

January 2, 2003

OLYMPIA, WASHINGTON

ISSUE 03-01



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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

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of January 2003 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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### WASHINGTON STATE REGISTER

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Olympia, WA 98504-0552

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

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **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.

## 5. EDITORIAL CORRECTIONS

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

**2002-2003**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

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

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

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

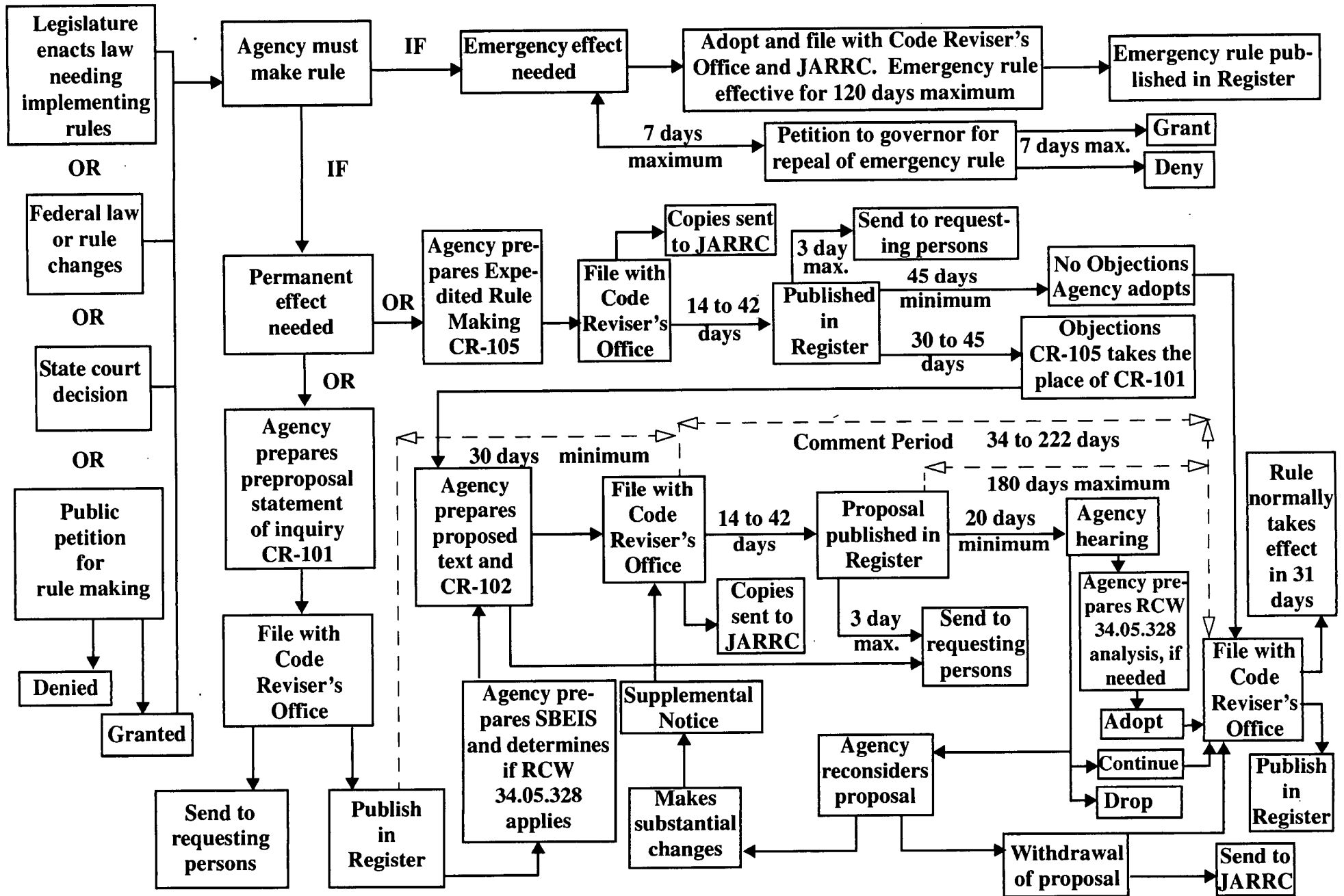
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 03-01-006****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed December 5, 2002, 8:25 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include, but not limited to, WAC 308-96A-530.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a 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 by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

December 3, 2002

D. McCurley, Administrator  
Title and Registration Services

**WSR 03-01-012****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed December 5, 2002, 1:46 p.m.]

The Department of Licensing hereby withdraws WSR 02-14-002 filed with the Code Reviser's Office on June 19, 2002.

D. McCurley, Administrator  
Title and Registration Services

**WSR 03-01-016****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed December 5, 2002, 3:44 p.m.]

Subject of Possible Rule Making: WAC 260-48-630 Closing of wagering in a race.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review and update rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

December 5, 2002

R. M. Leichner  
Executive Secretary

**WSR 03-01-017****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed December 5, 2002, 3:45 p.m.]

Subject of Possible Rule Making: Transmission of simulcast signal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow for the transmission of simulcast live races to other than an association (race tracks).

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

December 5, 2002

R. M. Leichner  
Executive Secretary

**WSR 03-01-018****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed December 5, 2002, 3:45 p.m.]

Subject of Possible Rule Making: WAC 260-60-300 Who may claim.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the process of who may claim a horse.

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 Robert M. Leichner, Executive Secre-

tary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

December 5, 2002  
R. M. Leichner  
Executive Secretary

**WSR 03-01-052**

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

[Filed December 11, 2002, 9:28 a.m.]

Subject of Possible Rule Making: Depredation 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: Increasing the number of depredation permits will provide additional control measures and reduce deer and elk damage claims.

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, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by March 4, 2003, expected proposal filing March 5, 2003.

December 11, 2002  
Evan Jacoby  
Rules Coordinator

**WSR 03-01-053**

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

[Filed December 11, 2002, 9:30 a.m.]

Subject of Possible Rule Making: Rules governing the commercial harvest of geoduck and horse clams.

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: Accidental damage to geoduck clams from the harvesting process has resulted in the underwater discard of the clams as current rules prohibit the retention of neck parts without the body of the clam. Allowing the retention of these parts will ensure a more accurate accounting of the clams removed from the substrate. This wastage accounting issue also applies to horse clams, which can be taken concurrently with geoduck clams and will provide for a level playing field with tribal fishers, which retain them currently and sell them for bait. This change will pro-

vide accountability, reduce wastage and increase the economic return to the state and the tract award holder.

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 Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2826. Contact by March 3, 2003, expected filing date is March 5, 2003.

December 11, 2002  
Evan Jacoby  
Rules Coordinator

**WSR 03-01-060**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed December 11, 2002, 3:50 p.m.]

Subject of Possible Rule Making: The Division of Child Care and Early Learning is establishing a new chapter of Title 388 WAC for the seasonal child care program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.12.340, and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC for the seasonal child care program currently exists in children's administration rules; however, the program has been moved to economic services administration. New rules are necessary to explain eligibility criteria, parent responsibilities and program guidelines.

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 welcomes public participation in the development of its rules. At a later date, the department will file proposed rules with the code reviser for formal comment and a public hearing before adopting permanent rules. Contact the person listed below to find out how to participate in the development of these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cecelia Callison, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3288, fax (360) 413-3482, e-mail callicj@dshs.wa.gov, Street Address: 1009 College Street, Lacey, WA 98503.

December 11, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit



**WSR 03-01-061**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed December 11, 2002, 3:51 p.m.]

Subject of Possible Rule Making: The DSHS Division of Employment and Assistance Programs will amend WAC 388-406-0015 Can I get food assistance right away?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A clarification to subsection (2)(a) will explain that monthly income is countable income and not gross income.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail MCRAECA@DSHS.WA.GOV.

December 11, 2002  
 Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**WSR 03-01-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
 [Filed December 13, 2002, 9:03 a.m.]

Subject of Possible Rule Making: Chapter 180-46 WAC, Library media centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.320.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify and simplify language.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA

98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.  
 December 13, 2002  
 Larry Davis  
 Executive Director

**WSR 03-01-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed December 13, 2002, 1:53 p.m.]

Subject of Possible Rule Making: Commercial fishing rules for squid fishing in Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A management plan for squid is being developed in conjunction with tribal governments. One aspect of the plan is to modify the types of fishing gear, which may be used to harvest squid in Puget Sound. Currently, several types of fishing gear are authorized but seldom if ever used. The proposed rule would reduce the number of authorized gear types to improve management of the squid resource.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate the gears, which may be used to harvest squid in Puget Sound. The department is coordinating with several tribal governments to develop these rule changes.

Process for Developing New Rule: Agency study; and advisory board recommendations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Bargmann, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2825, fax (360) 902-2944. A public meeting to receive comments on these matters will be held April 11-12, 2003, in Moses Lake, Washington. Interested persons can contact the Fish and Wildlife Commission at (360) 902-2267 to obtain meeting details. Contact before March 1, 2003, expected proposal filing March 4, 2003.

December 13, 2002  
 Evan Jacoby  
 Rules Coordinator

**WSR 03-01-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
 [Filed December 16, 2002, 8:40 a.m.]

Subject of Possible Rule Making: WAC 180-79A-211.  
 Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial/technical changes to these rules are needed.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

December 13, 2002  
Larry Davis  
Executive Director

**WSR 03-01-095**

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

[Filed December 17, 2002, 11:32 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of L&I and maintain consistency with the Health Care Authority and Medical Assistance Administration. Specifically, the proposed rule changes will do the following:

1. In WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These change will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. In WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupa-

tional therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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 working with external stakeholders through its Anesthesia and Reimbursement Technical Advisory Groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the Health Care Authority, the Medical Assistance Administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

December 17, 2002  
Gary Moore  
Director

**WSR 03-01-101**

**PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF ACCOUNTANCY**

[Filed December 17, 2002, 2:45 p.m.]

Subject of Possible Rule Making: WAC 4-25-720 How do I apply to take the CPA examination?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055, 18.04.105(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The uniform certified public accountant (CPA) examination is moving to a computer-based format. The board needs to set transition and conditioning requirements to facilitate the move to a computer-based format.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

December 16, 2002  
Dana M. McInturff, CPA  
Executive Director

**WSR 03-01-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF ACCOUNTANCY**

[Filed December 17, 2002, 2:47 p.m.]

Subject of Possible Rule Making: WAC 4-25-530 Fees. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.065, 18.04.105(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The uniform certified public accountant (CPA) examination is moving to a computerized-based format. The board anticipates that the costs of offering the exam in a computerized-based format will differ significantly from the paper-pencil examination.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Dana M. McInturff, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

December 16, 2002

Dana M. McInturff, CPA  
 Executive Director

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, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to Gilbert Brewer, Tax Policy Specialist, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6133, e-mail gilb@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on January 23, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

December 18, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

**WSR 03-01-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed December 18, 2002, 1:58 p.m.]

Subject of Possible Rule Making: New section WAC 458-17-101 Assessment and taxation of ships and vessels; and repealing WAC 458-17-105 Ships and vessels—Definitions, 458-17-110 Ships and vessels—Subject to property taxation, 458-17-115 Ships and vessels—Listing, and 458-17-120 Ships and vessels—Apportionment of value.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.005, 84.08.070, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department anticipates updating the language and information provided in the current rules, incorporating additional explanation and examples, and combining the provisions into a single new rule. As a result, the four current rules will be repealed.

In addition, WAC 458-17-120 incorrectly states that ships and vessels that do not qualify for statutory apportionment may, nonetheless, have their value apportioned to reflect days outside the limits of the state. The department plans to correct this misstatement of law.

The result of this rule making will be a more easily understood rule that accurately reflects the law.

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

**WSR 03-01-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed December 18, 2002, 3:39 p.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, 468-300-220, and 468-300-700.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Annual review of Washington state ferries' farebox revenue has been completed, resulting in a proposal to raise ferry fares. Corresponding modifications to the preferential loading rules are also proposed.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2911 2nd Avenue, Seattle, WA 98121, phone (206) 515-3491, fax (206) 515-3499.

December 18, 2002

Aubrey Davis, Chair

Transportation Commission

**WSR 03-01-125****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed December 19, 2002, 11:12 a.m.]

Subject of Possible Rule Making: Establish plant tagging requirements for horticultural plants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.13 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 15.13 RCW requires the department to establish rules for the marking or tagging of horticultural plants. The ability to identify horticultural plants is critical when enforcing plant related quarantines, especially noxious weed quarantines. A tagging rule would benefit consumers of such plants by providing an accurate identity of purchased plants. This proposal would also allow consumers to identify native plants collected in their natural environment.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094.

December 18, 2002

Mary A. Martin Toohey  
Assistant Director**WSR 03-01-129****PREPROPOSAL STATEMENT OF INQUIRY  
PARKS AND RECREATION  
COMMISSION**

[Filed December 19, 2002, 11:54 a.m.]

Subject of Possible Rule Making: The Washington State Parks and Recreation Commission will conduct a review of the provisions of chapter 352-32 WAC, Public use of state park areas, with an emphasis on those rules related to the new, revised and current collection of fees and permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The review of chapter 352-32 WAC is in response to the implementation of new and revised fees and permits as well as the need to revise any cur-

rent rules in this chapter related to their collections. The review will also provide for general housekeeping and minor changes in text. The commission will review the chapter with an emphasis on the use and financial impacts of discounts, waivers and passes related to park fees and permits. The review is intended to identify opportunities to adopt clear, viable and equitable rules for the health, safety, preservation and financial stability of Washington's state park system for the benefit of all citizens of the state.

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. To obtain additional information or to comment on the commission rules begin reviewed, contact Pamela McConekey, Manager, Visitor Services, Washington State Parks, P.O. Box 42560, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-5875, e-mail pamm@parks.wa.gov.

December 19, 2002

Jim French, Chief  
Policy Research and Program

**WSR 02-24-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed December 3, 2002, 4:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-19-030.

Title of Rule: Amending WAC 388-550-2501 Acute physical medicine and rehabilitation (acute PM&R) program—General, 388-550-2511 Acute PM&R definitions, 388-550-2521 Client eligibility requirements for acute PM&R services, 388-550-2531 Requirements for becoming an MAA Level A or B acute PM&R provider, 388-550-2541 Quality of care for acute PM&R clients through audits and reviews, 388-550-2551 How MAA determines client placement in Level A or B acute PM&R, 388-550-2561 MAA's requirements for authorizing acute PM&R services and 388-550-3381 How MAA pays acute PM&R facilities for Level A services; and repealing WAC 388-550-3401 How MAA pays acute PM&R facilities for Level B services.

Purpose: Incorporates contract language into rule, updates policy, and removes references to acute PM&R Level A and Level B services.

Other Identifying Information: MAA uses the federal Medicare rehabilitation guidelines as a guide for the acute PM&R program.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 42 C.F.R. 482.56.

Statute Being Implemented: RCW 74.08.090, 74.09.520, and 42 C.F.R. 482.56.

Summary: The department is incorporating contract language into rule, removing Level B services from the program and repealing WAC 388-550-3401. The program will continue to provide acute PM&R services while removing references to Level A and B services.

Reasons Supporting Proposal: The rules replace the contract since contracts are not used to negotiate rates or services provided, and are not required to keep the acute PM&R program operational. Level B services started in 1999 as part of a budget proviso at the request of a nursing facility. This facility is no longer qualified to provide Level B services as a result of dropping its CARF (the Rehabilitation Accreditation Commission) certification, which is required by MAA's acute PM&R program. Since there are currently no nursing facility requests to provide Level B services, and since hospitals are requesting Level A services for clients and not Level B services, the department is eliminating Level B services from the program.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Larry Linn, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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: The proposed rule incorporates acute PM&R provider contract language into rule, removes references to Level A and Level B acute PM&R services, and updates and clarifies current program policy.

Since contracts are not used to negotiate rates or services provided, and are not required to keep the acute PM&R program operational, the purpose of the rule is to replace the contract. See Purpose, Summary, and Reasons Supporting Proposal above.

The anticipated effects are the acute PM&R contract is no longer needed, and the program will be more cost effective with the elimination of Level B services in nursing facilities and hospitals. The rules clarify that only MAA-authorized hospital facilities may provide acute PM&R program services to eligible clients.

Proposal Changes the Following Existing Rules: The department is repealing WAC 388-550-3401 How MAA pays acute PM&R facilities for Level B services. Level B services are no longer part of the acute PM&R program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed amendment and concludes that no new costs will be imposed on the businesses affected by them.

RCW 34.05.328 applies to this rule adoption. The proposed rule does meet the definition of a "significant legislative rule" and the department has prepared an evaluation of probable costs and benefits, which may be obtained by contacting the person at the address listed below.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@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, e-mail fernaa@dshs.wa.gov, by 5:00 p.m., January 22, 2003.

Date of Intended Adoption: Not sooner than January 23, 2003.

November 27, 2002

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

**WAC 388-550-2501 Acute physical medicine and rehabilitation (acute PM&R) program—General.** Acute physical medicine and rehabilitation (acute PM&R) is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided during the acute phase of a client's rehabilitation. ~~((#))~~ The medical assistance administration (MAA) requires prior authorization ~~((by medical assistance administration (MAA)))~~ for acute

PM&R services. (See WAC 388-550-2561 for prior authorization requirements.)

(1) ~~((A multidisciplinary))~~ An interdisciplinary team coordinates individualized ~~((client))~~ acute PM&R services at an MAA-approved rehabilitation facility to achieve the following for ~~((the))~~ a client:

(a) Improved health and welfare; and  
(b) Maximum physical, social, psychological and educational or vocational potential.

(2) MAA determines ~~((the))~~ and authorizes a length of stay based on ~~((individual cases and))~~:

(a) The client's acute PM&R needs; and  
(b) Community standards of care for acute PM&R services.

(3) When MAA's authorized acute period of rehabilitation ends, the provider transfers the client to a more appropriate level of care. Therapies may continue to help the client achieve maximum potential through other MAA programs such as:

(a) Home health services ~~((see subchapter II of chapter 388-551 WAC))~~;

(b) Nursing facilities ~~((see chapter 388-97 WAC))~~; or

(c) ~~Outpatient hospital services (see chapter 388-550 WAC))~~;

(c) Outpatient physical, occupational, and speech therapies; or

(d) Neurodevelopmental centers.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

**WAC 388-550-2511 Acute PM&R definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to ~~((this subchapter. Defined words and phrases are bolded in the text. In case of any conflicts))~~ the acute PM&R program. If conflicts occur, this section prevails for this subchapter.

**"Accredit" (or "Accreditation")** ~~((is))~~ means a term used by nationally recognized health organizations, such as CARF, to state a facility meets community standards of medical care.

**"Acute"** means an intense medical episode, not longer than ~~((two))~~ three months.

**"Acute physical medicine and rehabilitation (acute PM&R)"** means a comprehensive inpatient rehabilitative program coordinated by ~~((a multidisciplinary))~~ an interdisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four-hour specialized nursing services and an intense level of therapy for ~~((a diagnostic category))~~ specific medical conditions for which the client shows significant potential for functional improvement.

**"Administrative day"** means a day of a hospital stay in which an acute inpatient level of care is no longer necessary, and noninpatient hospital placement is appropriate.

**"Administrative day rate"** means the statewide Medicaid average daily nursing facility rate as determined by the department.

**"CARF((+))"** is the official name for 'The Rehabilitation Accreditation Commission' of Tucson, Arizona. CARF is a

national private agency that develops and maintains current, "field-driven" (community) standards through surveys and accreditations of rehabilitation facilities.

~~(("Level A services" mean hospital-based acute rehabilitation services for medically stable clients with conditions that require complex nursing, medical and therapy needs as listed in WAC 388-550-2551(2). Such conditions include, but are not limited to, traumatic brain injuries, spinal cord injuries, and complicated bilateral amputations.~~

~~(("Level B services" mean hospital or nursing facility-based acute rehabilitation services for medically stable clients with new or exacerbated multiple sclerosis, mild head injuries, spinal cord injuries following the removal of the thoracic lumbar sacral orthosis (TLSO), and other medical conditions that require less complex nursing, medical and therapy needs as listed in WAC 388-550-2551(3).))~~

"Rehabilitation Accreditation Commission, The" - See "CARF."

"Survey" or "review" means an inspection conducted by a federal, state, or private agency to evaluate and monitor a facility's compliance with acute PM&R program requirements.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

**WAC 388-550-2521 Client eligibility requirements for acute PM&R services.** ~~((1) Clients in any of the following medical programs are eligible to receive acute PM&R Level A and Level B services:~~

~~((a) Children's health (V);~~

~~((b) Categorically needy program (CNP);~~

~~((c) Categorically needy program—qualified Medicare beneficiary (CNP-QMB);~~

~~((d) General assistance—determination pending for disability (GAX);~~

~~((e) Limited casualty program—medically needy program (LCP-MNP); and~~

~~((f) Medically needy program—qualified Medicare beneficiary (MNP-QMB).)~~

~~((2) Clients in any of the following programs may receive only Level A hospital-based services:~~

~~((a) Medically indigent program (MIP)—emergency hospital-based and emergency transportation services. These clients may only receive services when:~~

~~((i) They are transferred directly from an acute hospital stay; and~~

~~((ii) The client's acute PM&R needs are directly related to the emergency medical need for the hospital stay;~~

~~((b) General assistance unemployable (GAU—No out-of-state care);~~

~~((c) CNP—emergency medical only;~~

~~((d) LCP-MNP—emergency medical only; and~~

~~((e) Alcoholism and drug addiction treatment and support act (ADATSA) (GAW).)~~

~~((3) Clients in programs not listed in this section are not covered for acute PM&R services. See WAC 388-529-0100 and 388-529-0200 for scope of medical coverage.~~

(4) If a client is enrolled in an MAA Healthy Options managed care plan at the time of acute care admission, that plan pays for and coordinates acute PM&R services as appropriate)) (1) Only a client who is eligible for one of the following programs may receive acute PM&R services, subject to the restrictions and limitations in this section and WAC 388-550-2501, 388-550-2511, 388-550-2531, 388-550-2541, 388-550-2551, 388-550-2561, 388-550-3381, and other published rules:

(a) Categorically needy program (CNP);  
(b) CNP - Children's health insurance program (CNP-CHIP);

(c) Limited casualty program - Medically needy program (LCP-MNP);

(d) CNP - Emergency medical only;

(e) LCP-MNP - Emergency medical only;

(f) General assistance unemployable (GAU - No out-of-state care);

(g) Alcoholism and drug addiction treatment and support act (ADATSA); and

(h) Medically indigent program (MIP) - Emergency hospital-based and emergency transportation services only when:

(i) The client is transferred directly from an acute hospital stay; and

(ii) The client's acute PM&R needs are directly related to the emergency medical condition that qualified the client for MIP.

