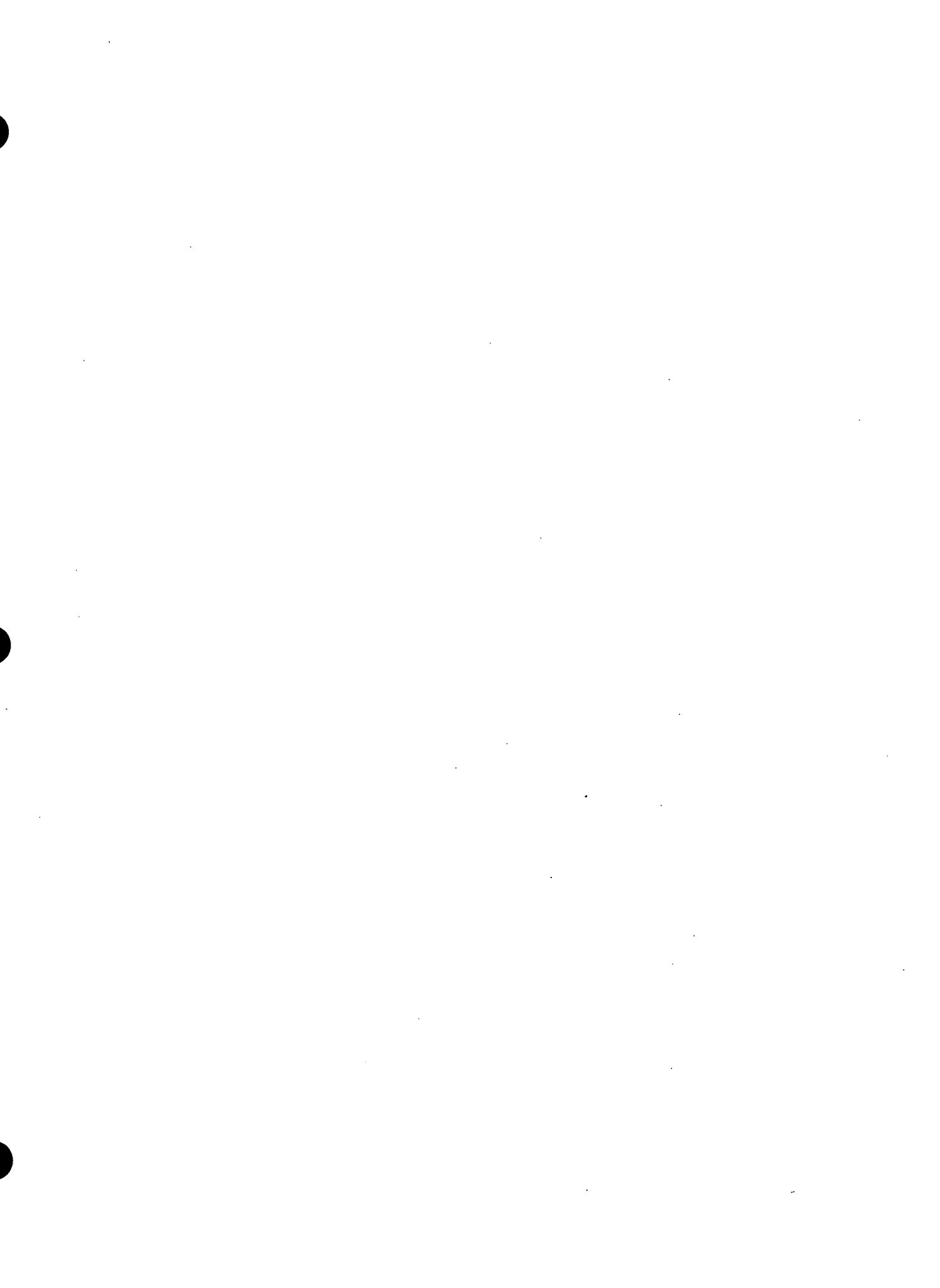
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