(2) If a client is enrolled in an MAA Healthy Options managed care plan at the time of acute care admission, that plan pays for and coordinates acute PM&R services as appropriate.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2531 Requirements for becoming an ((MAA Level A or B)) acute PM&R provider. ((1) To provide acute PM&R services to medical assistance clients, a provider obtains MAA approval for the facility. To obtain MAA approval for the facility, the provider must:

(a) Submit a letter of request;

(b) Include evidence that confirms the requirements listed in subsection (2) and (3) of this section are met; and

(c) Send the letter and documentation to:

Acute PM&R Program Manager

Division of Health Services Quality Support

Medical Assistance Administration

PO Box 45506

Olympia WA 98504-5506

(2) In order to be approved by MAA as a Level A provider, a hospital must be:

(a) Medicare certified;

(b) Accredited by the joint commission on accreditation of hospital organizations (JCAHO);

(c) Licensed by department of health (DOH) as an acute care hospital (as defined by DOH in WAC 246-310-010, Definitions);

(d) CARF accredited for comprehensive integrated inpatient rehabilitation programs; and

(e) Operating per the standards set by DOH, excluding the certified rehabilitation registered nurse (CRRN) requirement, in either:

(i) WAC 246-976-830, Level I trauma rehabilitation designation; or

(ii) WAC 246-976-840, Level II trauma rehabilitation designation;

(3) In order to be approved by and contracted with MAA as a Level B provider, a facility must be:

(a) Medicare certified;

(b) Licensed by DOH as an acute care hospital (as defined by DOH in WAC 246-310-010, Definitions) or nursing facility;

(c) CARF accredited for comprehensive integrated inpatient rehabilitation programs;

(d) Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirement by MAA; and

(e) Operating per the standards set by DOH in WAC 246-976-840, Level II trauma rehabilitation designation, excluding the CRRN requirement.

(4) To obtain conditional contract approval, the applying facility must meet the criteria in subsections (1), (2) and/or (3) of this section, excluding the CARF accreditation requirement listed in section (2)(c) and (3)(c) of this section. The facility must:

(a) Actively operate under CARF standards; and

(b) Have begun the process of obtaining full CARF accreditation.

(5) MAA will revoke a conditional contract approval if the facility does not obtain full CARF accreditation within twelve months of the conditional approval date by MAA)) (1) Only an in-state or border area hospital may apply to become a medical assistance administration (MAA)-approved acute PM&R facility. To apply, MAA requires the hospital provider to submit a letter of request to:

Acute PM&R Program Manager

Division of Medical Management - Medical Operations

Medical Assistance Administration

PO Box 45506

Olympia, WA 98504-5506

(2) A hospital that applies to become an acute PM&R facility must provide MAA with documentation that confirms the facility is all of the following:

(a) A Medicare-certified hospital;

(b) Accredited by the Joint Commission on Accreditation of Hospital Organizations (JCAHO);

(c) Licensed by the department of health (DOH) as an acute care hospital as defined under WAC 246-310-010;

(d) CARF accredited as a comprehensive integrated inpatient rehabilitation program or as a pediatric family centered rehabilitation program, unless subsection (3) of this section applies;

(e) Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirements by MAA; and

(f) Operating per the standards set by DOH (excluding the certified rehabilitation registered nurse (CRRN) requirement) in either:

(i) WAC 246-976-830, Level I trauma rehabilitation designation; or

(ii) WAC 246-976-840, Level II trauma rehabilitation designation.

(3) A hospital not yet accredited by CARF:

(a) May apply for or be awarded a twelve-month conditional written approval by MAA if the facility:

(i) Provides MAA with documentation that it has started the process of obtaining full CARF accreditation; and

(ii) Is actively operating under CARF standards.

(b) Is required to obtain full CARF accreditation within twelve months of MAA's conditional approval date. If this requirement is not met, MAA sends a letter of notification to revoke the conditional approval.

(4) A hospital qualifies as an MAA-approved acute PM&R facility when:

(a) The facility meets all the applicable requirements in this section;

(b) MAA's clinical staff has conducted a facility site visit; and

(c) MAA provides written notification that the facility qualifies to be reimbursed for providing acute PM&R services to eligible medical assistance clients.

(5) MAA-approved acute PM&R facilities must meet the general requirements in chapter 388-502 WAC, Administration of medical programs—Providers.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2541 Quality of care ((for acute PM&R clients through audits and reviews)). (1) To ensure quality of care, the medical assistance administration (MAA) may conduct ((an on-site review)) reviews (e.g., post-pay, on-site) of any MAA-approved acute PM&R facility. ((See WAC 388-501-0130, Administrative controls, for additional information on audits conducted by department staff.))

(2) ((In addition, MAA-approved Level B nursing facilities are subject to regular on-site surveys conducted by the department's aging and adult services administration (AASA).)) A provider of acute PM&R services must act on any report of substandard care or violation of the facility's medical staff bylaws and CARF standards. The provider must have and follow written procedures that:

(a) Provide a resolution to either a complaint or grievance or both; and

(b) Comply with applicable CARF standards for adults or pediatrics as appropriate.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(a) The department of health (DOH);

(b) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

(c) CARF;

(d) MAA; or

(e) Other agencies with review authority for MAA programs.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2551 How ((MAA determines)) a client ((placement in Level A or B)) **qualifies for acute PM&R services.** ((1) At the time of authorization, MAA determines the most appropriate client placement on a case-by-case basis:

(a) In the level of care (level A or B);

(b) In the least restrictive environment; and

(c) At the lowest cost to MAA.

(2) Examples of client conditions suitable for Level A placement include:

(a) Cognitive and/or motor deficits;

(b) Brain damage from infectious brain diseases;

(c) Quadriplegia or paraplegia;

(d) Skin flap grafts for decubitus ulcers that need close observation by a surgeon, when the client is ready to mobilize or be upright in a chair;

(e) Extensive burns requiring complex medical care and debridement;

(f) Bilateral limb loss requiring close observation when the client has complex medical needs;

(g) Multiple trauma with complicated orthopedic conditions and neurological deficits; or

(h) Stroke with resulting hemiplegia or severe cognitive deficits, including speech and swallowing deficits requiring close observation with radiological examination.

(3) Examples of client conditions suitable for Level B placement include:

(a) New strokes when medically stable;

(b) Newly diagnosed or recently exacerbated multiple sclerosis with new loss of function;

(c) New mild head injury when medically stable; or

(d) Spinal cord injuries following the removal of a thoracic lumbar sacral orthosis after the client's first phase of acute rehabilitation)) (1) To qualify for acute PM&R services, a client must meet one of the conditions in subsection (2) of this section and have:

(2) of this section and have:

(a) Extensive or complex medical needs, nursing needs, and therapy needs; and

(b) A recent or new onset of a condition that causes an impairment in two or more of the following areas:

(i) Mobility and strength;

(ii) Self-care/ADLs (activities of daily living);

(iii) Communication; or

(iv) Cognitive/perceptual functioning.

(2) To qualify for acute PM&R services, a client must meet the conditions in subsection (1) of this section and have a new or recent onset of one of the following conditions:

(a) Brain injury caused by trauma or disease.

(b) Spinal cord injury resulting in:

(i) Quadriplegia; or

(ii) Paraplegia.

(c) Extensive burns.

(d) Bilateral limb loss.

(e) Stroke or aneurysm with resulting hemiplegia or cognitive deficits, including speech and swallowing deficits.



(f) Multiple trauma (after the client is cleared to bear weight) with complicated orthopedic conditions and neurological deficits.

(g) Severe pressure ulcers after skin flap surgery for a client who:

- (i) Requires close observation by a surgeon; and
- (ii) Is ready to mobilize or be upright in a chair.

AMENDATORY SECTION (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

WAC 388-550-2561 MAA's prior authorization requirements for ((authorizing)) acute PM&R services. (((1) The patient care coordinator or the attending physician must call the MAA clinical consultation team before admitting an MAA client.

(2) The patient care coordinator or attending physician must provide to MAA objective information showing that:

(a) Acute PM&R treatment would effectively enable the client to obtain a greater degree of self-care, independence, or both;

(b) The client's medical condition requires that intensive twenty-four-hour inpatient comprehensive acute PM&R services be provided in an MAA-approved acute PM&R facility; and

(c) The client suffers from severe disabilities including, but not limited to, motor and/or cognitive deficits.

(3) Clients must be medically stable and show evidence that they are physically and cognitively ready to participate in the rehabilitation program. They must be willing and capable to participate at least three hours per day, seven days per week, in acute PM&R activities.

(4) For extension of authorization, the facility's rehabilitation staff must provide adequate medical justification, including significant observable improvement in the client's condition, to MAA prior to the expiration of the initial approved stay. If MAA denies the extension, the client must be transferred to an appropriate lower level of care as defined in WAC 388-550-2501(3).

(5) MAA may authorize administrative day reimbursement for clients who do not meet requirements described in this section, or who stay in the facility longer than the community standard's length of stay. The administrative day rate is the statewide Medicaid average daily nursing facility rate as determined by the department)) (1) The medical assistance administration (MAA) requires prior authorization for acute PM&R services. The acute PM&R provider of services must obtain prior authorization:

(a) Before admitting a client to the rehabilitation unit; and

(b) For an extension of stay before the client's current authorized period of stay expires.

(2) For an initial admit:

(a) A client must:

(i) Be eligible under one of the programs listed in WAC 388-550-2521, subject to the restrictions and limitations listed;

(ii) Require acute PM&R services as determined in WAC 388-550-2551;

(iii) Be medically stable and show evidence of physical and cognitive readiness to participate in the rehabilitation program; and

(iv) Be willing and capable to participate at least three hours per day, seven days per week, in acute PM&R activities.

(b) The acute PM&R provider of services must:

(i) Submit a request for prior authorization to the MAA clinical consultation team by fax, electronic mail, or telephone as published in MAA's acute PM&R billing instructions; and

(ii) Include sufficient medical information to justify that:

(A) Acute PM&R treatment would effectively enable the client to obtain a greater degree of self-care and/or independence;

(B) The client's medical condition requires that intensive twenty-four-hour inpatient comprehensive acute PM&R services be provided in an MAA-approved acute PM&R facility; and

(C) The client suffers from severe disabilities including, but not limited to, neurological and/or cognitive deficits.

(3) For an extension of stay:

(a) A client must meet the conditions listed in subsection (2)(a) of this section and have observable and significant improvement; and

(b) The acute PM&R provider of services must:

(i) Submit a request for the extension of stay to the MAA clinical consultation team by fax, electronic mail, or telephone as published in MAA's acute PM&R billing instructions; and

(ii) Include sufficient medical information to justify the extension and include documentation that the client's condition has observably and significantly improved.

(4) If MAA denies the request for an extension of stay, the client must be transferred to an appropriate lower level of care as described in WAC 388-550-2501(3).

(5) The MAA clinical consultation team approves or denies authorization for acute PM&R services for initial stays or extensions of stay based on individual circumstances and the medical information received. MAA notifies the client and the acute PM&R provider of a decision.

(a) If MAA approves the request for authorization, the notification letter includes:

(i) The number of days requested;

(ii) The allowed dates of service;

(iii) An MAA-assigned authorization number;

(iv) Applicable limitations to the authorized services; and

(v) MAA's process to request additional services.

(b) If MAA denies the request for authorization, the notification letter includes:

(i) The number of days requested;

(ii) The reason for the denial;

(iii) Alternative services available for the client; and

(iv) The client's right to request a fair hearing. (See subsection (7) of this section.)

(6) The acute PM&R facility staff must:

(a) Discuss MAA's authorization decision with the client and/or the client's family; and

(b) Document in the client's medical record that MAA's decision was discussed with the client and/or the client's family.

(7) A client who does not agree with a decision regarding acute PM&R services has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client and the facility, or both. After MAA reviews the available information, the result may be:

(a) A reversal of the initial MAA decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

(8) MAA may authorize administrative day(s) for a client who:

(a) Does not meet requirements described in subsection (3) of this section;

(b) Stays in the facility longer than the "community standards length of stay"; or

(c) Is waiting for a discharge destination or a discharge plan.

(9) MAA does not authorize acute PM&R services for a client who:

(a) Is deconditioned by a medical illness or by surgery; or

(b) Has loss of function primarily as a result of a psychiatric condition(s); or

(c) Has had a recent surgery and has no complicating neurological deficits. Examples of surgeries that do not qualify a client for inpatient acute PM&R services without extenuating circumstances are:

(i) Single amputation;

(ii) Single extremity surgery; and

(iii) Spine surgery.

**AMENDATORY SECTION** (Amending WSR 99-17-111, filed 8/18/99, effective 9/18/99)

**WAC 388-550-3381** (~~(How MAA pays)~~) **Payment methodology for acute PM&R** (~~(facilities for Level A)~~) **services and administrative day services. The medical assistance administration's (MAA's) payment methodology for acute PM&R services provided by hospital-based acute PM&R facilities is described in this section.**

~~(1) ((A Level A)) MAA pays a rehabilitation facility ((is paid by MAA)) according to((:~~

~~(a))) the individual hospital's current ratio of costs-to-charges as described in WAC 388-550-4500, Payment method—RCC((; and~~

~~(b) MAA's fee schedule as described in WAC 388-550-6000, Payment—Outpatient hospital services)).~~

~~(2) ((Level A)) Inpatient acute PM&R room and board includes, but is not limited to:~~

~~(a) Facility use;~~

~~(b) Medical social services;~~

~~(c) Bed and standard room furnishings; and~~

~~(d) Dietary and nursing services.~~

~~(3) When MAA authorizes administrative day(s) for a client as described in WAC 388-550-2561(8), MAA reimburses the facility:~~

~~(a) The administrative day rate; and~~

~~(b) For pharmaceuticals prescribed in the client's use during the administrative portion of the client's stay.~~

~~(4) The department pays for transportation services provided to a client receiving acute PM&R services in a hospital-based facility according to chapter 388-546 WAC.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-550-3401

How MAA pays acute PM&R facilities for Level B services.

#### WSR 03-01-007

#### PROPOSED RULES

#### POLLUTION LIABILITY INSURANCE AGENCY

[Filed December 5, 2002, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-21-056.

Title of Rule: Heating oil tanks, amendment to WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement.

Purpose: (1) Amend WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement, by removing all references to "informal advice and assistance" and replacing them with the wording of "technical assistance."

(2) WAC 374-80-040(8) will also be amended to remove the requirement that a representative of the agency be present during all site sampling and assessment.

Statutory Authority for Adoption: Chapter 70.148 RCW.

Statute Being Implemented: Chapter 70.148 RCW.

Summary: The amendments to WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement, will help to clarify the purpose and scope of the program. The agency will offer informal advice at any time but in order to receive "technical assistance" a fee for service procedure is required. WAC 374-80-040(8) will allow agency staff to review assessments and lab results without having to be present on site during all activity. This will reduce travel and other expenditures and will increase staff effectiveness.

Reasons Supporting Proposal: (1) Amending of the wording helps to clarify the purpose and scope of the program.

(2) In order to improve efficiency and expense control, the agency will be able to review assessments and lab results from site owner selected contractors without having to travel and or be on site during all testing and sampling.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Russell E. Olsen, 1015 10th Avenue, Olympia, WA, 1-800-822-3905.

Name of Proponent: Pollution Liability Insurance Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects of these amendments are minimal. The proposed amendments to WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement, will help to clarify the purpose and scope of the program. The agency will offer informal advice at any time but in order to receive "technical assistance" a fee for service procedure is required. The purpose of the program defined by chapter 374-80 WAC will be clearer to the public and therefore much easier for citizens to make a decision regarding participation. The removal of the wording "informal advice" from all aspects of the rule will achieve this clarity. WAC 374-80-040(8) will allow agency staff to review assessments and lab results without having to be on site during all activity. This will reduce travel and other expenditures and will increase staff effectiveness.

Proposal Changes the Following Existing Rules: The changes to the existing rules are limited in scope and nature. The wording "informal advice" will be removed from all areas of WAC 374-80-010 Authority and purpose, 374-80-040 Procedures, and 374-80-050 Reimbursement. This will provide clarity to the rule. WAC 374-80-040(8) will allow agency staff to review assessments and lab results without having to be on site during all activity. This will reduce travel and other expenditures and will increase staff effectiveness.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments do not have any financial impact.

RCW 34.05.328 does not apply to this rule adoption. The amendments proposed do not meet the criteria requiring the agency to meet with RCW 34.05.328. The amendments are to clarify language and agency procedure regarding implementation.

Hearing Location: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98504, on January 22, 2003, at 1800 [6:00 p.m.].

Assistance for Persons with Disabilities: Contact Russell E. Olsen by January 22, 2003, TDD (800) 822-3905 or (360) 586-5997.

Submit Written Comments to: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98504, fax (360) 586-7187, by January 22, 2003.

Date of Intended Adoption: February 19, 2003.

December 3, 2002

Russell E. Olsen

Environmental Specialist III

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

**WAC 374-80-010 Authority and purpose.** The purpose of this chapter is to establish a program for providing ~~((informal advice and))~~ technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from a heating oil tank is suspected.

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

**WAC 374-80-040 Procedures.** (1) The agency will provide, as resources permit, ~~((informal advice and))~~ technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from an active or abandoned heating oil tank is suspected. ~~((Advice and))~~ Technical assistance regarding administrative ~~((and technical))~~ requirements may include observation of testing, site assessment, as well as review of the results of reports and other appropriate review activities approved by the director.

(2) Such ~~((advice and))~~ technical assistance will be provided only upon request by the owner of a heating oil tank. If the operator of a heating oil tank is not the owner, the operator must provide the agency with specific written authorization of the owner before ~~((advice and))~~ technical assistance is provided, or before a site is visited by a representative of the agency.

(3) To receive ~~((informal advice and))~~ technical assistance under this program, the owner or operator of an active or abandoned heating oil tank must submit an application, provided by the agency, requesting advice and assistance, and agreeing to the terms of the program.

(4) Upon receipt of a request for ~~((advice and))~~ technical assistance, the agency will provide the tank owner or operator:

- (a) Information regarding procedures for the program;
- (b) An application requesting ~~((advice and))~~ technical assistance;

(c) An agreement between the tank owner and the agency regarding the procedures and reimbursement requirements of the program(;

~~((d) Sampling, testing and assessment protocol approved by the director; and~~

~~((e) Suggested service provider fee limits for labor, equipment and materials, and for sampling and testing)).~~

(5) ~~((Advice and))~~ Technical assistance provided under the program may include:

(a) Observation of sampling and testing, site assessment or other appropriate assessments scheduled by the tank owner;

(b) Interpretation of the results of testing and/or assessment(s);

(c) A report from PLIA to the heating oil tank owner of the results of testing and/or assessment(s); and

(d) Other appropriate activities approved by the director.

(6) The heating oil tank owner or operator will select a service provider to perform sampling and testing, site assess-

ment or other appropriate assessments. The tank owner or operator will enter into an agreement with the service provider regarding scope or extent of work and fees for services.

(7) ~~((Advice and))~~ Technical assistance will be provided only if sampling and testing as well as site assessment are performed in accordance with sampling, testing and assessment protocol approved by the director.

(8) ~~((Advice and assistance will be provided only if a representative of the agency is present during any and all testing and site assessment activity to ensure that tests are properly conducted, samples properly taken and assessment activities correctly conducted.))~~ The original copy of the results of all testing and site assessment activities must be forwarded to the agency for review and evaluation.

(9) Upon completion of review and evaluation, the agency will, in writing, inform the heating oil tank owner of the results of review and assessment of data. The agency report will note whether it appears there is or is not contamination present at the site. If contamination is discovered, the report will note whether or not the contamination appears to be a threat to human health and the environment. If the contamination does appear to be a threat to human health and the environment, the heating oil tank owner will be advised of the requirement for corrective action. The determination as to whether or not the contamination appears to be a threat to human health and the environment will be made in accordance with the terms and requirements of the Model Toxics Control Act (Chapter 70.105D RCW) and its regulations (Chapter 173-340 WAC).

AMENDATORY SECTION (Amending WSR 97-20-094, filed 9/29/97, effective 10/30/97)

**WAC 374-80-050 Reimbursement.** (1) The agency shall collect, from the heating oil tank owner or operator requesting ~~((advice and))~~ technical assistance, the costs incurred in providing such advice and assistance.

(2) Funds received by the agency from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(3) Costs incurred that shall be covered in reimbursement may include travel costs and expenses associated with monitoring site assessment, review of reports and analyses and preparation of written opinions and conclusions. The fee for such ~~((advice and))~~ technical assistance will be \$350.00.

(4) The fee must be paid prior to the agency issuing its report of review and assessment of data.

**WSR 03-01-010**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Disabilities and Long-Term Care Administration)

[Filed December 5, 2002, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-056.

Title of Rule: Adult day services, new WAC 388-71-0702 through 388-71-0776.

Purpose: Amending and reorganizing Aging and Adult Services Administration (AASA) rules into chapter 388-71 WAC is necessary to comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement. These rules will be amended to ensure that adult day services are provided within available funding as required by law. Rules are needed to clarify the purpose of adult day care/day health programs; to clarify or amend adult day care/day health services and eligibility requirements; to transfer adult day health eligibility determinations to department/AAA case managers; to clarify the status of adult day centers as contracted providers; to clarify the hearing rights of clients and providers; to adopt program cost controls; to amend administrative requirements for contracting with the department/area agencies on aging; and to adopt or clarify such other rules as are necessary or appropriate to accomplish these purposes.

This rule making was initiated by a prenotice inquiry filed as WSR 02-15-056 on July 11, 2002. This prenotice inquiry superseded the notice filed as WSR 00-08-049 on March 31, 2000. The department initiated the current rule making in response to a rule-making petition filed on June 18, 2002, by the Washington Adult Day Services Association (WADSA) and a number of adult day service providers. WADSA's proposed rules and an earlier draft of the department's proposed rules were used as a starting point for further discussions with the petitioners and other interested stakeholders.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, and 74.39A.030.

Summary: Repealing sections of WAC 388-15-650 through 388-15-662, adult day services. Revised sections will be reorganized and moved into chapter 388-71 WAC. This change is necessary to comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement. These rules will be amended to clarify eligibility requirements for adult day care and adult day health services funded by Medicaid and to make other changes as needed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Candace Goehring, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2562, goehrcs2@dshs.wa.gov.

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: Amending and reorganizing AASA rules into chapter 388-71 WAC is necessary to comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement. Rules are being amended to clarify eligibility, to transfer adult day health eligibility determinations to department/area agency on aging case managers, and to make other changes as necessary.

The fiscal impact may include decreased costs for payment of adult day health service to Medicaid recipients due to clarification of eligibility criteria and the elimination of self-referral and center determination of client eligibility. Eligibility determination and authorization will be transferred to home and community services social workers or community nurse consultants, area agency on aging case managers and the Division of Developmental Disabilities (DDD) caseworkers.

Initial costs may be increased to the department/area agencies on aging to provide comprehensive assessments to an estimated four hundred fifty Medicaid recipients attending adult day centers that will be new to AASA. It is also anticipated that costs may be incurred while providing fair hearing rights and interpreter support to existing center clients that may not meet clarified eligibility criteria.

Caseload impact will include an anticipated increase in on-going case management services through area agencies on aging, as well as an estimated four hundred fifty initial comprehensive assessments provided by home and community services. The DDD will also be required to provide eligibility review and authorization to approximately one hundred eighty clients.

This administration expects the loss of revenue to the adult day care/adult day health providers affected to be minor.

Proposal Changes the Following Existing Rules: Repealing sections of WAC 388-15-650 through 388-15-662, adult day services. Revised sections will be reorganized and moved into chapter 388-71 WAC. The new rules clarify eligibility criteria, transfer adult day health eligibility determinations to the department/AAA case managers, and make other changes as necessary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No statement was prepared because upon review of all adult day services businesses operating in the state, none meet the criteria of a small business.

RCW 34.05.328 applies to this rule adoption. Cost benefit analysis is required for this rule under RCW 34.05.328 [(5)](c)(iii). The department considers its proposed rules concerning eligibility assessments (WAC 388-71-0720 and 388-71-0722) for adult day health services to be "significant legislative rules" within the meaning of RCW 34.05.328, because the proposed rules would adopt new, or make significant amendments to, a policy or regulatory program.

A copy of the cost-benefit analysis may be obtained from Candace Goehring, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2562, goehrcs2@dshs.wa.gov.

The department's proposed rules concerning clarification of existing client medical and financial eligibility and client hearing rights as required by RCW and C.F.R., are not considered "significant legislative rules" under RCW 34.05.328 (5)(b)(vii), which exempts "rules of the Department of Social and Health Services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These amended rules provide for clarification of existing rules and ensure client rights to challenge an eligibility assessment.

Hearing Location: First Hearing at Blake Office Park East (behind Goodyear Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on February 4, 2003, at 1:00 p.m.

Second Hearing at Aging and Long-Term Care of Eastern Washington, 1222 North Post, Room B and C, Spokane, WA 99201, on February 5, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 31, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., February 5, 2002.

Date of Intended Adoption: Not earlier than February 6, 2003.

December 4, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-02 issue of the Register.

**WSR 03-01-011**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed December 5, 2002, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-100.

Title of Rule: Chapter 388-530 WAC, Pharmacy services, adopting new WAC 388-530-1270 Mail-order pharmacy services.

Purpose: To establish rules for a Medical Assistance Administration mail-order prescription service, as directed by the legislature.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.510.

Statute Being Implemented: 2001-03 Revised Omnibus Operating Budget (chapter 371, Laws of 2002).

Summary: This is a new section within the MAA pharmacy chapter. It establishes rules for a contracted mail-order pharmacy. The contractor is selected through competitive procurement, the services are optional for clients, drugs supplied through mail-order are subject to special terms in addition to general pharmacy rules, and the contractor is reimbursed at lower rates than regular outpatient pharmacy services.

Name of Agency Personnel Responsible for Drafting: Myra S. Davis, MAA Rules and Publications, P.O. Box 45533, Olympia, WA, (360) 725-1306; Implementation and Enforcement: Siri Childs, Program Manager, P.O. Box 45506, Olympia, WA, (360) 725-1564.

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

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule responds to the wishes of the 2002 legislature as expressed in the budget details documents to the 2001-03 Revised Omnibus Operating Budget (chapter 371, Laws of 2002), DSHS medical payments, page 105, item 9. The legislature's stated expectation is that the mail-order pharmacy option will result in substantial savings for taxpayers, and increased convenience for the elderly and disabled.

Proposal Changes the Following Existing Rules: The proposed rule requires MAA to pay the mail-order contractor less than what is paid to providers under other pharmacy rules. Also, it will allow MAA to provide some mail-order prescriptions in a ninety-day supply.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DSHS has determined that this rule will not impose more than minor costs on businesses.

RCW 34.05.328 applies to this rule adoption. MAA has analyzed the proposed rules and concludes that the rules meet the definition of a "significant legislative rule." MAA has prepared an evaluation of probable costs and benefits, which may be obtained by contacting the person at the address listed in Name of Agency Personnel above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@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, e-mail fernax@dshs.wa.gov, by 5:00 p.m., January 22, 2003.

Date of Intended Adoption: Not sooner than January 23, 2003.

December 3, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-530-1270 Mail-order services.** The medical assistance administration (MAA) provides a contracted mail-order pharmacy service for client use. The mail-order contractor is selected as a result of a competitive procurement process.

(1) The contracted mail-order pharmacy service is available as an option to all medical assistance clients, subject to the:

- (a) Scope of the client's medical care program;
- (b) Availability of services from the contracted mail-order provider; and
- (c) Special terms and conditions described in subsection (2) and (3) of this section.

(2) The mail-order prescription service may not dispense medication in a quantity greater than authorized by the prescriber. (See RCW 18.64.360(5), Nonresident pharmacies.)

(3) Prescribed medications may be filled by the mail-order pharmacy service within the following restrictions:

(a) Drugs available from mail-order in no more than a ninety day supply include:

- (i) Preferred drugs (see WAC 388-530-1260);
- (ii) Generic drugs; and,
- (iii) Drugs that do not require prior authorization or expedited prior authorization (see WAC 388-530-1200 and 388-530-1250).

(b) Drugs available in no more than a thirty-four-day supply:

- (i) Controlled substances (schedules II through V); and
- (ii) Drugs requiring prior authorization or expedited prior authorization (see WAC 388-530-1200).

(c) Other pharmacy restrictions (chapter 388-530 WAC, Pharmacy services) continue to apply.

(4) The contracted mail-order pharmacy services are reimbursed at levels lower than those established for the regular outpatient pharmacy services.

**WSR 03-01-013  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
[Filed December 5, 2002, 1:48 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-003.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

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 46.01.110.

Summary: Amending WAC 308-96A-021 Replacement plates—Requirements; new WAC 308-96A-047 Cooper Jones/Share the road license plate emblems affixed to license plate; and repealing WAC 308-96A-177 Replacement of license plates.

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: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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 eco-

conomic 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 January 22, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez, 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 January 21, 2003.

Date of Intended Adoption: February 19, 2003.

December 4, 2002

D. McCurley, Administrator  
Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

**WAC 308-96A-021 Replacement plates—Requirements.** (1) **How do I obtain replacement plate(s)?**

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated;

or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

(c) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233.

(3) **Who can apply for replacement plate(s)?**

One of the registered owners ((~~shall~~)) must apply for replacement plate(s).

(4) **What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit 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. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department ((~~shall~~)) will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) **What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department ((~~shall~~)) will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) **What is the replacement cycle date for my license plate?** The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

(7) **How will I obtain replacement plate(s)?** You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(8) **When I am required to replace a special license plate, will I receive the same license plate number/letter combination?** Yes, for those special license plates permitted in subsection (1) of this section. Upon request your special license plates will be replaced with the same number/letter combination as shown on the vehicle computer record.

(9) **What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:

(a) Standard issue;

(b) Collegiate;

(c) HAM/MARS;

(d) Personalized;

(e) Ride share;

(f) Disabled person;

(g) Disabled veterans;

(h) Pearl Harbor survivors;

(i) Purple heart;

(j) Stadium;

(k) Square dancer;

(l) Honorary Consular;

(m) Prisoner of war;

(n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under.

Specialized license plates listed in (b) through (m) of this subsection will be replaced with the same license plate number/letter combination upon request.

(10) **What license plates are exempt from the replacement requirements?**

(a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;

(b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Plates issued to government agencies with exempt use class; and

(e) Congressional Medal of Honor license plates.

#### **NEW SECTION**

**WAC 308-96A-047 Cooper Jones/Share the Road license plate emblems affixed to license plates.** (1) **Where do I order the Cooper Jones/Share the Road license plate**

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**emblem?** You order them from the Washington state department of printing's general store located at www.prt.wa.gov or by mail to Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

(2) **Who may purchase the emblems?** Anyone may purchase as many emblems as they choose.

(3) **Is there a fee for the plate emblems?** A fee will be charged for each set of emblems described under RCW 46.16.333.

(4) **Are there vehicles that may not bear the Cooper Jones/Share the Road emblems?** Yes, those vehicles excluded under chapter 46.87 RCW, nonmotorized, and one-plated vehicles.

(5) **How shall I affix my Cooper Jones/Share the Road license plate emblem to my license plate?** In addition to requirements and limitations in RCW 46.16.327, the "SHARE THE ROAD" portion of the emblem set shall be displayed between the bottom license plate bolt holes of the front or rear license plate.

(6) **Do I have to affix my Cooper Jones/Share the Road emblem to a license plate?** No. There are no restrictions regarding placement of the emblem other than the license plate, or except where the law stipulates you may not obstruct the driver's view.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-177 Replacement of license plates.

#### WSR 03-01-014

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed December 5, 2002, 1:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-019.

Title of Rule: 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 46.01.110.

Summary: Amending WAC 308-56A-020 Application for certificate of ownership required, 308-56A-030 Owner name and address—Application for certificate of ownership, 308-56A-040 Name and address—Address, 308-56A-056 Names separated by the words "and," "or" or the slash symbol "/", 308-56A-060 Ownership in joint tenancy, 308-56A-110 New vehicles—Manufacturer's statement/certificate of origin, 308-56A-115 Vehicles from jurisdiction other than Washington, 308-56A-150 Certificate of vehicle inspection,

308-56A-210 Ownership in doubt, and 308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned.

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 January 29, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez, 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 January 28, 2003.

Date of Intended Adoption: February 19, 2003.

December 4, 2002

D. McCurley, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 00-20-065, filed 10/3/00, effective 11/3/00)

**WAC 308-56A-020 Application for certificate of ownership required. When is an application for certificate of ownership required?** In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) ~~((A person purchases a vehicle requiring registration or titling in Washington and:~~

~~(a) You apply for vehicle registration on a vehicle that has not been previously in this state;~~

~~(b) You))~~ There is a change of vehicle ownership on a Washington certificate of ownership due to:

(a) Sale;

(b) Gift-donation;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;



(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order;

(i) Transferring vehicle to a trust;

(j) Repossession; or

(k) Adding/removing a lease on a vehicle.

(2) Apply for ((vehicle)) registration ((for)) of a vehicle which has most recently been titled and/or registered in another jurisdiction and only registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

((2) There is a change of vehicle ownership on a Washington certificate of ownership due to:

(a) Sale;

(b) Gift donation;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;

(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order;

(i) Repossession;

(j) Transferring vehicle to a trust; or

(k) Adding/removing a lease on a vehicle;))

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) ((There is no change in the registered owner of the vehicle but the certificate of ownership needs to be re-issued because:

(a) A lienholder's name needs to be added. If a secondary lienholder is being added, the address of only the primary lienholder will be recorded;

(b)) Adding or changing a lien holder.

(5) The vehicle is assembled, has had a glider kit installed or is a street rod((:)).

((e)) (6) The ((vehicle)) motorcycle engine has been replaced((:)).

((d)) (7) The vehicle has been changed or modified to accept a fuel other than that shown on the outstanding certificate of ownership.

(8) There has been a structural change, as defined in WAC 308-56A-150 (1)((e))(d), other than changing the bed of a truck((:or)).

((e)) (9) The vehicle identification number needs to be corrected.

((5)) (10) The vehicle has been reported destroyed by an insurance company wrecker, or vehicle owner(s) and new certificate of ownership is requested. Title procedures are in WAC 308-56A-460.

((6) The vehicle has been reported destroyed by the owner or a wrecker and is subsequently sold and licensed.))

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

**WAC 308-56A-030 Owner name and address—Application for certificate of ownership.** (1) **What registered owner and lien holder or secured party information is required on the application for certificate of ownership?**

The application for certificate of ownership ((shall)) must include:

(a) The name of each registered owner of the vehicle and, if the vehicle is subject to security interest, the name of each secured party;

(b) ~~((The department's assigned customer account number for each owner of the vehicle including secured parties if available;~~

(e)) The registered owner's mailing address ((at which one of the owners regularly receives mail)); and

~~((d)) (c) The first secured party's mailing address ((of the first secured party)).~~

(2) **Do the addresses need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(3) **Can more than one mailing address be shown on the application if there are multiple owners with different addresses**~~((, may both addresses be shown on the application))?~~

No. The address of only one of the registered owners and ~~((one))~~ the first secured party will be accepted on the application for certificate of ownership.

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

**WAC 308-56A-040 Name and address—Address.** (1) **If the owner's address changes, does the owner need to notify the department?**

Yes.

(2) **What information does the owner need to provide to the department if their address changes?**

The owner shall provide the department with the following information:

(a) The registered owner's name as it appears on the department records;

(b) The license plate number or vehicle identification number (VIN) of each vehicle;

(c) The new address with at least a five digit zip code and preferably a nine digit zip code; and

(d) The county of the new address.

(3) **Does the address need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

AMENDATORY SECTION (Amending WSR 99-21-098, filed 10/20/99, effective 11/20/99)

**WAC 308-56A-056 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? No, the department has not used these designations since 1974 when recording ownership interest. For ~~((these))~~ certificates of ownership ~~((which may))~~ that have been issued using one of these designations~~((:))~~:

(a) Any registered owners so shown are considered to have equal registered owner interest in the vehicle ~~((and))~~;

(b) Any lien holder so shown is considered to have equal security interest in the vehicle.

(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 allow the use of these designations when recording ownership interest. ~~((The department will list the names without the above designations.))~~

AMENDATORY SECTION (Amending WSR 99-08-064, filed 4/5/99, effective 5/6/99)

**WAC 308-56A-060 Ownership in joint tenancy. (1) What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership?** If owners own a vehicle 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.

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership ~~((shall))~~ must show the name of every owner ~~((with))~~ and include 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((-))" in the brands/comments section.

~~((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 99-01-014, filed 12/7/98, effective 1/7/99)

**WAC 308-56A-110 New vehicles—Manufacturer's statement/certificate of origin. (1) What ownership documentation from the manufacturer is required to title a new vehicle?**

An application for a certificate of ownership ~~((to))~~ for a new vehicle ~~((shall))~~ must be accompanied by a manufacturer's statement/certificate of origin (MSO/MCO).

(2) **What information needs to be shown on the MSO/MCO?**

The MSO/MCO ~~((shall))~~ must contain at least the following information:

(a) First conveyance of the vehicle after its manufacture;

(b) The model year;

(c) Make;

(d) Model, body style;

(e) Vehicle identification number;

(f) An indication that the vehicle was not manufactured for road use, if applicable; and

(g) ~~((If a moped, a statement indicating the vehicle meets the definition in RCW 46.04.304.))~~ Shipping weight or curb weight.

(3) **What documentation may be used in lieu of an MSO/MCO?**

If the MSO/MCO is not available, the manufacturer's invoice to the dealer may be used. The manufacturer's invoice shall contain all the information required in subsection (2) of this section. If a flooring agent is shown on the invoice, the department requires a release of interest from the flooring agent.

(4) **How is a dealer to dealer sale recorded on the MSO/MCO before the first retail sale?**

A dealer to dealer sale is recorded in the assignment area on the MSO/MCO.

In the absence of an available assignment area a dealer to dealer report of sale or similar document may be used as long as a complete chain of ownership is documented from the original dealer named on the MSO/MCO through the retail selling dealer making the application.

AMENDATORY SECTION (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

**WAC 308-56A-115 Vehicles from jurisdiction other than Washington. (1) What ownership documents are required to title and license a vehicle not currently titled or licensed in the state of Washington?**

(a) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state.

(b) If the vehicle was acquired from an agency of the United States government, the ~~((original or a copy of the bill of sale))~~ federal ownership document issued by the United States government must accompany the application for certificate of ownership. When a bill of sale covers more than one vehicle, a photocopy may be accepted when:

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(i) United States federal government already registered and/or titled in Washington with an FED use class, the purchaser needs a bill of sale and the current registration for an NTI or when title is issued in Washington, need title properly released.

(ii) A secured odometer disclosure completed only by the transferee/buyer if the vehicle falls within the federal odometer criteria.

~~((b) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state. The department will accept a copy of the current title when it is being held by the lien holder and is not available.))~~

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the most current title or ownership document issued by that jurisdiction. If the country from which the vehicle is imported cancels the vehicle title and/or registration for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by ~~((the))~~ a United States government military entity, the application for certificate of ownership ~~((shall))~~ must be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the ~~((United States))~~ armed forces member must ~~((contact))~~ provide the lien holder ~~((and obtain a copy of the ownership documents being held))~~ information at the time of application.

**(2) What ownership documents are required to obtain a certificate of ownership for a vehicle from a nontitling jurisdiction ~~((that by policy or law does not title or register certain classes of vehicles based on age, type, or other criteria))~~?**

(a) If the vehicle is from a jurisdiction that by policy or law does not title a specific vehicle, but does register it, the department will accept the registration as an ownership document. If the applicant is not the owner shown on the registration, a bill of sale or release of interest is also required.

(b) If the vehicle is from a jurisdiction that neither registers nor titles, the department will accept a statement from the applicant certifying when and where they purchased the vehicle, and that the previous jurisdiction does not title or register this type of vehicle. A bill of sale is required for vehicles brought in from such jurisdiction. A statement certifying how the vehicle was acquired must be submitted at the time of application. The Washington certificate of ownership may contain a special notation if issued under these circumstances. If the bill of sale is not available, ownership in doubt procedures from WAC 308-56A-210 apply.

**(3) What if I am unable to locate a record of my vehicle in any jurisdiction?** If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record of your vehicle, you may follow ownership in doubt procedures in WAC 308-56A-210.

**(4) What ~~((ownership documents are))~~ is required to title a vehicle from a titling jurisdiction ~~((which))~~ that has refused to issue a title document for a specific vehicle?**

If the jurisdiction has refused to issue title, Washington ~~((will))~~ may require the customer to comply with ownership in doubt procedures from WAC 308-56A-210. In those cases where a title was refused for reasons not applicable to Washington, the department may consider issuing a title with the appropriate documentation.

~~((4))~~ **(5) What ~~((additional))~~ documentation is required in addition to the ownership document if my vehicle is from a foreign country?** In addition to the ownership document, the application for certificate of ownership must be accompanied by:

(a) An approved United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country. Applications for certificate of ownership for vehicles imported from Puerto Rico need not be accompanied by a customs document;

(b) An English translation for any document provided which is not in the English language. The translator shall provide a notarized/certified affidavit attesting to the accuracy of the translation;

(c) A release of interest from the owners shown on the ownership documents, as provided in WAC 308-56A-210, if the applicant is not the owner shown ~~((; and~~

~~((d) The current valid ownership document.~~

~~((5) What if my vehicle does not pass the EPA?~~

~~If the vehicle does not conform with all applicable federal motor vehicle safety standards or federal air pollution control regulations, and the United States Customs Service will not issue a custom document, the department will not issue a certificate of ownership or registration for the vehicle.~~

~~((6) What if there is no indication that my vehicle is from a nontitle or nonregistration jurisdiction, and no other jurisdiction has a record of my vehicle?~~

~~If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record for your vehicle, you need to follow ownership in doubt procedures in WAC 308-56A-210).~~

**AMENDATORY SECTION** (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

**WAC 308-56A-150 Certificate of vehicle inspection.**

**(1) When is a certificate of vehicle inspection required?** A certificate of vehicle inspection, signed by an authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent ~~((; for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing));~~

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

(e) ~~((A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;~~

(~~f~~)) A kit vehicle not previously titled as such (if no vehicle identification number previously assigned);

~~((g))~~ (f) A street rod not previously titled as such;

~~((h))~~ (g) A glider kit not previously titled as such;

~~((i))~~ (h) Questionable as to ownership;

~~((j))~~ (i) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

~~((k))~~ (j) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) ~~((What))~~ **Is there a fee ((is)) charged for a Washington state patrol VIN inspection?** The VIN inspection fee is ~~((fifty dollars as))~~ authorized by chapter 46.12 RCW unless:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other ~~((competent inspecting agencies))~~ entities or individuals designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) Thirty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With structural change in, or modification of, body or frame changing the class designation or body type;

(v) Referred for inspection for any reason not listed.

(b) Sixty days for vehicles:

(i) From a foreign jurisdiction;

(ii) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.

(c) One year for vehicles required to be inspected under subsection (1)(a) through (k) of this section and held for sale by a licensed dealer.

(5) **Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid in states other than ((in)) Washington ((state))?** In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.

~~((6))~~ Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001?

The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is not stolen. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.))

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

**WAC 308-56A-210 Ownership in doubt.** (1) **What does an applicant do ((if they are unable to provide)) when an acceptable release of interest as defined in WAC ((308-56A-105 from the owner(s) of record for a vehicle)) 308-56A-265 is not available?**

When an applicant is unable to provide an acceptable release of interest, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. Such judgment is required if ownership of the vehicle is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is ~~((unnecessary))~~ unavailable as described in (a) of this subsection. The applicant ~~((shall))~~ **must**:

(i) Provide evidence of ownership of the vehicle such as, but not limited to, a bill of sale;

(ii) Obtain a Washington state patrol VIN inspection;

(iii) Make a reasonable effort to determine ownership of the vehicle by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vehicle may request the name and address of the owner(s) of record for that vehicle from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vehicle.