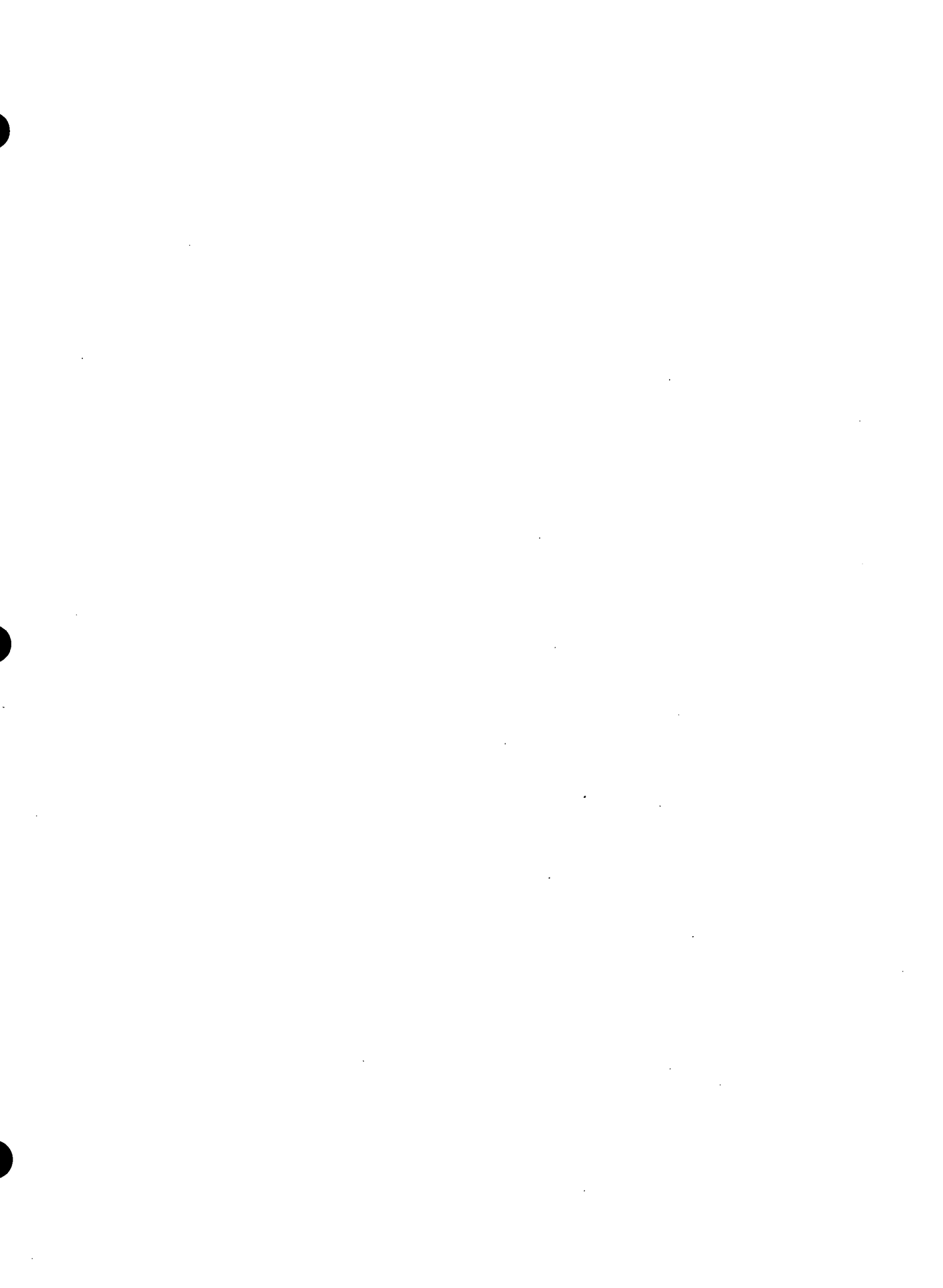
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