(A) If a record is found, the applicant ~~((shall))~~ **must** send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter ~~((shall))~~ **must** contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If ~~((no record is found, or))~~ the previous owner ~~((did))~~ **does** not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant ~~((shall))~~ **must** provide ~~((an))~~ **the form titled Affidavit of Request for Bonded Title or Registration without Title ((form))**, explaining how the vehicle was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration without Title.

(iv) Determine whether to bond the vehicle and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vehicle is a Washington state vehicle dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record ~~((as)) found ((in (b)(i) of this subsection))~~. A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vehicle as determined by one of the following:

(A) Information provided by any guide book or other publication of recognized standing in the vehicle industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

**(2) If I have a bonded certificate of ownership, how can I get a certificate of ownership without the bonded notation?**

In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

**(3) If I have a three-year registration only, how can I obtain a certificate of ownership?**

In order to ~~((get))~~ receive a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

**(4) ~~((Can))~~ May I sell ~~((the))~~ a vehicle ~~((when there is))~~ with a bonded certificate of ownership or ~~((has))~~ a three-year registration only?**

Yes. A bonded certificate of ownership may be released and provided to the buyer the same as any other certificate of ownership. The Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. If there is a registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section ~~((or shall apply to the department for ownership in doubt as described in subsection (1)(b) of this section and complete))~~ or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

**WAC 308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned. Who is responsible for removal, storage, and disposal fees if a vehicle has been reported stolen after it was reported sold, and is subsequently abandoned?**

If a report of sale has been properly filed with the department prior to the date the vehicle was reported stolen, the purchaser shown on that report of sale ~~((shall))~~ will be responsible for removal, storage, and disposal fees. If a report of sale has not been properly filed, the registered owner on the department records remains liable.

### WSR 03-01-015

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed December 5, 2002, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-006.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses.

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 46.01.110, 46.16.335, 46.16.276 [46.16.276], 46.12.070.

Summary: Amending WAC 308-96A-074 Antique vehicle—Collector vehicle license plates, 308-96A-314 Disabled person special license plates—Individual, 308-96A-316 Permanent placard and disabled person special license plates for organizations, and 308-96A-550 Vehicle special collegiate license plates.

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: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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.

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Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on January 29, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez, 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 January 22, 2003.

Date of Intended Adoption: February 19, 2003.

December 5, 2002

D. McCurley, Administrator  
Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

**WAC 308-96A-074 Antique vehicle—Collector vehicle license plates.** (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle(=)". The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the

second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

**AMENDATORY SECTION** (Amending WSR 02-04-002, filed 1/23/02, effective 2/23/02)

**WAC 308-96A-314 Disabled person special license plates—Individual.** (1) **Where can I obtain a disabled person special license plate and identification card?**

You may apply for a disabled person special license plate at most Washington vehicle licensing offices. You will receive the identification card and disabled person special license plates in the mail.

(2) **How do I obtain disabled person special license plates?**

To receive disabled person special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) You must be certified by a licensed physician as having a permanent disability or have a permanent disabled person parking privilege established with the department.

(3) **When do the disabled person special license plates and identification card expire?**

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

(4) **When are the disabled person special license plates no longer valid?**

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the disabled person;
- (d) If the disability no longer exists;
- (e) The disabled person special license plates have been ~~(cancelled)~~ cancelled by department administrative action;
- (f) If the privilege was issued in error; or
- (g) If the disabled person is no longer shown on the department's record as being a registered owner of the vehicle.

**(5) How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

You shall complete and sign a statement explaining what happened to the disabled person special license plate(s) and pay replacement plate fees. Replacement special disabled person license plates will be issued indicating the current expiration date. ~~((This voids the previously issued plates.))~~

**(6) When I am required to replace my disabled person special license plate(s), will I receive the same number/letter combination?** Yes. Upon request you will receive replacement disabled person parking special license plate(s) with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

**AMENDATORY SECTION** (Amending WSR 02-04-002, filed 1/23/02, effective 2/23/02)

**WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) When can a qualifying organization use disabled person special license plates or special disabled person parking placards?**

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

**(2) How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?**

The organization must:

(a) Meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent disabled person parking placard or disabled person special license plate to the department by April 30th each year.

**(3) How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?**

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

**(4) What may a qualifying organization receive when approved for disabled person parking privileges?**

(a) Disabled person special license plates may be issued for vehicles registered to the organization which regularly transport persons who have qualified or would qualify for disability parking privilege; or

(b) Disabled person parking placard(s) which may be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disability parking privilege.

An organization may receive up to ninety-nine placards based on their legitimate business requirements. The department may approve exceptions.

**(5) Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?**

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at a Washington vehicle licensing office.

**(6) Is a qualifying organization issued an identification card?**

No. An identification card will not be issued for an organization.

**(7) When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?**

The permanent disabled person parking placard(s) expires five years from the date of issuance. On the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2003, it expires May 31, 2003.

**(8) When are the disabled person special license plates issued to a qualifying organization no longer valid?**

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting disabled persons;

(d) The disabled person special license plates have been ~~((cancelled))~~ canceled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is ~~((cancelled))~~ canceled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report.

**(9) How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates and pay replacement fees. Replacement permanent disabled person parking placards or disabled person special license plates will be issued indicating the current expiration date. This voids the previously issued permanent placards or plates.

**(10) When I am required to replace my disabled person special license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement disabled person parking special license plates with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

**(11) How does a qualifying organization renew their permanent disabled person parking placard?**

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the

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completed and signed renewal notice or a new application may be submitted in lieu of the renewal notice. Upon approval of the properly completed and signed renewal notice or application the department will issue new placards.

**((++)) (12) When are the disabled person parking placards, issued to qualifying organizations, no longer valid?**

Disabled persons parking placards are no longer valid when:

- (a) The organization no longer qualifies;
- (b) The organization's business license is canceled or expires;
- (c) The placard was issued in error;
- (d) A replacement has been issued; or
- (e) If the organization fails to return the annual report.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

**WAC 308-96A-550 Vehicle special collegiate license plates.** (1) **What are the criteria for establishing collegiate license plates?** The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

- (a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.
- (b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.
- (c) The plate series will not conflict with existing license plates.
- (d) The plate design must provide at least four positions to accommodate serial numbering.
- (e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.
- (f) The plate must be designed so that it can be easily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to obtain the same collegiate license plate number if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270. ~~((New collegiate license plates will be issued bearing the next available license plate number.))~~

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

**(8) When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination? Yes. If you request, you will receive replacement collegiate license plates with the same number/letter combination as shown on the vehicle computer record.**

Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

**WSR 03-01-019  
PROPOSED RULES  
HORSE RACING COMMISSION**  
[Filed December 5, 2002, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-027 and 02-13-024.

Title of Rule: WAC 260-70-650 Furosemide (Salix), 260-70-660 Bleeder list, and 260-70-700 Penalties relating to permitted medication, to adopt the association of racing commissioners international model policy on the use of Furosemide, brand name Salix.

Statutory Authority for Adoption: RCW 67.16.020.

Summary: Adoption of international model policy.

Name of Agency Personnel Responsible for Drafting: Robert Lopez, Olympia, Washington, (360) 459-6462;



Implementation and Enforcement: Robert Leichner, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of the association of racing commissioners international model policy on the use of Furosemide (Salix) to reduce the effects of exercise induced pulmonary hemorrhage in race horses.

Proposal Changes the Following Existing Rules: Amends WAC 260-70-650 and 260-70-660 to comply with the model policy; and amends WAC 260-70-700 to remove the registered medication trade names Lasix and Salix.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not impose any costs upon businesses in the horse racing industry.

RCW 34.05.328 does not apply to this rule adoption. The rule is not subject to this section under RCW 34.05.328 (5)(a).

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, (253) 931-3041, on February 13, 2003, at 1:00 p.m.

Submit Written Comments to: Robert Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way #209, Olympia, WA 98516-5578, (360) 459-6461, by February 12, 2003.

Date of Intended Adoption: February 13, 2003.

November 15, 2002

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending WSR 02-10-102, filed 4/30/02)

**WAC 260-70-650 Furosemide ((Salix)).** (1) Furosemide ((Salix)) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide ((Salix)) shall be permitted only after the official veterinarian has placed the horse on the ~~((bleeder))~~ furosemide ((Salix)) list.

(2) The use of furosemide ((Salix)) shall be permitted under the following circumstances:

(a) Furosemide ((Salix)) shall be administered on the grounds of the association, by a singular intravenous injection, ((no less than four hours)) prior to post time for the race for which the horse is entered.

(b) The furosemide ((Salix)) dosage administered shall not exceed 500 mg. ~~((not be less than 150 mg.))~~

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The racetrack name, the date and time the furosemide ~~((Salix))~~ was administered to the entered horse;

(ii) The dosage amount of furosemide ~~((Salix))~~ administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide ~~((Salix))~~.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide ~~((Salix))~~ in accordance with these rules may result in the horse being scratched from the race by the stewards.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The 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 96-01-001 [96-10-001], filed 4/17/96)

**WAC 260-70-660 ~~((Bleeder)) Furosemide list.~~** (1)(a)

The official veterinarian shall maintain a ~~((bleeder))~~ furosemide list of all horses eligible to race with furosemide. ~~((which have demonstrated external evidence of exercise induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination must have been performed by or in the presence of a licensed veterinarian and endorsed by the official veterinarian, or performed by an official veterinarian.))~~ The list is a statewide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission designee, observing proper time deadlines to ensure public notification.

(c) If the commission so orders, horses placed on the ~~((bleeder))~~ furosemide list shall be assigned to a pre-race security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the official veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blow-outs or warm-up heats. If the horse on the ~~((bleeder))~~ furosemide list is assigned as a detention stall its regular stall, that stall shall be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner. Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the ~~((bleeder))~~ furosemide list who are entered to race that day or night.

(2) The confirmation of a ~~((bleeder))~~ horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the ~~((bleeder))~~ furosemide

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list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's (~~(bleeder)~~) furosemide certification shall be affixed to the horse's certificate of registration.

(3) Every (~~(confirmed bleeder)~~) horse eligible to race with furosemide regardless of age, shall be placed on the (~~(bleeder)~~) furosemide list.

(4) (~~(A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal.)~~) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit a written request to remove the horse from the list. The request must be on forms prescribed by the commission and must be submitted to the commission designee no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of 30 calendar days unless determined to be detrimental to the welfare of the horse, in consultation with the commission designee.

(5) A horse that has been placed on a bleeder or furosemide list in another jurisdiction may be placed on (~~(a bleeder)~~) the furosemide list in this jurisdiction, (~~(provided that the other jurisdiction's criteria for the identification of bleeders are satisfactory in this jurisdiction.)~~)

(6) The specific gravity of post-race urine samples shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum shall then be performed, with concentrations above 100 nanograms of furosemide per milliliter of serum or plasma a violation.

(7) A horse that has been administered furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 00-07-042, filed 3/6/00)

**WAC 260-70-700 Penalties relating to permitted medication.** (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclufenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

- (a) For a first offense within a 365 day period, a fine of \$300;
- (b) For a second offense within a 365 day period, \$750;
- (c) For a third offense within a 365 day period, a fine of \$1,000 with a 15 to 60 day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse show the presence of furosemide (~~(Lasix®)~~) without permission from the official veterinarian, the stewards or commission shall treat the violation as a Class (~~(4)~~) 5 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 03-01-038**  
**PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed December 9, 2002, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-21-087.

Title of Rule: WAC 139-05-210 Basic law enforcement equivalency certification and 139-05-820 Basic reserve equivalency certification.

Purpose: Restructure text.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposals also listed on the agency website.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sharon M. Tolton, Burien, (206) 835-7372.

Name of Proponent: Criminal Justice Training Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The original wording states that the vote will be "approved by a majority of the law enforcement representatives within the commission membership." The proposed change will allow all commission membership votes to count.

Proposal Changes the Following Existing Rules: To allow all commission membership votes to count.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on March 12, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by March 10, 2003, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by March 10, 2003.

Date of Intended Adoption: March 12, 2003.

December 6, 2002

Sharon M. Tolton

Deputy Director

**AMENDATORY SECTION** (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

**WAC 139-05-210 Basic law enforcement equivalency certification.** (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time, commissioned enforcement officers who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of ~~((the law enforcement representatives within))~~ the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency academy which is conducted within the initial sixty days of the employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved

if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notation upon the hiring notification submitted to the commission for such officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

(a) A copy of applicant's current and valid Washington state driver's license;

(b) A copy of applicant's current and valid basic first-aid card;

(c) A statement of applicant's health and physical condition by an examining physician;

(d) A record of applicant's firearms qualification;

(e) A liability release agreement by the applicant; and

(f) A criminal records check regarding such applicant.

(7) If such training has not been completed previously, the applicant shall be required to complete the commission's forty hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the commission shall:

(a) Issue a certificate of equivalent basic training;

(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require; or

(c) Require completion of the basic law enforcement academy.

(9) Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

(10) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

**AMENDATORY SECTION** (Amending WSR 02-02-004, filed 12/20/01, effective 1/20/02)

**WAC 139-05-820 Basic reserve equivalency certification.** (1) a certificate of equivalency basic reserve training shall be issued only to applicants who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic reserve equivalency academy. A certificate of equivalency basic reserve training shall be

recognized in the same manner as the certificate of completion of the basic reserve academy.

(2) Eligibility for participation in the basic reserve equivalency process shall be limited to reserve commissioned law enforcement officers who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training, or any federal training program not otherwise approved by a majority of ~~((the law enforcement representatives within))~~ the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic reserve training shall be effected within, and limited to, the first available session of a basic reserve academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic reserve equivalency academy which is conducted within the initial sixty days of employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic reserve equivalency not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic reserve equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notification upon the hiring of the officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic reserve training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation with such process.

### WSR 03-01-047

#### PROPOSED RULES

#### LOTTERY COMMISSION

[Filed December 10, 2002, 1:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-21-024.

Title of Rule: WAC 315-04-065 Promotional license.

Purpose: To provide for the issuance of a retailer license for a limited promotional period.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: WAC 315-04-065 will set for [forth] the requirements to permit the director to issue a retailer license for a limited promotional period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Anthony S. Molica, Director, Olympia, (360) 664-4800.

Name of Proponent: [Lottery Commission,] governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rule specifies that the director may establish criteria for licensing retailers to sell lottery tickets for a limited promotional period. The director may take into consideration the duration of the promotion and the variety and quantity of the tickets to be sold by the retailer.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not because the rules impose no more than minor, if any, costs on businesses and have negligible impact on the conduct of businesses.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Department of Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on March 20, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Candace Martin by March 13, 2003, TDD (360) 586-0933 or (360) 664-4831.

Submit Written Comments to: Candace Martin, Lottery, fax (360) 586-6586, by March 13, 2003.

Date of Intended Adoption: March 27, 2003.

December 9, 2002

Anthony S. Molica

Director

#### NEW SECTION

**WAC 315-04-065 Promotional license.** (1) The director may issue a promotional license for a marketing promotion for a period not exceeding one hundred eighty days for the sale of scratch and/or on-line game tickets.

(2) The director may establish financial and criminal history or other criteria for the issuance of a promotional license based on the duration of the promotion and the variety and quantity of tickets to be sold by the applicant.

(3) The director may waive any license fees or charges in issuing a promotional license and may establish procedures to streamline payments by promotional retailers to the lottery.

(4) Any retailer issued a promotional license must apply for and be issued a provisional/general license as set forth in

chapter 315-04 WAC and lottery policy in order to continue to sell lottery tickets after the expiration of his/her promotional license.

Date of Intended Adoption: No sooner than February 27, 2003.

December 6, 2002  
Merry A. Kogut  
Rules Coordinator

**WSR 03-01-050**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed December 10, 2002, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-16-085.

Title of Rule: Excess compensation.

Purpose: This rule explains how the Department of Retirement Systems (DRS) makes excess compensation determinations under RCW 41.50.150.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.50.150.

Summary: This rule explains how DRS makes excess compensation determinations under RCW 41.50.150.

Reasons Supporting Proposal: This rule is intended to explain to employers how DRS calculates excess compensation. The rule will also codify a long-standing internal DRS process/procedure.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Lucille Christenson, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

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: This rule is intended to explain to employers how DRS calculates excess compensation. The rule will also codify a long-standing internal DRS process/procedure.

Proposal does not change existing rules.

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 February 26, 2003, 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 43830, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on February 26, 2003.

NEW SECTION

**WAC 415-02-140 What is excess compensation and how is it calculated? (1) What is excess compensation?**

Excess compensation refers to certain payments from an employer to an employee, if the payment is used in the calculation of the employee's retirement allowance. If used in the calculation of an employee's retirement allowance, the following payments are excess compensation:

(a) A cash out of unused annual leave in excess of two hundred forty hours;

(b) A cash out of other forms of leave, including sick leave and holiday leave;

(c) A payment for a personal expense, if the payment qualifies as reportable compensation in the employee's own retirement system;

(d) That portion of any payment, such as an overtime or incentive payment, that exceeds twice the employee's regular rate of pay for the period of time that the overtime or incentive payment applies; and

(e) Any termination or severance payment.

**(2) How is the amount of excess compensation calculated?** The department:

(a) Determines the increased amount of retirement benefits related to the excess compensation;

(b) Obtains the actuarial factor based on age for the monthly benefit per one dollar of accumulation to defined benefit plan (see WAC 415-02-340);

(c) Divides the benefit increase due to excess compensation by the actuarial factor; and

(d) Uses the result for the excess compensation billing.

**(3) How does the payment of excess compensation affect employers?** The department will bill an employer for any increase in an employee's retirement benefit resulting from the excess compensation. The employer must pay the present value of the amount by which the employee's pension is increased.

**(4) Examples:**

**(a) Example 1: Excess compensation arising from cash out of sick leave (PERS Plan 1):**

Denise is a 59 year old public employees' retirement system Plan 1 member and retires with thirty years of service. She will be cashing out \$8,000 in sick leave. Denise earned her two highest years of pay during her last two years of employment; therefore, the department will use these years to compute her average final compensation (AFC).

Year 1	-	\$59,000 Salary
Year 2	-	\$61,000 Salary + \$8,000 sick leave cash out

Q: Did Denise receive excess compensation?

A: Yes. Under subsection (1)(b) of this section, the \$8,000 sick leave cash out is excess compensation.

Q: Does the excess compensation increase Denise's retirement allowance?

A: Yes. Denise's retirement allowance increases by \$200/month as shown:

**Without the excess compensation (cash out):**

AFC =  $(\$59,000 + \$61,000)/2 = \$60,000$   
 Retirement allowance =  $2\% \times \$60,000 \times 30 \text{ years} = \$36,000/\text{year}$   
 (\$3,000/month)

**With the excess compensation (cash out):**

AFC =  $(\$59,000 + \$61,000 + \$8,000)/2 = \$64,000$   
 Retirement allowance =  $2\% \times \$64,000 \times 30 \text{ years} = \$38,400/\text{year}$   
 (\$3,200/month)

**Difference in retirement allowances:**

$\$3,200/\text{month} - \$3,000/\text{month} = \$200/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$24,565.50, as shown:

Using an annuity factor of 0.0081415<sup>1</sup>:

$$\frac{\$200/\text{month}}{0.0081415} = \$24,565.50$$

<sup>1</sup>Based on Denise's age of 59. The factor can be found in the table in WAC 415-02-340.

**(b) Example 2: Excess compensation arising from cash out of leave (TRS Plan 1):**

George is a teachers' retirement system Plan 1 member who has 28 years of service and is retiring at age 55 from a school district. The collective bargaining agreement provides two days of personal holiday leave per year and allows for the cash out at retirement of any unused balance of personal holiday leave. Personal leave days are defined as "other forms of leave" under subsection (1)(b) of this section. The following example shows the computation of excess compensation:

Year 1 - \$52,500 Salary  
 Year 2 - \$54,000 Salary + \$900 for four days of personal leave cash out

Q: Did George receive excess compensation?

A: Yes. Under subsection (1)(b) of this section, the \$900 leave cash out is excess compensation.

Q: Does the excess compensation increase George's retirement allowance?

A: Yes. George's retirement allowance increases by \$21/month as shown:

**Without the excess compensation (cash out):**

AFC =  $(\$52,500 + \$54,000)/2 = \$53,250$   
 Retirement allowance =  $2\% \times \$53,250 \times 28 \text{ years} = \$29,820$   
 (\$2,485/month)

**With the excess compensation (cash out):**

AFC =  $(\$52,500 + \$54,000 + \$900)/2 = \$53,700$   
 Retirement allowance =  $2\% \times \$53,700 \times 28 \text{ years} = \$30,072$   
 (\$2,506/month)

**Difference in retirement allowances:**

$\$2,506/\text{month} - \$2,485/\text{month} = \$21/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$2,802.28, as shown:

Using an annuity factor of 0.0074939<sup>2</sup>:

$$\frac{\$21/\text{month}}{0.0074939} = \$2,802.28$$

<sup>2</sup>Based on George's age of 55. The factor can be found in the table in WAC 415-02-340.

**(c) Example 3: Excess compensation from bonus.**

Susan is retiring at age 65 in PERS Plan 2. She worked on a special project in February. Her employer awarded Susan with a bonus for February of \$15,083.33. The department will compute Susan's excess compensation as follows:

Year 1 - \$59,000 Salary  
 Year 2 - \$61,000 Salary + \$15,083.33 bonus for services provided in the month of February.

Q: Is there excess compensation?

A: Yes. There is \$4,916.67 in excess compensation, as shown:

Regular monthly rate:  $\$61,000/12 = \$5,083.33/\text{month}$   
 Twice February's monthly rate:  $2 \times \$5,083.33 = \$10,166.66$   
 Excess compensation:  $\$15,083.33 - \$10,166.66 = \$4,916.67$

Q: Does the excess compensation increase Susan's retirement allowance?

A: Yes. It increases by \$122.91/month, as shown:

**Without excess compensation (portion of bonus):**

AFC =  $(\$59,000 + \$61,000 + \$15,083.33 - \$4,916.67)/2 = \$65,083.33$   
 Retirement allowance =  $2\% \times \$65,083.33 \times 30 \text{ years} = \$39,050/\text{year}$   
 (\$3,254.17/month)

**With the excess compensation (portion of bonus):**

AFC =  $(\$59,000 + \$61,000 + \$15,083.33)/2 = \$67,541.67$   
 Retirement allowance =  $2\% \times \$67,541.67 \times 30 \text{ years} = \$40,525/\text{year}$   
 (\$3,377.08/month)

**Difference in retirement allowances:**

$\$3,377.08/\text{month} - \$3,254.17/\text{month} = \$122.91/\text{month}$

Q: How much must the employer pay to fund the additional retirement costs?

A: The employer must pay \$16,962.93, as shown:

Using an annuity factor of 0.0072458:

$$\frac{\$122.91/\text{month}}{0.0072458} = \$16,962.93$$

PROPOSED

**WSR 03-01-051**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed December 11, 2002, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-051.

Title of Rule: WAC 415-104-299, 415-104-3402, 415-104-385, 415-108-443, 415-108-475, 415-110-443, 415-110-475, 415-112-445, and 415-112-480.

Purpose: WACs in some programs need to be amended to clarify that earnable compensation (or compensation earnable) does not include the amount that an employer pays for health benefits for the member.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapters 41.26, 41.32, 41.35, and 41.40 RCW.

Summary: WACs in some programs will be amended to clarify that earnable compensation (or compensation earnable) does not include the amount that an employer pays for health benefits for the member.

Reasons Supporting Proposal: This issue was raised in an unrelated legal matter related to another state agency.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Lucille Christenson, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

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: WACs in some programs will be amended to clarify that earnable compensation (or compensation earnable) does not include the amount that an employer pays for health benefits for the member.

Proposal Changes the Following Existing Rules: [NISBA].

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, Conference Room 115, Tumwater, WA, on February 26, 2003, 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 February 26, 2003.

Date of Intended Adoption: No sooner than February 27, 2003.

December 6, 2002  
 Merry A. Kogut  
 Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending WSR 99-16-075, filed 8/3/99, effective 9/3/99)

**WAC 415-104-299 Basic salary table.** The following table ~~((is provided as a quick reference guide to help you characterize payments under LEOFF Plan I and LEOFF Plan H))~~ will help you determine whether certain types of payments are basic salary under LEOFF Plan 1 or 2. Be sure to ~~((turn to))~~ read the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it. See WAC 415-104-311 (Plan 1) and WAC 415-104-360 (Plan 2).

Type of Payment	LEOFF ((H)) 1 Basic Salary?	LEOFF ((H)) 2 Basic Salary?
Additional Duty Pay	Yes - WAC 415-104-3205	Yes - WAC 415-104-360
Allowances (i.e. uniform)	No - WAC 415-104-3404	No - WAC 415-104-390
Basic Monthly Rate	Yes - WAC 415-104-3200	Yes - WAC 415-104-360
Cafeteria Plans	No - WAC 415-104-3303	Yes - WAC 415-104-367
Deferred Wages Attached to Position	Yes - WAC 415-104-3201(1)	Yes - WAC 415-104-363(1)
Deferred Wages not attached to a Position	No - WAC 415-104-3306	No - WAC 415-104-363(2)
Disability Payments	No - WAC 415-104-340	No - WAC 415-104-380
Education Attainment Pay	No - WAC 415-104-3301	Yes - WAC 415-104-375
Employer taxes/contributions	No - WAC 415-104-3401	No - WAC 415-104-383
Fringe Benefits, including insurance	No - WAC 415-104-3402	No - WAC 415-104-385
Illegal Payments	No - WAC 415-104-3403	No - WAC 415-104-387
Leave Cash Outs/Severance	No - WAC 415-104-3304	No - WAC 415-104-401
Longevity	Yes - WAC 415-104-311	Yes - WAC 415-104-375
Overtime	No - WAC 415-104-3305	Yes - WAC 415-104-370
Paid Leave	Yes - WAC 415-104-3203	Yes - WAC 415-104-373

PROPOSED

Type of Payment	LEOFF ((F)) 1 Basic Salary?	LEOFF ((H)) 2 Basic Salary?
Payments in Lieu of Excluded Items	No - WAC 415-104-350	No - WAC 415-104-405
Performance Bonuses	No - WAC 415-104-3302	Yes - WAC 415-104-377
Retroactive Salary Increase	Yes - WAC 415-104-3202	Yes - WAC 415-104-365
Reimbursements	No - WAC 415-104-3404	No - WAC 415-104-390
Retirement or Termination Bonuses	No - WAC 415-104-3406	No - WAC 415-104-395
Shift Differential	Yes - WAC 415-104-3204	Yes - WAC 415-104-379
Special Salary or Wages	No - WAC 415-104-330	Yes - WAC 415-104-375
Standby Pay	No - WAC 415-104-3405	No - WAC 415-104-393
Tuition/Fee Reimbursement	No - WAC 415-104-3404	No - WAC 415-104-390
<del>((Worker's))</del> <u>Workers' Compensation</u>	Not Applicable	No - WAC 415-104-380

**AMENDATORY SECTION** (Amending WSR 97-01-016, filed 12/6/96, effective 1/6/97)

**WAC 415-104-3402 Fringe benefits are not LEOFF Plan ((F)) 1 basic salary.** Fringe benefits provided by an employer are not a salary or wage, and therefore do not qualify as basic salary for LEOFF Plan ((F)) 1. Fringe benefits include but are not limited to:

(1) Employer retirement contributions;

(2) Any type of insurance such as medical, dental, or life insurance; ~~((2))~~ and any employer contribution ~~((by an employer))~~ to meet the premium or charge for ~~((such plan or))~~ the insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for members and/or their dependents.

**AMENDATORY SECTION** (Amending WSR 97-01-016, filed 12/6/96, effective 1/6/97)

**WAC 415-104-385 Fringe benefits are not LEOFF Plan ((H)) 2 basic salary.** Fringe benefits provided by an employer are not a salary or wage and therefore do not qual-

ify as basic salary for LEOFF Plan ((H)) 2. Fringe benefits include, but are not limited to:

(1) Employer retirement contributions;

(2) Any type of insurance such as medical, dental or life insurance; ~~((2))~~ and any employer contribution to meet the premium or charge for ~~((such plan or))~~ the insurance; or

(3) Any ~~((payments by the))~~ employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), ~~((except for))~~ with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-367.

**AMENDATORY SECTION** (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

**WAC 415-108-443 PERS reportable compensation table.** The following table will help you determine whether certain types of payments are reportable compensation under PERS Plans 1, 2, or 3. Be sure to read the referenced rule to ensure that you have correctly identified the payment in question. The department determines reportable compensation ~~((earnable))~~ based upon the nature of the payment, not the name applied to it. See WAC 415-108-445.

Type of Payment	PERS 1 Reportable Compensation?	PERS 2 or 3 Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-108-456	No - WAC 415-108-456
Assault Pay (State Emp.)	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Base Rate	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Car Allowances	No - WAC 415-108-485 <sup>1</sup>	No - WAC 415-108-485
Cafeteria Plans	Yes - WAC 415-108-455	Yes - WAC 415-108-455
Deferred Wages	Yes - WAC 415-108-459	Yes - WAC 415-108-459
Disability Payments	No - WAC 415-108-477	No - WAC 415-108-477
Disability: Salary lost while on disability leave	Yes - WAC 415-108-468 RCW 41.40.038	Yes - WAC 415-108-468 RCW 41.40.038
Employer Provided Vehicle	No - WAC 415-108-480 <sup>2</sup>	No - WAC 415-108-480
Employer taxes/contributions	No - WAC 415-108-459	No - WAC 415-108-459
Fringe Benefits, including insurance	No - WAC 415-108-475	No - WAC 415-108-475
Illegal Payments	No - WAC 415-108-482	No - WAC 415-108-482
Legislative Leave	Yes - WAC 415-108-464	Yes - WAC 415-108-464



Type of Payment	PERS 1 Reportable Compensation?	PERS 2 or 3 Reportable Compensation?
Longevity/Education Attainment Pay	Yes - WAC 415-108-451	Yes - WAC 415-108-451
Nonmoney Maintenance	Yes - WAC 415-108-470 <sup>3</sup>	No - WAC 415-108-470
Optional Payments	No - WAC 415-108-483	No - WAC 415-108-483
Payments in Lieu of Excluded Items	No - WAC 415-108-463	No - WAC 415-108-463
Performance Bonuses	Yes - WAC 415-108-453	Yes - WAC 415-108-453

PROPOSED

<sup>1</sup>A portion of the value of an employer car allowance may be reportable((?)). See WAC 415-108-485.

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan ((#)) 1 only((:)). See WAC 415-108-480.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan ((#)) 1 only((:)). See WAC 415-108-470.

Type of Payment	PERS 1 Reportable Compensation?	PERS 2 or 3 Reportable Compensation?
Retroactive Salary Increase	Yes - WAC 415-108-457	Yes - WAC 415-108-457
Reimbursements	No - WAC 415-108-484	No - WAC 415-108-484
Reinstatement Payments	Yes - WAC 415-108-467	Yes - WAC 415-108-467
Retirement or Termination Bonuses	No - WAC 415-108-487	No - WAC 415-108-487
Severance Pay - Earned Over Time	Yes - WAC 415-108-458	No - WAC 415-108-458
Severance Pay - Not Earned Over Time	No - WAC 415-108-488	No - WAC 415-108-488
Shared Leave - State Emp.	Yes - WAC 415-108-468	Yes - WAC 415-108-468
Shared Leave - Local Government Employees	No - WAC 415-108-468	No - WAC 415-108-468
Sick Leave Cash Outs - State Employees	No - WAC 415-108-456	No - WAC 415-108-456
Sick Leave Cash Out - Local Government Employees	Yes - WAC 415-108-456	No - WAC 415-108-456
Standby Pay	Yes - WAC 415-108-469	Yes - WAC 415-108-469
Time Off with Pay	Yes - WAC 415-108-456 WAC 415-108-465	Yes - WAC 415-108-456 WAC 415-108-465
Union Leave <sup>4</sup>	Yes - WAC 415-108-466	Yes - WAC 415-108-466
((Worker's)) Workers' Compensation	No - WAC 415-108-479	No - WAC 415-108-479

<sup>4</sup>Only specific types of union leave are reportable((:)). See WAC 415-108-466.

**AMENDATORY SECTION** (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

**WAC 415-108-475 Fringe benefits.** ((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. These payments are not reportable compensation. Examples of these types of payments are insurance premiums (other

than those made under bona fide cafeteria plans, see WAC 415-108-455) and matching and nonmatching employer contributions to a benefit plan.

**Note:** Mandatory salary deferrals are salary, not benefits. Such payments are reportable see WAC 415-108-459.

PROPOSED

**Example:** ~~An employer makes matching payments to employees who participate in a deferred compensation plan. This is not a mandatory salary deferral for purposes of PERS reportable compensation. Since the employer matching payment (employer match) is made contingent upon employee plan participation, it is not payment for services rendered. Therefore, it is a fringe benefit that is not reportable compensation under PERS.)~~

Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:

- (1) Employer retirement contributions;
- (2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or
- (3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-108-455.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

**WAC 415-110-443 SERS reportable compensation table.** ~~The following table ((is provided as a quick reference guide to help you characterize payments under SERS Plan 2 and SERS Plan 3)) will help you determine whether certain types of payments are reportable compensation under SERS Plan 2 or 3. Be sure to ((turn to)) read the referenced rule to ensure that you have correctly identified the payment in question. The department determines reportable compensation ((earnable)) based upon the nature of the payment, not the name applied to it. See WAC 415-110-445.~~

Type of Payment	SERS Plan 2 and Plan 3 Reportable Compensation?
Annual Leave Cash Outs	No - WAC 415-110-456
Assault Pay	No - WAC 415-110-468
Base Rate	Yes - WAC 415-110-451
Car Allowances	No - WAC 415-110-485
Cafeteria Plans	Yes - WAC 415-110-455
Deferred Wages	Yes - WAC 415-110-459
Disability Payments	No - WAC 415-110-477
Disability Retirees	No - RCW 41.35.440/ RCW 41.35.690 (until requirements are met)
Disability: Salary lost while on disability leave	Yes - WAC 415-110-468 RCW 41.35.070
Employer Provided Vehicle	No - WAC 415-110-480
Employer Contributions	No - WAC 415-110-459
Fringe Benefits, including insurance	No - WAC 415-110-475

Type of Payment	SERS Plan 2 and Plan 3 Reportable Compensation?
Illegal Payments	No - WAC 415-110-482
Legislative Leave	Yes - WAC 415-110-464
Longevity/Education Attainment Pay	Yes - WAC 415-110-451
Nonmoney Maintenance	No - WAC 415-110-470
Optional Payments	No - WAC 415-110-483
Payments in Lieu of Excluded Items	No - WAC 415-110-463
Performance Bonuses	Yes - WAC 415-110-453
Retroactive Salary Increase	Yes - WAC 415-110-457
Reimbursements	No - WAC 415-110-484
Reinstatement Payments	Yes - WAC 415-110-467
Retirement or Termination Bonuses	No - WAC 415-110-487
Severance Pay - Earned Over Time	No - WAC 415-110-458
Severance Pay - Not Earned Over Time	No - WAC 415-110-488
Shared Leave - School/ESD Employees	Yes - WAC 415-110-468
Sick Leave Cash Outs - School/ESD Employees	No - WAC 415-110-456
Standby Pay	Yes - WAC 415-110-469
Time Off With Pay	Yes - WAC 415-110-456 WAC 415-110-465
Union Leave	Yes - WAC 415-110-466 <sup>11</sup>
<del>((Worker's))</del> Workers' Compensation	No - WAC 415-110-479

<sup>11</sup> Only specific types of union leave are reportable. See WAC 415-110-466.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

**WAC 415-110-475 Fringe benefits.** ~~((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-110-455) and matching and nonmatching employer contributions to a benefit plan.~~

**Note:** ~~Mandatory salary deferrals are salary, not benefits. Such payments are reportable, see WAC 415-110-459.~~

**Example:** ~~An employer makes matching payments to employees who participate in a deferred compensation plan. This is not a mandatory salary deferral for purposes of SERS reportable compensation. Since the employer matching pay-~~

~~ment (employer match) is made contingent upon employee plan participation, it is not payment for services rendered. Therefore, it is a fringe benefit that is not reportable compensation under SERS.))~~

Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:

- (1) Employer retirement contributions;
- (2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or
- (3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan,

flexible benefit plan or similar arrangement as described in WAC 415-110-455.

AMENDATORY SECTION (Amending WSR 98-09-059, filed 4/17/98, effective 5/18/98)

**WAC 415-112-445 TRS reportable compensation table.** The following table ~~((is provided as a quick reference guide to help you characterize payments under Plan I, Plan II and Plan III))~~ will help you determine whether certain types of payments are reportable compensation under TRS Plan 1, 2, or 3. Be sure to ~~((turn to))~~ read the referenced rule to ensure that you have correctly identified the payment in question. The department determines ~~((earnable))~~ reportable compensation based upon the nature of the payment, not the name applied to it(;;). See WAC 415-112-450.

PROPOSED

Type of Payment	TRS ((I)) 1 Reportable Compensation?	TRS ((H/H)) 2/3 Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-112-4605	No - WAC 415-112-4605
Base Contract	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Car Allowances	No - WAC 415-112-41301 <sup>1</sup>	No - WAC 415-112-41301
Cafeteria Plans	Yes - WAC 415-112-4604	Yes - WAC 415-112-4604
Deferred Wages	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Disability Payments	No - WAC 415-112-482	No - WAC 415-112-482
Employer Provided Vehicle	No - WAC 415-112-413 <sup>2</sup>	No - WAC 415-112-413
Evening/Summer School	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Extracurricular Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Employer taxes/contributions	No - WAC 415-112-4609	No - WAC 415-112-4609
Fringe Benefits, including insurance	No - WAC 415-112-480	No - WAC 415-112-480
Illegal Payments	No - WAC 415-112-485	No - WAC 415-112-485
Legislative Leave	Yes - WAC 415-112-471	Yes - WAC 415-112-471
Longevity/Education Attainment Pay	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Nonmoney Maintenance	Yes - WAC 415-112-412 <sup>3</sup>	No - WAC 415-112-412
Optional Payments	No - WAC 415-112-487	No - WAC 415-112-487
Payments in Lieu of Excluded Items	No - WAC 415-112-470	No - WAC 415-112-470
Performance Bonuses	Yes - WAC 415-112-4603	Yes - WAC 415-112-4603
Retroactive Salary Increase	Yes - WAC 415-112-4607	Yes - WAC 415-112-4607

<sup>1</sup>A portion of the value of an employer car allowance may be reportable in Plan ((I)) 1 only(;;). See WAC 415-112-41301.

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan ((I)) 1 only(;;). See WAC 415-112-413.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan ((I)) 1 only(;;). See WAC 415-112-412.

Type of Payment	TRS ((I)) 1 Reportable Compensation?	TRS ((H/H)) 2/3 Reportable Compensation?
Reimbursements	No - WAC 415-112-489	No - WAC 415-112-489
Reinstatement Payments	Yes - WAC 415-112-477	Yes - WAC 415-112-477

Type of Payment	TRS ((H)) 1 Reportable Compensation?	TRS ((H/H)) 2/3 Reportable Compensation?
Retirement or Termination Bonuses	No - WAC 415-112-490	No - WAC 415-112-490
Severance Pay - Earned Over Time	Yes - WAC 415-112-4608	No - WAC 415-112-4608
Severance Pay - Not Earned Over Time	No - WAC 415-112-491	No - WAC 415-112-491
Sick Leave Cash Outs	No - WAC 415-112-4605	No - WAC 415-112-4605
Supplemental Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601 <sup>4</sup>
Time Off with Pay	Yes - WAC 415-112-473 WAC 415-112-4605	Yes - WAC 415-112-473 WAC 415-112-4605
Union Leave <sup>5</sup>	Yes - WAC 415-112-475	Yes - WAC 415-112-475
<del>((Worker's))</del> Workers' Compensation	No - WAC 415-112-483	No - WAC 415-112-483

<sup>4</sup> Reportable only if member is employed in an eligible position.

<sup>5</sup> Only specific types of union leave are reportable((;)). See WAC 415-112-475.

**AMENDATORY SECTION** (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

**WAC 415-112-480 Fringe benefits.** ~~((Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-112-4604) and employer retirement contributions.))~~ Fringe benefits provided by an employer are not a salary or wage, and therefore are not reportable compensation. Fringe benefits include, but are not limited to:

- (1) Employer retirement contributions;
- (2) Any type of insurance such as medical, dental or life insurance; and any employer contribution to meet the premium or charge for the insurance; or
- (3) Any employer payments into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), with the exception of compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-112-4604.

**WSR 03-01-062**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed December 11, 2002, 3:53 p.m.]

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

Title of Rule: Amending WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions?

Purpose: Amending this rule is necessary to implement a federal regulation that exempts some able-bodied adults without dependents (ABAWDs) clients from time-limited food assistance benefits. If there is a food assistance household member under the age of eighteen, then all adult household members are exempt from the ABAWD time limits and requirements. Some clients are receiving incorrect food assistance benefits based on the current Washington Administrative Code.

Other Identifying Information: The rule is being proposed without prior filing of CR-101 Preproposal statement of inquiry. A CR-101 notice is not required for "rules adopting or incorporating without material change federal statutes or regulations..." under RCW 34.05.310 (4)(c). The proposed rule adopts without material change language in federal rule 7 C.F.R. 273.24 (c)(4).

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Statute Being Implemented: RCW 74.04.050 and 74.04.510.

Summary: Changing WAC to say that if there is a food assistance household member under age eighteen, then all adult household members are exempt from the ABAWD time limits and requirements, as required by federal rule.

Reasons Supporting Proposal: Some clients are receiving incorrect food assistance benefits based on the current Washington Administrative Code.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stan Carlton, 1009 College Street S.E., Lacey, WA 98504, (360) 413-3028, CarlSW@dshs.wa.gov.

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

PROPOSED

Rule is necessary because of federal law, 7 C.F.R. 273.24.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Other Identifying Information, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: Some clients are currently receiving incorrect food assistance benefits based on the current rule. With the amended rule they will receive correct benefits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal standards contained in 7 C.F.R. 273.24 (c)(4).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on January 22, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 17, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., January 22, 2003.

Date of Intended Adoption: Not earlier than January 23, 2003.

December 9, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-04-006, filed 1/20/00, effective 3/1/00)

**WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions? Some food assistance household members are exempt from ABAWD provisions.** You are exempt from the ABAWD rules provided in WAC 388-444-0030 if you are:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined to be physically or mentally unable to work;
- (3) A ~~((parent or other))~~ member of a household with responsibility for a ~~((dependent child under eighteen years of age or a))~~ person determined to be incapacitated;
- (4) An adult in a household that has a member who is under the age of eighteen, even when the child is an ineligible household member;

(5) Pregnant;

~~((5))~~ (6) Living in an area approved as exempt by U.S. Department of Agriculture;

~~((6))~~ (7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);

~~((7))~~ (8) Applying for or receiving unemployment compensation;

~~((8))~~ (9) Students enrolled at least half time as defined by the institution in:

(a) Any accredited school;

(b) Training program; or

(c) Institution of higher education. A student enrolled in higher education must follow the student criteria defined in chapter 388-482 WAC.

~~((9))~~ (10) Participating in a chemical dependency treatment program;

~~((10))~~ (11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;

~~((11))~~ (12) Eligible for one of the annual federal-approved exemption slots under what is called the fifteen percent exemption rule.

## WSR 03-01-088

### PROPOSED RULES

### PUBLIC DISCLOSURE COMMISSION

[Filed December 16, 2002, 1:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-170.

Title of Rule: Title 390 WAC, rule relating to contribution withholding authorizations.

Purpose: To clarify statutory requirements under RCW 42.17.680.

Other Identifying Information: WAC 390-17-100 Contribution withholding authorizations.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.680.

Summary: The proposed rule changes conform to legislative changes to RCW 42.17.680 and provides direction to employers or other persons responsible for the disbursement of funds as to the prescribed format to be used when authorizing requests for payroll deductions for political contributions.

Reasons Supporting Proposal: The proposed rule amendments will clarify the statutory requirements under RCW 42.17.680 and provide guidance to those entities requesting written authorization for payroll withholding or diversion of wages for political contributions.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes would provide guidance to employers and other persons who request withholding authorization from employees to divert a portion of wages or salary for the purpose of making one or more contributions to a candidate or a political committee.