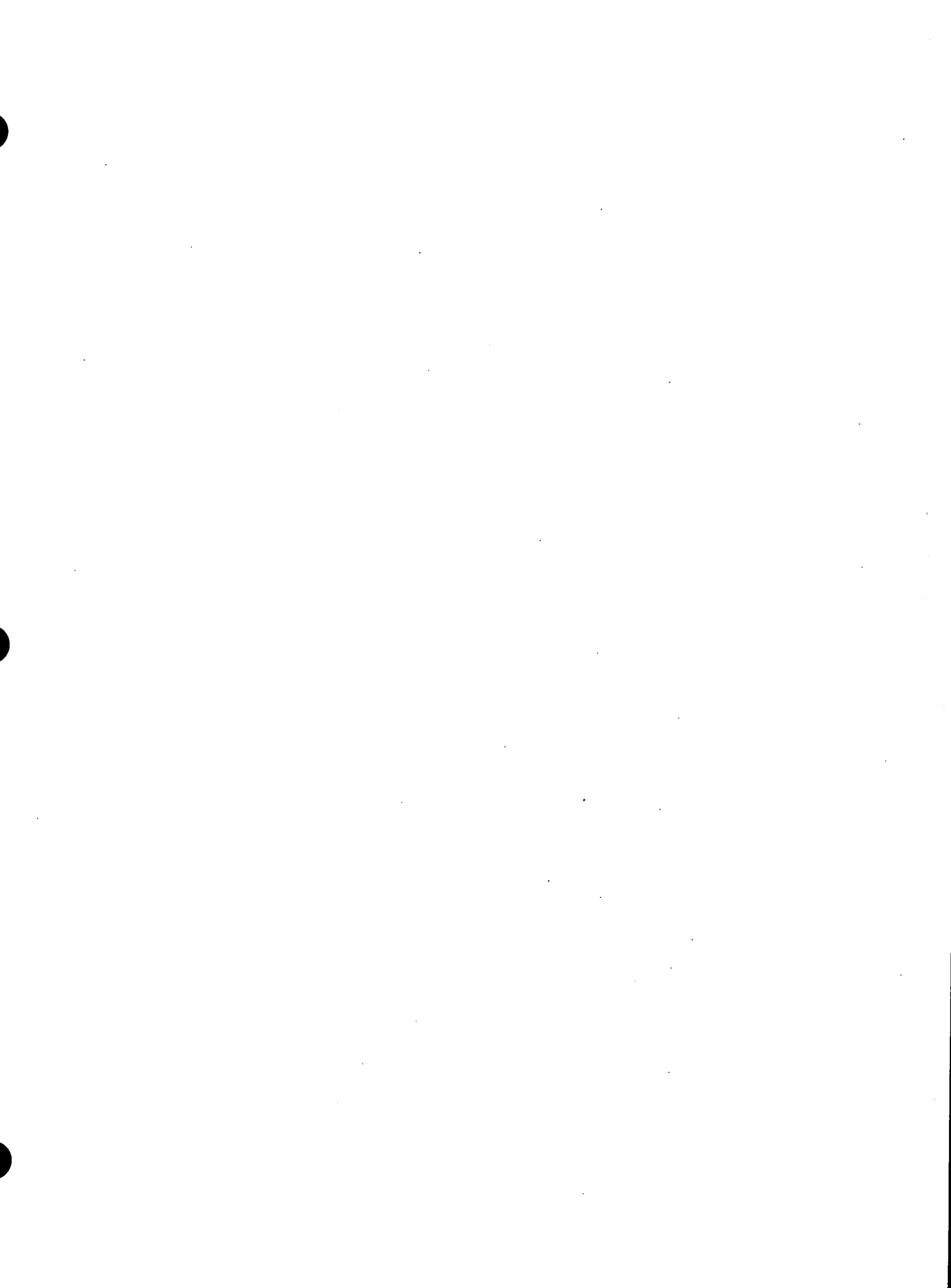




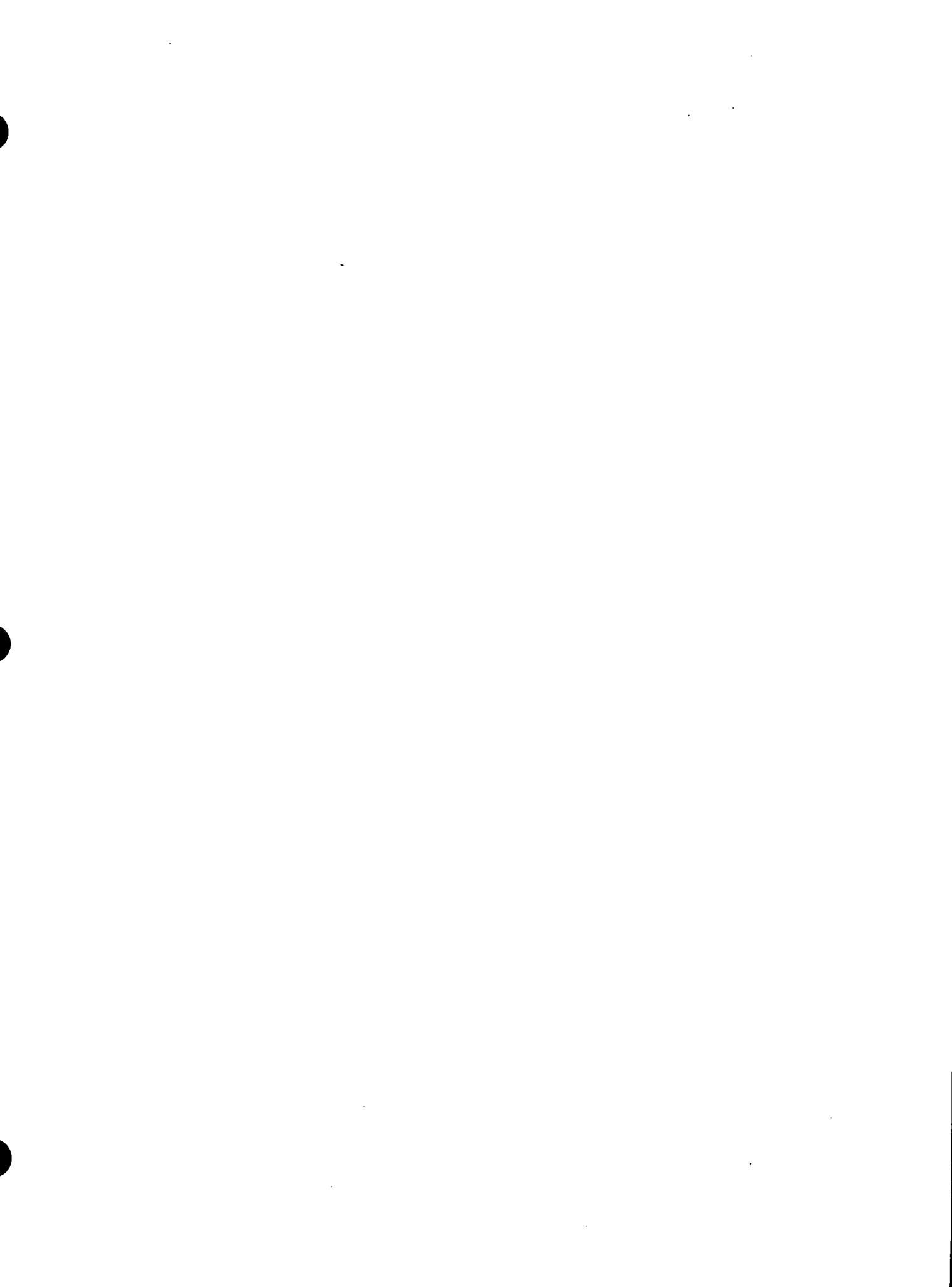












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