These proposed rule changes provide direction and clarification to employers, labor organizations, employees and the general public on statutory provisions of RCW 42.17.680.

Proposal Changes the Following Existing Rules: The proposed rule amendments will clarify the statutory requirements and provide guidance on the prescribed form used for contribution withholding authorization as provided in RCW 42.17.680.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rules does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on January 28, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by phone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, dellis@pdc.wa.gov, by January 21, 2003.

Date of Intended Adoption: January 28, 2003.  
December 16, 2002  
Vicki Rippie  
Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-17-100 Contribution withholding authorizations.** (1) ~~((For purposes of RCW 42.17.680(3), all political contribution withholding authorizations existing on or before January 1, 1993, will expire no later than December~~

**Political Contribution Withholding Authorization**

**No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a non-resident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without ~~((annual))~~ written permission from that individual. Completion of this form entitles the entity specified to make such a withholding ~~((for no more than 12 consecutive months))~~. This authorization form remains in effect until revoked in writing by the employee.**

I, \_\_\_\_\_, authorize \_\_\_\_\_  
First Name Middle Initial Last Name Name of Employer or Other Person  
\_\_\_\_\_ to withhold \$ \_\_\_\_\_ per/pay period/week/month/year/  
Amount Circle One

~~31, 1993. Beginning January 1, 1994,))~~ Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington

(a) For the purpose of making one or more contributions to any political committee required to report pursuant to RCW 42.17.040, ~~((42.17.050, 42.17.060 or 42.17.090~~ ~~(+)(k))~~ 42.17.050, 42.17.065, 42.17.080 or 42.17.090, or

(b) For use, specifically designated by the contributing employee, for political contributions to candidates for state or local office is required for (a) and (b) to have on file the written authorization of the individual subject to the payroll withholding or diversion of wages.

(2) Employers may either use the suggested format below or their own form if it provides the following information:

(a) The name of the individual authorizing the withholding or diversion;

(b) The name of the individual's employer;

(c) The name~~((city and state))~~ of each political committee for which contributions are to be withheld;

(d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;

~~(e) ((The date on which the authorized withholdings or diversions are to be effective;~~

~~(f))~~ A statement specifying that the authorization ~~((is not valid for more than 12 months after the effective date))~~ may be revoked at any time and such revocation shall be in writing;

~~((g))~~ (f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee;" or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW 42.17.680(2);

~~((h))~~ (g) The individual's signature; and

~~((i))~~ (h) The date on which the form was completed.

(3) Forms used for payroll deduction may have information in addition to that listed above. ~~((The forms may accommodate annual re-authorization by providing space for the employee's signature and the date of re-authorization is signed, up to three re-authorizations.))~~

PROPOSED

from my earnings in order to make political contributions to

Name(,(-City and State)) of

political committee(s) and/or candidate(s) to receive deductions

If more than one recipient is indicated, each is to receive the following portion of the deduction made:

valid for no more than twelve consecutive months. It is effective on

((This authorization is

Month/Day/Year

and expires on

Month/Day/Year))

Signature:

Date:

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

WSR 03-01-089
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION

[Filed December 16, 2002, 1:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-170.

Title of Rule: Title 390 WAC, rule relating to notifying employees regarding voluntary payroll deductions.

Purpose: To clarify statutory requirements under RCW 42.17.680.

Other Identifying Information: New rule WAC 390-17-110 Notifying employees regarding voluntary payroll deductions.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.680.

Summary: Chapter 156, Laws of 2002, requires annual notification of employees from whom wages or salary are withheld. Annual notification must include the nondiscriminatory provision of RCW 42.17.680(2) and a notification about the right to revoke the authorization for payroll deductions at any time (RCW 42.17.680(3)). The proposed new rule clarifies who sends the notifications of nondiscrimination and revocation to employees, examples of what constitutes written notification, and retention of records.

Reasons Supporting Proposal: The proposed new rule will clarify the statutory requirements under RCW 42.17.680 and provide guidance to those entities required to notify employees who have authorized payroll withholding or diversion of wages for political contributions.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed new rule provides guidance to employers, political committees and candidates on the annual notification provisions required to persons that have a portion of wages or salary withheld for the purpose of making one or more contributions to a candidate or a political committee.

These proposed new rules provide direction and clarification to employers, labor organizations, employees and the general public on statutory provisions of RCW 42.17.680.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on January 28, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by phone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, dellis@pdc.wa.gov, by January 21, 2003.

PROPOSED

Date of Intended Adoption: January 28, 2003.

December 16, 2002

Vicki Rippie

Executive Director

a copy of the annual notification and a listing of employees notified for a period of no less than five years. Copies of such information shall be delivered to the commission upon request.

#### NEW SECTION

**WAC 390-17-110 Employee notification of withholding provisions.** (1)(a) By June 30, 2003, and at least annually by June 30 thereafter, employees from whom funds are being withheld for contributions to a candidate or political committee under RCW 42.17.680 shall be notified, in writing, of the nondiscriminatory provisions of RCW 42.17.680(2). Employee notification shall include the following language:

"No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for:

- (i) The failure to contribute to;
  - (ii) The failure in any way to support or oppose; or
  - (iii) In any way supporting or opposing a candidate, ballot proposition, political party, or political committee."
- (b) The written notification shall be provided by the employer or labor organization. The employer or labor organization may agree on which entity shall send the notification.

(2)(a) Pursuant to RCW 42.17.680(3), by June 30, 2003, and at least annually by June 30 thereafter, each employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries shall ensure written notification is directly provided to the employees from whom funds are being withheld for contributions to a candidate or political committee stating that the employee authorization for withholding of wages or salary for such contributions may be revoked at any time. The authorization withholding form is described in WAC 390-17-100.

(b) The written notification shall identify where an employee can submit the revocation, which shall be either:

- (i) The name and address of employer's contact; or
- (ii) The name and address of the person or entity responsible for the disbursement of funds in payment of wages or salaries.

(c) The employee withholding authorization is revoked as of:

- (i) The date specified in the revocation; or
- (ii) If no date is specified, as of the date the written notification is received by the employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries pursuant to RCW 42.17.680.

(3) "Written notification" means notice provided by mail, e-mail, newsletter, payroll insert or other similar direct communication in writing that is addressed to the employee. Posting information on websites, bulletin boards and other passive communication vehicles shall not constitute notification under RCW 42.17.680. If the written notification appears in a newsletter or similar publication, the notice shall be prominently displayed or announced on the first page of the written communication.

(4) Each employer or other person who provides notice pursuant to subsection (1) or (2) of this section shall maintain

**WSR 03-01-092**  
**WITHDRAWAL OF PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 (By the Code Reviser's Office)  
 [Filed December 17, 2002, 9:30 a.m.]

WAC 139-05-915, proposed by the Criminal Justice Training Commission in WSR 02-12-027 appearing in issue 02-12 of the State Register, which was distributed on June 19, 2002, 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 03-01-093**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (By the Code Reviser's Office)  
 [Filed December 17, 2002, 9:31 a.m.]

WAC 388-530-1380, proposed by the Department of Social and Health Services in WSR 02-12-092 appearing in issue 02-12 of the State Register, which was distributed on June 19, 2002, 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 03-01-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed December 17, 2002, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-099.

Title of Rule: General occupational health standards, chapter 296-62 WAC; Emergency response, chapter 296-824 WAC; Safety and health core rules, chapter 296-800 WAC; Safety standards for firefighters, chapter 296-305 WAC; Recordkeeping and reporting, chapter 296-27 WAC; and Occupational exposure to bloodborne pathogens, chapter 296-823 WAC.



**Purpose:** The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will move all bloodborne pathogen requirements relating to nonagricultural industries from WAC 296-62-08001 and place them in chapter 296-823 WAC, Occupational exposure to bloodborne pathogens. The requirements in WAC 296-62-08001 will remain and apply only to agriculture. There will be no increase in requirements.

**Other Identifying Information:** The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will place all bloodborne pathogen requirements (WAC 296-62-08001) into one chapter (chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). There is no increase in requirements.

This rule making is part of an initiative by the department to revise all safety and health rules.

#### AMENDED SECTIONS:

### Chapter 296-62 WAC

#### General Occupational Health Standards

#### WAC 296-62-08001 Bloodborne pathogens.

The requirements from this section are moved to chapter 296-823 WAC, Occupational exposure to bloodborne pathogens. A note is added to clarify that the requirements in this WAC section apply only to agriculture.

### Chapter 296-27 WAC

#### Recordkeeping and Reporting

#### WAC 296-27-01109 Recording criteria for needlestick and sharps injuries.

Correct a reference.

### Chapter 296-305 WAC

#### Safety Standards for Fire Fighters

#### WAC 296-305-01515 First-aid training and certification.

Correct a reference.

### Chapter 296-800 WAC

#### Safety and Health Core Rules

#### WAC 296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid.

Correct a reference.

### Chapter 296-824 WAC

#### Emergency Response

#### WAC 296-824-50030 Provide rescue and medical assistance.

Correct a reference.

#### NEW SECTIONS:

The following WAC section requirements were moved from WAC 296-62-08001 Bloodborne pathogens, to the specific WAC section following.

### Chapter 296-823 WAC

#### Occupational Exposure to Bloodborne Pathogens

WAC 296-823-100 Scope, 296-823-11005 Determine if you have employees with occupational exposure, 296-823-11010 Develop and implement a written exposure control plan, 296-823-12005 Use precautions and controls to minimize or eliminate exposure, 296-823-13005 Provide and make sure that personal protective equipment is used when there is occupational exposure, 296-823-13010 Make sure gloves are worn, 296-823-13015 Make sure masks, eye protection, and face shields are worn, 296-823-13020 Wear appropriate protective clothing, 296-823-13025 Make resuscitator devices available, 296-823-13030 Maintain personal protective equipment, 296-823-14005 Provide training to your employees, 296-823-14010 Provide additional training, 296-823-14015 Maintain training records, 296-823-15005 Make the hepatitis B vaccination available to employees, 296-823-15010 Obtain a copy of the evaluating healthcare professional's opinion, 296-823-16005 Make sure items are appropriately labeled, 296-823-16010 Make sure employees wash their hands, 296-823-16015 Prohibit food, drink and other personal practices in the work area, 296-823-16020 Prohibit pipetting or suctioning by mouth, 296-823-16025 Place specimens in an appropriate container, 296-823-16030 Examine and label contaminated equipment, 296-823-16035 Make sure your worksite is maintained in a clean and sanitary condition, 296-823-16040 Handle infectious-regulated waste properly and safely, 296-823-16045 Handle contaminated laundry safely, 296-823-17005 Provide post-exposure evaluation and follow-up for exposure incidents, 296-823-17010 Test the blood of the source person, 296-823-17015 Provide the results of the source person's blood test to the exposed employee, 296-823-17020 Collect and test the blood of the exposed employee, 296-823-17025 Provide information to the healthcare professional evaluating the employee, 296-823-17030 Provide a copy of the healthcare professional's written opinion to the employee, 296-823-18005 Establish and maintain medical records, 296-823-18010 Record contaminated sharps injuries on the OSHA 300 log, 296-823-18015 Make records available to the department, 296-823-19005 Prepare, review and update a biosafety manual, 296-823-19010 Follow these special practices for the work area, 296-823-19015 Make sure these practices for contaminated material and waste are followed, 296-823-19020 Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed, 296-823-19025 Protect vacuum lines, 296-823-19030 Use and handle hypodermic needles and syringes appropriately and safely, 296-823-19035 Handle all spills and accidents properly, 296-823-19040 Post signs, 296-823-19045 Provide additional training for employees, 296-823-19050 Furnish a sink for washing hands and a readily available eye wash facility, 296-823-19055 Make sure these additional criteria are followed, and 296-823-200 Definitions.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will move all bloodborne pathogen requirements relating to nonagricultural industries from WAC 296-62-08001 and place them in chapter 296-823 WAC, Occupational exposure to bloodborne pathogens. The requirements in WAC 296-62-08001 will remain and apply only to agriculture. There will be no increase in requirements.

Reasons Supporting Proposal: The rule making will make this rule easier to read, understand and more usable for employers.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will move all bloodborne pathogen requirements relating to nonagricultural industries from WAC 296-62-08001 and place them in chapter 296-823 WAC, Occupational exposure to bloodborne pathogens. The requirements in WAC 296-62-08001 will remain and apply only to agriculture. There will be no increase in requirements.

Proposal Changes the Following Existing Rules: The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will move all bloodborne pathogen requirements relating to nonagricultural industries from WAC 296-62-08001 and place them in chapter 296-823 WAC, Occupational exposure to bloodborne pathogens. The requirements in WAC 296-62-08001 will remain and apply only to agriculture. There will be no increase in requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department considered whether these proposed rules are subject to the Regulatory Fairness Act and determined that they do not require a small business economic impact statement because the proposed changes are exempt by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries, Rooms S117 and S118, 7273 Linderson Way S.E., Olympia, WA, on January 27, 2003, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by January 20, 2003, at (360) 902-5484.

Submit Written Comments to: Christine Swanson, Project Manager, P.O. Box 44620, Olympia, WA 98504-

4620, e-mail copc235@lni.wa.gov, fax (360) 902-5529, by February 10, 2003.

Date of Intended Adoption: April 3, 2003.

December 17, 2002

Gary Moore  
Director

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

**WAC 296-27-01109 Recording criteria for needlestick and sharps injuries.** (1) Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by ~~((WAC 296-62-08001))~~ chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in WAC 296-27-01119).

(2) Implementation.

(a) **What does "other potentially infectious materials" mean?** The term "other potentially infectious materials" is defined in the bloodborne pathogens portion of Part J (Biological Agents) of chapter 296-62 WAC, General occupational health standards. These materials include:

- The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

- Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

- HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

(b) **Does this mean that I must record all cuts, lacerations, punctures, and scratches?** No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in WAC 296-27-01107.

(c) **If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 Log?** Yes, you must update the classification of the case on the OSHA 300 Log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.

(d) **What if one of my employees is splashed or exposed to blood or other potentially infectious material**

**without being cut or scratched? Do I need to record this incident?** You need to record such an incident on the OSHA 300 Log as an illness if:

- (i) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or
- (ii) It meets one or more of the recording criteria in WAC 296-27-01107.

**AMENDATORY SECTION** (Amending WSR 01-13-078, filed 6/19/01, effective 8/6/01)

**WAC 296-62-08001 Bloodborne pathogens.**

**Note:** The requirements in this section apply only to agriculture. The general industry requirements relating to bloodborne pathogen requirements have been moved to chapter 296-823 WAC.

(1) Scope and application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by subsection (2) of this section.

(2) Definitions. For purposes of this section, the following shall apply:

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

"Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

"Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the director of the Washington state department of labor and industries; the state designee for the Washington state plan.

"Engineering controls" means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure incident" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed healthcare professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Needleless systems" means a device that does not use needles for:

- The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;
- The administration of medication or fluids; or
- Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other potentially infectious materials" means:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal protective equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Sharps with engineered sharps injury protections" means a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

"Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal precautions" are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(3) Exposure control.

(a) Exposure control plan.

(i) Each employer having an employee(s) with occupational exposure as defined by subsection (2) of this section shall establish a written exposure control plan designed to eliminate or minimize employee exposure.

(ii) The exposure control plan shall contain at least the following elements:

(A) The exposure determination required by (b) of this subsection;

(B) The schedule and method of implementation for subsection (4) of this section, Methods of compliance; subsection (5) of this section, HIV and HBV research laboratories and production facilities; subsection (6) of this section, Hepatitis B vaccination and post-exposure evaluation and follow-up; subsection (7) of this section, Communication of hazards to employees; and subsection (8) of this section, Recordkeeping; and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (6)(c)(i) of this section.

(iii) Each employer shall ensure that a copy of the exposure control plan is accessible to employees in accordance with WAC 296-62-05209.

(iv) The exposure control plan shall be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure. The review and update of such plans shall also:

(A) Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

(B) Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

(v) An employer, who is required to establish an exposure control plan shall solicit input from nonmanagerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the exposure control plan.

(b) Exposure determination.

(i) Each employer who has an employee(s) with occupational exposure as defined by subsection (2) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

(A) A list of all job classifications in which all employees in those job classifications have occupational exposure;

(B) A list of job classifications in which some employees have occupational exposure; and

(C) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are preformed by employees in job classifications listed in accordance with the provisions of (b)(i)(B) of this subsection.

(ii) This exposure determination shall be made without regard to the use of personal protective equipment.

(4) Methods of compliance.

(a) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

(b) Engineering and work practice controls.

(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

(iii) Employers shall provide handwashing facilities which are readily accessible to employees.

(iv) When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

(vii) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as

noted in (b)(vii)(A) and (B) of this subsection. Shearing or breaking of contaminated needles is prohibited.

(A) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure.

(B) Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

(viii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

(A) Puncture resistant;

(B) Labeled or color-coded in accordance with this standard;

(C) Leakproof on the sides and bottom; and

(D) In accordance with the requirements set forth in (d)(ii)(E) of this subsection for reusable sharps.

(ix) Eating, drinking, smoking, applying cosmetics, or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

(x) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

(xi) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

(xii) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

(xiii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to subsection (7)(a)(i) of this section and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with subsection (7)(a)(i) of this section is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is punctured-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontami-

nated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

(A) A readily observable label in accordance with subsection (7)(a)(i)(H) of this section shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(c) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or the co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, laundering, and disposal. The employer shall clean, launder, and dispose of personal protective equipment required by subsections (4) and (5) of this section, at no cost to the employee.

(v) Repair and replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact

with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures except as specified in (c)(ix)(D) of this subsection; and when handling or touching contaminated items or surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(I) Periodically reevaluate this policy;

(II) Make gloves available to all employees who wish to use them for phlebotomy;

(III) Not discourage the use of gloves for phlebotomy; and

(IV) Require that gloves be used for phlebotomy in the following circumstances:

—When the employee has cuts, scratches, or other breaks in his or her skin;

—When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

—When the employee is receiving training in phlebotomy.

(x) Masks, eye protection, and face shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) Gowns, aprons, and other protective body clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(d) Housekeeping.

(i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the workshift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) Regulated waste.

(A) Contaminated sharps discarding and containment.

(I) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

—Closable;

—Puncture resistant;

—Leakproof on sides and bottom; and

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(II) During use, containers for contaminated sharps shall be:

—Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

—Maintained upright throughout use; and

—Replaced routinely and not be allowed to overfill.

(III) When moving containers of contaminated sharps from the area of use, the containers shall be:

—Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

—Placed in a secondary container if leakage is possible. The second container shall be:

• Closable;

• Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and

• Labeled or color-coded according to subsection (7)(a)(i) of this section.

(IV) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other regulated waste containment.

(I) Regulated waste shall be placed in containers which are:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(II) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states and territories, and political subdivisions of states and territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(I) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(II) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with subsection (7)(a)(i) of this section. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

(III) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(5) HIV and HBV research laboratories and production facilities.

(a) This subsection applies to research laboratories and production facilities engaged in the culture, production, con-

centration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(b) Research laboratories and production facilities shall meet the following criteria:

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled, or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with subsection (7)(a)(ii) of this section.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A

needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(c) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eyewash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(d) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors, and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

(e) Training requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in subsection (7)(b)(ix) of this section.

(6) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(a) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place, except as specified by this subsection (6).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(b) Hepatitis B vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in subsection (7)(b)(vii)(I) of this section and within ten working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a pre-screening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in WAC 296-62-08050, appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the United States Public Health Service at a future date, such booster dose(s) shall be made available in accordance with (a)(ii) of this subsection.



(c) Post-exposure evaluation and follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(d) Information provided to the healthcare professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(e) Healthcare professional's written opinion. The employer shall obtain and provide the employee with a copy

of the evaluating healthcare professional's written opinion within fifteen days of the completion of the evaluation.

(i) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(f) Medical recordkeeping. Medical records required by this standard shall be maintained in accordance with subsection (8)(a) of this section.

(7) Communication of hazards to employees.

(a) Labels and signs.

(i) Labels.

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in (a)(i)(E), (F), and (G) of this subsection.

(B) Labels required by this section shall include the following legend:



BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

(D) Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of subsection (7) of this section.

(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this subitem and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) Signs.

(A) The employer shall post signs at the entrance to work areas specified in subsection (5) of this section, entitled HIV and HBV research laboratory and production facilities, which shall bear the following legend:



BIOHAZARD

(Name of the Infectious Agent)

(Special requirements for entering the area)

(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

(b) Information and training.

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within ninety days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on blood-borne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by (a) of this subsection; and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional initial training for employees in HIV and HBV laboratories and production facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements:

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

(8) Recordkeeping.

(a) Medical records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by subsection (6)(b) of this section;

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by subsection (6)(c) of this section;

(D) The employer's copy of the healthcare professional's written opinion as required by subsection (6)(e) of this section; and

(E) A copy of the information provided to the healthcare professional as required by subsection (6)(d)(ii)(B), (C), and (D) of this section.

(iii) Confidentiality. The employer shall ensure that employee medical records required by (a) of this subsection are:

(A) Kept confidential; and

(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by subsection (8) of this section for at least the duration of employment plus thirty years in accordance with WAC 296-62-052.

(b) Training records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for three years from the date on which the training occurred.

(c) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee training records required by this section shall be provided upon request for examination and copying

to employees, to employee representatives, and to the director.

(iii) Employee medical records required by this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-052.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to their disposal and transmit them to the director, if required by the director to do so, within that three-month period.

(e) Sharps injury log.

(i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

(A) The type and brand of device involved in the incident;

(B) The department or work area where the exposure incident occurred; and

(C) An explanation of how the incident occurred.

(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under chapter 296-27 WAC, Recordkeeping and recording.

(iii) The sharps injury log shall be maintained for the period required by WAC 296-27-070, Retention of records.

(9) Dates.

(a) Effective date. The standard shall become effective on May 26, 1992.

(b) The exposure control plan required by subsection (3) of this section shall be completed on or before June 26, 1992.

(c) Subsection (7)(b) of this section, entitled Information and training; and subsection (7)(h) of this section, entitled Recordkeeping; shall take effect on or before July 27, 1992.

(d) Subsection (4)(b) of this section, entitled Engineering and work practice controls; subsection (4)(c) of this section, entitled Personal protective equipment; subsection (4)(d) of this section, entitled Housekeeping; subsection (5) of this section, entitled HIV and HBV research laboratories and production facilities; subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up; and subsection (7)(a) of this section, entitled Labels and signs; shall take effect August 27, 1992.

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-305-01515 First-aid training and certification.** (1) All fire fighters except directors of fire departments and the directors' designated personnel, shall have as a minimum first-aid training as evidenced by a current, valid first-aid card, EMT or First Responder certification.

(2) New fire fighters shall have such first-aid training within 90 days of the date of their employment or enroll for training in the next available class for which they are eligible.

(3) First-aid training and certification for other employees and directors of fire departments shall conform to the requirements of WAC 296-800-150.

(4) Fire service duties include exposure to bloodborne pathogens. The requirements of this section and chapter ((296-62)) 296-823 WAC, ((Part J, Biological Agents)) Occupational exposure to bloodborne pathogens, shall apply.

**AMENDATORY SECTION** (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

**WAC 296-305-02501 Emergency medical protection.**

(1) Fire fighters who perform emergency medical care or otherwise may be exposed to blood or other body fluids shall be provided with emergency medical face protection devices, and emergency medical garments that meet the applicable requirements of NAPA, Standard on Protective Clothing for Emergency Medical Operations 1999, 1992 edition.

Note: Prior to purchase, fire departments should request the technical data package required in NAPA 1999, 1992 edition, in order to compare glove and garment performance data. Departments reviewing these packages should ensure a relative ranking of the performance data before they purchase in order to provide the best performance of the EMS personal protective clothing.

(2) Fire fighters shall don emergency medical gloves prior to initiating any emergency patient care.

(3) Fire fighters shall don emergency medical garments and emergency medical face protection devices prior to any patient care during which splashes of body fluids can occur such as situations involving spurting blood or childbirth.

Note: Fire fighter turnout gear and gloves with vapor barriers may be used in lieu of emergency medical gloves and garments.

(4) Contaminated emergency medical garments, emergency medical face protection, gloves, devices, and emergency medical gloves shall be cleaned and disinfected, or disposed of, in accordance with ((WAC 296-62-08001, Part J, Blood borne)) chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

(5) Fire departments shall establish a designated infection (exposure) control officer who shall ensure that an adequate infection control plan is developed and all personnel are trained and supervised on the plan.

(6) The infection control officer shall be responsible for establishing personnel exposure protocols so that a process for dealing with exposures is in writing and available to all personnel.

(7) The infection control officer or his/her designee will function as a liaison between area hospitals and fire department members to provide notification that a communicable disease exposure is suspected or has been determined by hospital medical personnel. The department infection control officer will institute the established exposure protocols immediately after report of an exposure. The infection control officer shall follow the confidentiality requirements of chapter 246-100 WAC and the medical protocol requirements of WAC 296-62-05209.

(8) Fire departments shall have a written infection (exposure) control plan which clearly explains the intent, benefits, and purpose of the plan. The written document must cover the standards of exposure control such as establishing the infection control officer and all members affected; education and training; HB. vaccination requirements; documentation and record keeping; cleaning/disinfection of personnel and equipment; and exposure protocols.

(9) Policy statements and standard operating procedure guidelines shall provide general guidance and specific regulation of daily activities. Procedures shall include delegation of specific roles and responsibilities, such as regulation of infection control, as well as procedural guidelines for all required tasks and functions.

(10) Fire departments shall establish a records system for members health and training.

(11) Fire fighters shall be trained in the proper use of P.E., exposure protection, post exposure protocols, disease modes of transmission as it related to infectious diseases.

(12) Infectious disease programs shall have a process for monitoring fire fighters compliance with established guidelines and a means for correcting noncompliance.

(13) Fire department members shall be required to annually review the infectious disease plan, updates, protocols, and equipment used in the program.

(14) Fire departments shall comply with ((WAC 296-62-08001, Part J, Blood borne)) chapter 296-823 WAC, Occupational exposure to bloodborne pathogens, in its entirety.

(15) Tuberculosis (TB) exposure and respiratory protection requirements.

(a) Fire fighters shall wear a particulate respirator (PR) when entering areas occupied by individuals with suspected or confirmed TB, when performing high risk procedures on such individuals or when transporting individuals with suspected or confirmed TB in a closed vehicle.

(b) A NOSH-approved, 95% efficient particulate air respirator is the minimum acceptable level of respiratory protection.

(i) Fit tests are required.

(ii) Fit tests shall be done in accordance with chapter 296-62 WAC, Part E.

Note 1: Emergency-response personnel should be routinely screened for tuberculosis at regular intervals. The tuberculin skin test is the only method currently available that demonstrates infection with *Mycobacterium tuberculosis* (M. tuberculosis) in the absence of active tuberculosis.

Note 2: If possible, the rear windows of a vehicle transporting patients with confirmed, suspected, or active tuberculosis should be kept open, and the heater or air conditioner set on a noncirculating cycle.

**Additional References:**

Chapter ((296-62)) 296-823 WAC, ((Part J, Biological Agents)) Occupational exposure to bloodborne pathogens.  
WAC 296-62-08001(3), Exposure Control.

**AMENDATORY SECTION** (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

**WAC 296-800-15005 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 employees 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
  - ◆ Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.

- Adequately post emergency telephone numbers in your workplace.

OR

**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))~~ chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

**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.

**AMENDATORY SECTION** (Amending WSR 02-20-034, filed 9/24/02, effective 10/1/02)

**WAC 296-824-50030 Provide rescue and medical assistance.**

**You must:**

(1) Provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.

**Note:**

- The buddy system applies to stand-by employees (see WAC 296-824-50025).
- One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.
- Rescue equipment should be selected and provided based on the types of rescue situations that could occur.

**You must:**

(2) Make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.

**Note:**

- Employee training is covered by WAC 296-800-150, first aid. This rule requires training on the eighteen subjects listed in addition to any subjects that are specific to your workplace emergency hazards (for example: If exposure to corrosive substances could occur, training would need to include first-aid procedures for treating chemical burns).
- Employers who designate and train their employees to provide first aid are covered by ~~((WAC 296-62-08001 through 296-62-08005,))~~ chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

**Chapter 296-823 WAC**

**OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS**

**NEW SECTION**

**WAC 296-823-100 Scope.** This chapter provides requirements to protect employees from exposure to blood or other potentially infectious material (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This chapter applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

**Definitions:**

**Occupational exposure.** Reasonably anticipated skin, eye, mucous membrane, or parenteral contact (including potential contact as well as actual contact) with blood or OPIM that could result from the performance of an employee's duties.

**Parenteral contact.** When mucous membranes or skin is pierced through actions such as needlesticks, human bites, cuts, or abrasions.

**Occupations that are typically covered by this chapter.**

The following list illustrates a number of jobs typically associated with tasks that involve occupational exposure to blood or OPIM. The absence of a particular job from the list

does not suggest that it falls outside the scope of this chapter. At the same time, employees in jobs found on the list are covered only if they have occupational exposure.

• **Health care**

- Primary care providers
- Assistants, nurses, nurse practitioners, dental hygienists, and other health care employees in clinics and offices
- Employees of clinical, dental, and diagnostic laboratories
- Housekeepers in health care facilities
- Staff in laundries that provide service to health care facilities
- Tissue bank personnel
- Employees in blood banks and plasma centers who collect, transport, and test blood
- Freestanding clinic employees (for example, hemodialysis clinics, urgent care clinics, health maintenance organization (HMO) clinics, and family planning clinics)
- Employees in clinics in industrial, educational, and correctional facilities
- Staff of institutions for the developmentally disabled
- Hospice employees
- Home health care workers
- Staff of nursing homes and long-term care facilities
- HIV and HBV research laboratory and production facility workers
- Medical equipment service and repair personnel
- Emergency medical technicians, paramedics, and other emergency medical service providers
- Nuclear medical technologists.
- **Occupations outside health care**
- Fire fighters, law enforcement personnel, and correctional officers
- Workers in laundries that service public safety institutions
- Employees assigned to provide emergency first aid by their employer (as either a primary or secondary duty)
- Employees who handle or pick up regulated waste (contaminated items with blood or OPIM)
- Hotel/motel employees that clean up blood or OPIM
- Employees of funeral homes and mortuaries.

NEW SECTION

**WAC 296-823-110 Planning. Summary.**

**Your responsibility:**

To plan ways to protect your employees from the risk of exposure to bloodborne pathogens

**You must:**

Determine if you have employees with occupational exposure

WAC 296-823-11005

Develop and implement a written exposure control plan

WAC 296-823-11010.

NEW SECTION

**WAC 296-823-11005 Determine if you have employees with occupational exposure.**

**You must:**

- Prepare a written exposure determination if your employees have occupational exposure to blood or other potentially infectious material (OPIM).
  - This determination must be made without considering the use of personal protective equipment (PPE).
  - Make sure the exposure determination contains:
    - A list of job classifications where all employees have occupational exposure;
    - A list of job classifications where some employees have occupational exposure; and
    - A description of all tasks and procedures or groups of related tasks and procedures with occupational exposure for these employees.

NEW SECTION

**WAC 296-823-11010 Develop and implement a written exposure control plan.**

**You must:**

- Establish a written exposure control plan designed to eliminate or minimize employee exposure.

**Note:** The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

**You must:**

- Make sure the plan contains at least the following elements:
  - The exposure determination, WAC 296-823-11005
  - A procedure for evaluating the circumstances surrounding exposure incidents, WAC 296-823-17005
  - How and when you will implement applicable requirements of this rule.

**Note:** The implementation dates need to be included only until your exposure control plan is fully implemented or when you are adding new requirements to your plan.

**You must:**

- Document the use of universal precautions or other at least as effective control systems.

**Note:** Universal precautions is an infection control system that considers the blood and OPIM from all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease.

Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation. These methods define all body fluids and substances as infectious. They incorporate not only the fluids and materials covered by universal precautions and this chapter, but expand coverage to include all body fluids and substances.

- Solicit input in the identification, evaluation, and selection of effective controls. This input must be solicited from nonmanagerial employees responsible for direct patient care with potential exposure to contaminated sharps.

- Document the process you used to solicit input and include the identity of the employees or positions that were involved.

- Note:**
- You are not required to request input from every exposed employee; however, the employees selected must represent the range of exposure situations encountered in the workplace. Your safety committee may assist in identifying employees.
  - Although you are required to include nonmanagerial employees, you are not prohibited from soliciting input from managerial and other employees.

**You must:**

• Make sure the exposure control plan is reviewed and updated:

- At least annually

**AND**

- Whenever necessary to:

- Reflect new or modified tasks and procedures which affect occupational exposure

- Reflect new or revised job classifications with occupational exposure.

- Make sure the exposure control plan:

- Reflects changes in technology that eliminate or reduce exposure to bloodborne pathogens

- Documents your consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

- Make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

- Make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy.

**NEW SECTION****WAC 296-823-120 Controls. Summary.****Your responsibility:**

To use controls in order to protect your employees from the risk of exposure to bloodborne pathogens

**You must:**

Use controls to minimize or eliminate exposure

WAC 296-823-12005

**NEW SECTION**

**WAC 296-823-12005 Use controls to minimize or eliminate exposure.**

**You must:**

(1) Use effective controls that do NOT rely primarily on individual employee behavior to protect employees from blood or OPIM.

- You must examine and maintain or replace control equipment, such as sharps containers, safer medical devices, or other devices, on a regular schedule to make sure they remain effective.

- Note:**
- Controls that prevent or minimize employee exposure without relying primarily on employee behavior include:
    - Safer medical devices, such as sharps with engineered sharps injury protections. (For example, self-sheathing needles.)
    - Needleless systems
    - Sharps containers

- Biosafety cabinets
- Centrifuge cups
- Splash guards
- Mechanical pipettes
- Specimen storage and transport containers.

(2) Make sure all procedures involving blood or OPIM are performed so splashing, spraying, spattering, and generation of droplets are minimized.

**References:**

See WAC 296-823-130, Personal protective equipment (PPE), of this chapter, if occupational exposure remains after implementing controls.

**NEW SECTION****WAC 296-823-130 Personal protective equipment (PPE). Summary.****Your responsibility:**

To provide and make sure personal protective equipment is used when precautions and controls will not fully protect your employees from the risk of exposure to bloodborne pathogens.

**You must:**

Provide and make sure that personal protective equipment is used when there is occupational exposure

WAC 296-823-13005

Make sure gloves are worn

WAC 296-823-13010

Make sure masks, eye protection, and face shields are worn

WAC 296-823-13015

Wear appropriate protective clothing

WAC 296-823-13020

Make resuscitator devices available

WAC 296-823-13025

Maintain personal protective equipment

WAC 296-823-13030.

**NEW SECTION**

**WAC 296-823-13005 Provide and make sure personal protective equipment is used when there is occupational exposure.**

**You must:**

• Provide at no cost to employees, appropriate personal protective equipment such as:

- Gloves
- Gowns
- Laboratory coats
- Face shields or a combination of masks and eye protection
- Mouthpieces
- Resuscitation bags
- Pocket masks
- Other ventilation devices.

**Note:**

- PPE is considered "appropriate" only if it does NOT permit blood or other potentially infectious materials (OPIM) to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the

duration of time which the protective equipment will be used.

**You must:**

- Make sure that employees use appropriate PPE.
  - In rare and extraordinary circumstances, employees can briefly and temporarily choose not to use PPE. If in their professional judgment, they believe that using PPE would prevent the delivery of health care or public safety services OR pose an increased hazard to themselves or coworkers.
  - If the employee makes this judgment, you must investigate and document to determine if changes can be made to prevent future occurrences of the same situation
  - Make sure that appropriate PPE, in sizes to fit your employees, is readily accessible at the worksite or issued to employees
  - Make sure employees remove all PPE before leaving their work area.

**NEW SECTION**

**WAC 296-823-13010 Make sure gloves are worn.**

**You must:**

Make sure gloves appropriate to the situation are worn when:

- It can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials (OPIM), mucous membranes, or skin that is not intact
  - Handling or touching contaminated items or surfaces
  - Performing vascular access procedures, for example, drawing blood or inserting an IV.

**You must:**

Do the following when you are an employer in a volunteer blood donation center and you make the judgment that employees do not require routine use of gloves when performing phlebotomies:

- Periodically reevaluate your decision not to require gloves
  - Make gloves available to all employees who wish to use them for phlebotomy (blood drawing)
  - Do not discourage the use of gloves for phlebotomy
  - Require that gloves be used for phlebotomy in ANY of the following circumstances:
    - When the employee has a cut, scratch, or other break in the skin of his or her hand or wrist
    - When the employee judges that hand contamination with blood may occur; for example, when performing phlebotomy on an uncooperative individual
    - When the employee is receiving training in phlebotomy.

**You must:**

- Make sure employees who are allergic to the gloves that are normally provided have ready access to at least one of the following:
  - Nonlatex gloves
  - Glove liners
  - Powderless gloves
  - Other similar alternatives.
- Replace disposable (single use) gloves such as surgical or examination gloves:

- As soon as practical when contaminated
- As soon as practical if they are torn or punctured
- When their ability to function as a barrier is compromised.
  - Make sure disposable (single use) gloves are used only once
    - Discard utility gloves if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their ability to function as a barrier is compromised.
      - You may decontaminate utility gloves for reuse if they can continue to function as a barrier.

**NEW SECTION**

**WAC 296-823-13015 Make sure appropriate masks, eye protection, and face shields are worn.**

**You must:**

- Make sure either chin-length face shields or a combination of masks and eye protection are used, whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials (OPIM) could contaminate the eye, nose, or mouth.

**Note:** Examples of eye protection devices include:

- Goggles
- Glasses with solid side shields.

**NEW SECTION**

**WAC 296-823-13020 Wear appropriate protective clothing. You must:**

- Make sure appropriate protective clothing is worn when splashes to skin or clothes are reasonably anticipated. The type and characteristics will depend upon the sort of work being done and how much exposure is anticipated.

**Note:** Examples of protective clothing include:

- Gowns
- Aprons
- Lab coats
- Clinic jackets
- Similar outer garments
- Surgical caps or hoods
- Shoe covers or boots.

**You must:**

- Remove, as soon as feasible, a garment if blood or other potentially infectious materials (OPIM) penetrate it.

**NEW SECTION**

**WAC 296-823-13025 Make resuscitator devices available.**

**You must:**

- Make resuscitator (emergency ventilation) devices readily available and accessible to employees who can reasonably be expected to perform resuscitation procedures.

**Note:** Examples of resuscitator devices include:

- Masks
- Mouthpieces
- Resuscitation bags
- Shields/overlay barriers.



NEW SECTION**WAC 296-823-13030 Maintain personal protective equipment.****You must:**

- Clean, repair, replace, launder, and dispose of personal protective equipment required by this chapter, at no cost to the employee
- Make sure when PPE is removed, it is placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

**Note:** Contaminated personal clothing is considered PPE for the purposes of this section.

NEW SECTION**WAC 296-823-140 Training. Summary.****Your responsibility:**

To train your employees about their risk of exposure to bloodborne pathogens and ways to protect themselves.

**You must:**

Provide training to your employees

WAC 296-823-14005

Provide additional training

WAC 296-823-14010

Maintain training records

WAC 296-823-14015.

NEW SECTION**WAC 296-823-14005 Provide training to your employees.****You must:**

- Make sure all employees with occupational exposure participate in a training program that is:
  - Provided at no cost to them
  - Conducted during compensated working hours.
- Provide training when any of the following occur:
  - Before assigning tasks where occupational exposure might occur
  - At least annually and within one year of the previous training.
- Make sure the content and vocabulary of your training materials are appropriate to the educational level, literacy, and language of your employees
- Make sure the person conducting the required training is knowledgeable about the subject matter as it relates to your workplace
- Make sure the training program contains at least the following elements:
  - An accessible copy of this chapter and an explanation of the contents
  - General explanation of the epidemiology and symptoms of bloodborne diseases
  - An explanation of how bloodborne pathogens are transmitted.
  - An explanation of your exposure control plan and how the employee can obtain a copy of the written plan

- An explanation of how to recognize tasks and other activities that could involve exposure to blood and other potentially infectious materials (OPIM)

- An explanation of the use and limitations of methods that will prevent or reduce exposure including:

- Appropriate controls
- Work practices
- Personal protective equipment

- An explanation of the procedure to follow if an exposure incident occurs, including:

- The method of reporting the incident
- The medical follow-up that will be available

- An explanation of proper signage and labeling or color-coding required by this chapter

- Information about PPE including:

- The types
- Proper use and limitations
- An explanation of how and why PPE was selected

- Location

- Putting it on and taking it off

- Handling

- Decontamination

- Disposal

- Information about the hepatitis B vaccine, including:

- Information about its effectiveness

- Safety

- Method of administration

- The benefits of being vaccinated

- Offered at no cost to the employee for the vaccine and vaccination

- Information about what actions to take and persons to contact in an emergency involving blood or OPIM

- Information about the post-exposure evaluation and follow-up procedure following an exposure incident

- A chance for interactive questions and answers with the trainer at the time of the training session.

**Note:** This may be person-to-person, by telephone, or by e-mail, as long as the employee can both ask and receive answers during the training session.

NEW SECTION**WAC 296-823-14010 Provide additional training.**

- Provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

- This additional training can be limited to addressing the new exposures.

NEW SECTION**WAC 296-823-14015 Maintain training records.**

- Maintain training records for three years from the date of the training

- Include the following information in your training records:

- Dates of the training sessions

- Contents or a summary of the training sessions

- Names and qualifications of persons conducting the training

– Names and job titles of all persons attending the training sessions.

• Provide these employee-training records upon request for examination and copying to any of the following:

- Employees
- Employee representatives.

**Helpful tool:**

**Training documentation**

A training documentation form is provided for your use in the resource section of this book.

**NEW SECTION**

**WAC 296-823-150 Hepatitis B virus (HBV) vaccinations. Summary.**

**Your responsibility:**

To vaccinate your employees so they are protected from the Hepatitis B virus (HBV).

**You must:**

Make the hepatitis B vaccination available to employees  
WAC 296-823-15005

Obtain a copy of the healthcare professional's written opinion and provide it to the employee

WAC 296-823-15010.

**NEW SECTION**

**WAC 296-823-15005 Make the hepatitis B vaccination available to employees.**

**You must:**

(1) Make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure as follows:

- Available at no cost to the employee
- Available to the employee at a reasonable time and location

– Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

– Provided according to recommendations of the United States Public Health Service, current at the time these evaluations and procedures take place (make a routine booster dose of hepatitis B vaccine available if the United States Public Health Service recommends it)

– To any employee who initially declines the vaccination but later decides to accept it while they are still covered by this chapter

– Made available after the employee has received training required by this chapter and within ten working days of initial assignment, UNLESS they meet any of the following

- Previously received the complete hepatitis B vaccination series
- An antibody test has revealed that the employee is immune to hepatitis B
- There are medical reasons not to give the vaccine.

**Exemption:**

In cases where employees are assigned to provide first aid, but only as *collateral duty*, you do not have to offer pre-exposure hepatitis B vaccine to them. However, your exposure control plan must effectively address this situation.

**Helpful tool:**

**Guidelines for your exposure control plan for collateral duty first-aid providers.**

For additional information and guidance on your responsibilities in this area, see *Preexposure hepatitis B vaccination and collateral duty first-aid providers* in the resource section of this chapter.

**Link:**

You can find more information about the United States Public Health Service at <http://www.hhs.gov/>.

(2) Make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.

(3) Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

**Helpful tool:**

**Sample declination form:**

The declination form can help you document employees who have declined the hepatitis B vaccine. You can find a copy of this form in the resource section of this chapter.

**NEW SECTION**

**WAC 296-823-15010 Obtain a copy of the healthcare professional's written opinion and provide it to the employee.**

**You must:**

• Obtain and provide the employee a copy of the evaluating healthcare professional's written opinion within fifteen days of their evaluation.

- Note:**
- If the health care professional provides it directly to the employee, you do not need to do so.
  - If the employee's personal healthcare professional completes the evaluation, the employer need only make a good faith effort to obtain a copy of the evaluation.

**You must:**

- Make sure the healthcare professional's written opinion is limited to whether a hepatitis B vaccination is indicated and if the employee has received this vaccination
- Make sure that all other findings or diagnoses remain confidential and are **not** included in the written report.

**Helpful tool:**

**Healthcare professional's written opinion for post-exposure evaluation and health care provider's written opinion for hepatitis B vaccination.**

These forms are available for your use in the resource section of this chapter.

### NEW SECTION

#### **WAC 296-823-160 Work practices and procedures.**

##### **Summary:**

##### **Your responsibility:**

To make sure work practices and procedures minimize occupational exposure to bloodborne pathogens.

##### **You must:**

Make sure items are appropriately labeled

WAC 296-823-16005

Make sure employees wash their hands

WAC 296-823-16010

Prohibit food, drink and other personal activities in the work area

WAC 296-823-16015

Prohibit pipetting or suctioning by mouth

WAC 296-823-16020

Place specimens in an appropriate container

WAC 296-823-16025

Examine and label contaminated equipment

WAC 296-823-16030

Make sure your worksite is maintained in a clean and sanitary condition

WAC 296-823-16035

Handle regulated waste properly and safely

WAC 296-823-16040

Handle contaminated laundry safely

WAC 296-823-16045.

### NEW SECTION

#### **WAC 296-823-16005 Make sure items are appropriately labeled.**

##### **Exemptions:**

The following are exempt from the labeling requirements of this chapter:

- Individual containers placed in an appropriately labeled secondary container

- Regulated waste that has been decontaminated

- Containers of blood, blood components, or blood products that are labeled with their contents and have been released for transfusion or other clinical use.

##### **You must:**

- Attach appropriate labels to:

- Containers used to store, transport, or ship blood or other potentially infectious materials (OPIM) including:

- Refrigerators

- Freezers

- Sharps containers

- Contaminated equipment

- Laundry bags and containers

- Specimen containers

- Waste containers

- Make sure that labels:

- Include the following symbol:



- Are all or mostly fluorescent orange or orange-red with lettering and symbol in a contrasting color

- Are attached to the container by string, wire, adhesive, or other method so they can not become lost or accidentally removed.

**Note:** Red bags or red containers may be substituted for labels as long as they are:

- Covered in the exposure control plan

- Communicated to all affected employees (including employees of laundry services, disposal services, and transport companies) whether they are your employees or not.

The label does not always need to be attached to each individual container. For example, a cart carrying specimen containers could be labeled, rather than each individual container.

### NEW SECTION

#### **WAC 296-823-16010 Make sure employees wash their hands. You must:**

(1) Provide handwashing facilities that are readily accessible to employees, wherever feasible. If handwashing facilities are not feasible, you must either provide antiseptic towelettes or provide an appropriate waterless antiseptic hand rub and clean cloth or paper towels.

(2) Make sure employees clean their hands and any other skin after removal of gloves or whenever there is the potential for contact with blood or other potentially infectious materials (OPIM). This must be done by one of the following:

- Washing with soap and water

- Washing with appropriate waterless antiseptic hand rubs, provided there are no signs of visible contamination

- Washing with appropriate waterless antiseptic hand rubs followed by soap and water as soon as possible, if visibly contaminated with blood or OPIM.

**Note:** An appropriate waterless antiseptic hand rub is one that contains a 60-95% alcohol solution (isopropanol or ethanol).

### NEW SECTION

#### **WAC 296-823-16015 Prohibit food, drink, and other personal activities in the work area.**

##### **You must:**

- Make sure eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is occupational exposure

- Make sure food and drink are not kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where there is a potential for exposure to blood or other potentially infectious materials (OPIM).

**NEW SECTION****WAC 296-823-16020 Prohibit pipetting or suctioning by mouth.****You must:**

- Prohibit mouth pipetting or suctioning of blood or other potentially infectious materials (OPIM).

**NEW SECTION****WAC 296-823-16025 Place specimens in an appropriate container.****You must:**

- Place specimens of blood or other potentially infectious materials (OPIM) in an appropriate container that prevents leakage during collection, handling, processing, storage, transport, or shipping

- Make sure the container is properly labeled or color-coded and closed before being stored, transported, or shipped.

– If outside contamination of the container occurs, the container must be placed inside a second container that prevents leakage and is properly labeled or color-coded

– If the specimen could puncture the container, the container must be placed inside a second container that:

- Is puncture-resistant
- Prevents leakage during handling, processing, storage, transport, or shipping
- Is properly labeled or color-coded.

**Exemption:**

When your facility handles all specimens using universal precautions, you do not have to label/color-code specimens as long as the containers can be recognized as containing specimens.

This exemption only applies while these specimens/containers remain within the facility. Proper labeling or color-coding is required when specimens/containers leave the facility.

**Reference:**

Requirements for appropriate labels and color-coding are found in WAC 296-823-16005.

**Helpful tool:****Guidance on the handling and storage of criminal evidence.**

This tool contains information about the handling and storage of criminal evidence. Criminal evidence contaminated with blood or OPIM is considered a specimen under the scope of this chapter. You can find a copy of this tool in the resource section of this chapter.

**NEW SECTION****WAC 296-823-16030 Examine and label contaminated equipment.****You must:**

- Examine equipment which could become contaminated with blood or other potentially infectious materials (OPIM) before servicing or shipping.

– Decontaminate this equipment and its parts as necessary unless you can demonstrate that decontamination is not feasible

– Attach an easily seen biohazard label to the equipment stating which portions remain contaminated.

**Reference:**

Requirements for appropriate labels and color-coding are found in WAC 296-823-16005.

**You must:**

- Make sure that information on contaminated equipment is communicated to all affected employees, the servicing representative, and the manufacturer as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

**NEW SECTION****WAC 296-823-16035 Make sure your worksite is maintained in a clean and sanitary condition.****You must:**

(1) Develop an appropriate written schedule for cleaning and decontamination based upon the following:

- The location within the facility
- Type of surface to be cleaned
- Type of contamination present
- Tasks or procedures being performed in the area.

(2) Clean and decontaminate environmental and working surfaces and all equipment after contact with blood or other potentially infectious materials (OPIM).

- Decontaminate work surfaces with an appropriate disinfectant at these times:

- After completion of a procedure
- Immediately or as soon as possible when surfaces are clearly contaminated or after any spill of blood or OPIM
- At the end of the workshift if the surface could have become contaminated since the last cleaning.

- Remove and replace protective coverings, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces, as soon as possible when they:

- Clearly become contaminated
- At the end of the workshift if they could have become contaminated during the shift.

- Inspect and decontaminate (on a regularly scheduled basis) all bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood for becoming contaminated with blood or OPIM.

– Clean and decontaminate these types of receptacles immediately or as soon as possible when they are visibly contaminated.

- Use a brush and dustpan, tongs, forceps, or other mechanical means to clean up broken glassware that may be contaminated.

**Note:** An appropriate disinfectant is one that is effective against tuberculosis or HBV and HIV such as:

- Diluted bleach solution (1:10 or 1:100) made up daily
  - Use the 1:10 bleach solution for spills and the 1:100 bleach solution for routine cleaning
  - For Creutzfeld-Jakob Disease and other prion diseases, a 1:10 bleach solution is recommended for decontamination of noncritical surfaces
  - You can make your own bleach solution. Using household bleach (5.25% sodium hypochlorite) follow these directions:
    - For a 1:100 solution add 2 teaspoons (10 ml) to a container, then add water to make a quart (946 ml)
    - For a 1:10 solution, add 1/3 cup (79 ml) and 1 tablespoon (15 ml) in a container, then add water to make a quart (946 ml)
    - EPA registered tuberculocidals (list B)
    - Sterilants (list A)
    - Products registered against HIV/HBV (list D)
- These lists are available from the EPA Office of Pesticides, antimicrobial pesticides website at <http://www.epa.gov/oppad001/>.

## NEW SECTION

### WAC 296-823-16040 Handle regulated waste properly and safely.

#### Definition:

Regulated waste is any of the following:

- Liquid or semiliquid blood or other potentially infectious materials (OPIM)
  - Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
    - Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
  - Contaminated sharps
  - Pathological and microbiological wastes containing blood or OPIM.

#### You must:

- Make sure that you do not bend, recap, or remove contaminated needles or other contaminated sharps **unless** you can demonstrate that there is no feasible alternative or it is required by a specific medical or dental procedure.
  - This bending, recapping or needle removal must be done by using a mechanical device or a one-handed technique.
- Make sure you do not shear or break contaminated needles
  - Discard contaminated sharps immediately or as soon as possible, in containers that are all of the following:
    - Closable
    - Puncture resistant
    - Leak proof on sides and bottom
    - Appropriately labeled or color-coded
    - Easily accessible to personnel
    - Located as close as feasible to the immediate area where sharps are used or areas sharps can be reasonably anticipated to be found (for example, laundries)
      - Maintained upright throughout use

- Replaced routinely and not allowed to overfill.

**Note:** For additional information on placement and use of sharps containers see *Selecting, Evaluating, and Using Sharps Disposal Containers*, NIOSH Publication 97-111, January 1998. You can obtain a copy of this publication by calling 1-800-35-NIOSH or get an electronic version in pdf at <http://www.cdc.gov/niosh/publistd.html>.

#### You must:

- Make sure when you move containers of contaminated sharps, the containers are:

- Closed prior to removal or replacement to prevent spilling or protrusion of contents during handling, storage, transport, or shipping; and

- Placed in a secondary container, if leaking is possible.

The second container must be:

- Closable
- Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping
- Appropriately labeled or color-coded
- Make sure other regulated waste is placed in containers that are all of the following:
  - Closable
  - Constructed to contain all contents and prevent leakage of fluids during Handling, storage, transport, or shipping
    - Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping
  - Placed in a second container if outside contamination of the primary regulated waste container occurs.
- The second container must meet these requirements.
  - Appropriately labeled or color-coded.
- Dispose of all regulated waste according to applicable state and county regulations
  - Place contaminated reusable sharps, as soon as possible after use, in appropriate containers until properly decontaminated. Containers must be all of the following:
    - Puncture resistant
    - Labeled or color-coded as described in this chapter
    - Leak proof on the sides and bottom
    - Meet the same requirements as the container for disposable sharps, except they do not need to be closable.
  - Store or process contaminated reusable sharps so employees are not required to reach into the container by hand
    - Make sure reusable containers are not opened, emptied, or cleaned manually or in any other manner that would expose employees to contaminated sharps.

#### Reference:

Requirements for appropriate labels and color-coding are found in WAC 296-823-16005.

NEW SECTION

**WAC 296-823-16045 Handle contaminated laundry safely.**

**You must:**

- Handle laundry contaminated with blood or other potentially infectious material (OPIM) as little as possible and with a minimum of agitation
- Bag contaminated laundry or put it into a container at the location where it was used.
  - Do not sort or rinse at the location of use
  - Place and transport contaminated laundry in bags or containers that are properly labeled or color-coded
  - If your facility ships contaminated laundry off-site to a second facility that does not use an infection control or isolation system when handling all of their soiled laundry, your facility must place the laundry in red bags or containers that are appropriately labeled.

**Note:** If your facility uses an infection control or isolation system in the handling of all soiled laundry, you can use alternative labeling or color-coding so employees recognize that the containers need to be handled using these precautions.

**Reference:**

Requirements for appropriate labels and color-coding are found in WAC 296-823-16005.

**You must:**

- Place and transport wet contaminated laundry that is likely to soak through or leak to the outside in bags or containers that will prevent such leakage.

**Reference:**

You need to follow additional requirements to make sure that employees who have contact with contaminated laundry wear protective gloves and other personal protective equipment (PPE) as appropriate, see WAC 296-823-130, Personal protective equipment.

NEW SECTION

**WAC 296-823-170 Post-exposure requirements.**

**Summary.****Your responsibility:**

To make sure employees who have been exposed to bloodborne pathogens or other potentially infectious materials (OPIM) have appropriate post-exposure care and evaluation available.

**You must:**

Provide post-exposure evaluation and follow-up for exposure incidents

WAC 296-823-17005

Test the blood of the source person

WAC 296-823-17010

Provide the results of the source person's blood test to the exposed employee

WAC 296-823-17015

Collect and test the blood of the exposed employee

WAC 296-823-17020

Provide information to the healthcare professional evaluating the employee

WAC 296-823-17025

Provide a copy of the healthcare professional's written opinion to the employee

WAC 296-823-17030.

NEW SECTION

**WAC 296-823-17005 Provide post-exposure evaluation and follow-up for exposure incidents.**

**You must:**

- Provide immediate and confidential post-exposure evaluation and follow-up to all employees with occupational exposure to blood or OPIM who report an exposure incident.

**Definition:**

**Exposure incident.** A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

**You must:**

- Make sure that all post-exposure follow-up, including preventative treatment, medical evaluations and procedures, are all of the following:

- Immediately available following an exposure incident

- Confidential

- At no cost to the employee

- At a reasonable time and place

- Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

- Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place.

- Make sure that the evaluation and follow-up includes AT LEAST these elements:

- Documentation of the routes of exposure, and the circumstances under which the exposure incident happened

- Identification and documentation of the source individual, unless the employer can establish that identification is impossible or prohibited by state or local law

- Collection and testing of blood to detect the presence of HBV and HIV

- Post-exposure preventive treatment, when medically indicated, as recommended by the United States Public Health Service

- Counseling

- Evaluation of reported illnesses.

- Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).

NEW SECTION

**WAC 296-823-17010 Test the blood of the source person. Exemption:**

When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

**You must:**

- Arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.
- If you do not get consent, you must establish that legally required consent can not be obtained
- When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

**Note:** • Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206, Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing.

These rules can be found at: <http://www.leg.wa.gov/wac/index.cfm?fuseaction=chapterdigest&chapter=246-100>.

• Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis*, MMWR, June 29, 2000/50(RR11); 1-42.)

NEW SECTION

**WAC 296-823-17015 Provide the results of the source person's blood test to the exposed employee.**

**You must:**

- Make sure the results of the source person's blood test are provided to the exposed employee, if possible
- Make sure the exposed employee is informed of applicable laws and regulations regarding disclosure of the identity and infection status of the source person.

**Note:** Law and regulations that currently apply are:

- Chapter 70.02 RCW, Medical records—Healthcare information access and disclosure.
- Chapter 70.24 RCW, Control and treatment of sexually transmitted diseases.
- Both rules can be found at <http://www.leg.wa.gov/rcw/index.cfm?fuseaction=title&title=70>.

NEW SECTION

**WAC 296-823-17020 Collect and test the blood of the exposed employee.**

**You must:**

- Arrange to have the exposed employee's blood collected and tested as soon as feasible after obtaining their consent.
- If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample must be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee chooses to have the baseline sample tested, it must be done as soon as possible.

NEW SECTION

**WAC 296-823-17025 Provide information to the healthcare professional evaluating the employee.**

**You must:**

- Provide ALL of the following information to the healthcare professional evaluating an employee after an exposure incident:
  - A copy of WAC 296-823-170
  - A description of the job duties the exposed employee was performing when exposed
  - Documentation of the routes of exposure and circumstances under which exposure occurred
  - Results of the source person's blood testing, if available
  - All medical records that you are responsible to maintain, including vaccination status, relevant to the appropriate treatment of the employee.

**Note:** You may meet the requirement to provide a copy of WAC 296-823-170 to the healthcare professional by giving them the <http://www.lni.wa.gov/rules/>, as long as their office has a computer and access to the labor and industries' website.

NEW SECTION

**WAC 296-823-17030 Provide a copy of the healthcare professional's written opinion to the employee.**

**You must:**

- Obtain and provide to the employee a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of their evaluation.

**Note:**

- If the healthcare professional provides it directly to the employee, you do not need to do so
- If the employee's personal healthcare professional completes the evaluation, the employer need only make a good faith effort to obtain a copy of the evaluation.

- Make sure the healthcare professional's written opinion is limited to the following information:
  - That the employee has been informed of the results of the evaluation
  - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials (OPIM) which need further evaluation or treatment.
  - Make sure that all other findings or diagnoses remain confidential and are NOT included in the written report.

NEW SECTION

**WAC 296-823-180 Records. Summary.**

**Your responsibility:**

To obtain and maintain required records.

**You must:**

Establish and maintain medical records  
WAC 296-823-18005  
Maintain a sharps injury log  
WAC 296-823-18010.

**NEW SECTION****WAC 296-823-18005 Establish and maintain medical records. You must:**

- Establish and maintain an accurate medical record for each employee with occupational exposure
- Make sure this record includes ALL of the following that apply:
  - Name and Social Security number of the employee
  - A copy of the employee's hepatitis B vaccination status, including the dates of all the hepatitis B vaccinations
  - Any medical records related to the employee's ability to receive vaccinations
  - The HBV declination statement
  - A copy of all results of examinations, medical testing, and follow-up procedures related to post-exposure evaluations
  - Your copy of the healthcare professional's written opinion – A copy of the information provided to the healthcare professional as required.
- Make sure that employee medical records are:
  - Kept confidential
  - Not disclosed or reported to any person, without the employee's written consent, except as may be required by law.

**Note:** In some industries, a medical record is also known as the employee health file.

**Reference:**

You need to follow additional requirements for medical records found in WAC 296-62-052, Access to records.

**NEW SECTION****WAC 296-823-18010 Maintain a sharps injury log.****Exemption:**

You are exempt from the requirements to record contaminated sharps injuries if you have ten or less employees.

**You must:**

- Record contaminated sharps injuries on your OSHA 300 or equivalent log.

**Reference:**

Requirements for the OSHA 300 log are found in chapter 296-27 WAC, Recordkeeping and recording. <http://www.lni.wa.gov/wisha/regs/WACS/27/27.htm>.

**You must:**

- Record and maintain contaminated sharps injury information in a way that protects the confidentiality of the injured employee
- Also record the following additional information for contaminated sharps injuries:
  - The type and brand of device involved in the incident
  - The department or work area where the exposure incident occurred
  - An explanation of how the incident occurred.

**Note:** You may record the additional information in any format you choose, such as on the OSHA 300 and 301 forms. It must be retrievable and identifiable to each specific injury.

- Maintain your contaminated sharps injury records for five years.

**NEW SECTION****WAC 296-823-190 Additional requirements for HIV and HBV research laboratories and production facilities. Summary.****Your responsibility:**

To implement and enforce these additional rules in research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV.

**Exemption:**

This section does NOT apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs.

**Note:** Production and research facilities: Hepatitis C (HCV) is the virus involved in most cases of parenterally transmitted (bloodborne) non-A, non-B hepatitis in the United States. Most individuals who contract HCV become chronically infected (85%) and develop chronic hepatitis (70%). It is recommended that you also follow these requirements for HCV production and research facilities.

**You must:**

- Prepare, review and update a biosafety manual  
WAC 296-823-19005
- Follow these special practices for the work area  
WAC 296-823-19010
- Make sure these practices for contaminated material and waste are followed  
WAC 296-823-19015
- Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed  
WAC 296-823-19020
- Protect vacuum lines  
WAC 296-823-19025
- Use and handle hypodermic needles and syringes appropriately and safely  
WAC 296-823-19030
- Handle all spills and accidents properly  
WAC 296-823-19035
- Post signs  
WAC 296-823-19040
- Provide additional training for facility employees  
WAC 296-823-19045
- Furnish a sink for washing hands and a readily available eye wash facility  
WAC 296-823-19050
- Make sure these additional criteria are followed  
WAC 296-823-19055.

**NEW SECTION****WAC 296-823-19005 Prepare, review, and update a biosafety manual.****You must:**

- Prepare or adopt a biosafety manual. This manual must be:
  - Periodically reviewed
  - Updated at least annually or more often, if necessary.
- Make sure employees are:
  - Advised of potential hazards



- Required to read and follow instructions about practices and procedures.
- Establish written policies and procedures where only authorized persons can enter work areas and animal rooms.

**NEW SECTION****WAC 296-823-19010 Follow these special practices for the work area.****You must:**

- Make sure only authorized persons are allowed to enter the work areas and animal rooms. Authorized persons must:
  - Have been advised of the potential biohazard
  - Meet any specific entry requirements
  - Comply with all entry and exit procedures.
- Keep laboratory doors closed when work involving HIV or HBV is in progress.

**NEW SECTION****WAC 296-823-19015 Make sure these practices for contaminated material and waste are followed.****You must:**

- Incinerate or decontaminate all regulated waste by a method known to effectively destroy bloodborne pathogens, such as autoclaving
- Make sure to place materials to be decontaminated away from the work area in a container that is:
  - Durable
  - Leak proof
  - Appropriately labeled, or color-coded
  - Closed before being removed from the work area.

**Reference:**

Find additional requirements for appropriate labels and color-coding in WAC 296-823-16005.

**You must:**

- Incinerate or decontaminate ALL waste from work areas and from animal rooms before it is disposed of
- Make sure an autoclave is available for decontamination of regulated waste. The autoclave must be available within or as near as possible to the work area.

**NEW SECTION****WAC 296-823-19020 Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed.****You must:**

- Make sure appropriate personal protective clothing is used in work areas and animal rooms. Examples of appropriate personal protective clothing include:
  - Laboratory coats
  - Gowns
  - Smocks
  - Uniforms.
- Decontaminate protective clothing before it is laundered
- Make sure employees remove protective clothing before leaving their work area

- Take special care to avoid skin contact with other potentially infectious materials (OPIM)
- Wear gloves when handling infected animals and when you can not avoid making hand contact with OPIM
- Conduct all activities involving OPIM in biological safety cabinets or other physical-containment devices within the containment module. No work with OPIM must be conducted on the open bench.

– Certified biological safety cabinets (Class I, II, or III) or appropriate personal protection or physical containment devices must be used for all activities with OPIM that pose a threat of exposure to droplets, splashes, spills, or aerosols. Appropriate personal protection and physical containment devices include:

- Special protective clothing
- Respirators
- Centrifuge safety cups
- Sealed centrifuge rotors
- Containment caging for animals.

– Biological safety cabinets must be certified when installed or moved, and at least annually.

**NEW SECTION****WAC 296-823-19025 Protect vacuum lines.****You must:**

- Protect vacuum lines with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of same or greater efficiency. Make sure filters are checked routinely and maintained or replaced as necessary.

**NEW SECTION****WAC 296-823-19030 Use and handle hypodermic needles and syringes appropriately and safely.****You must:**

- Use hypodermic needles and syringes only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles.
  - Use only needle-locking syringes or disposable syringe-needle units (when the needle is integral to the syringe) for the injection or aspiration of other potentially infectious materials (OPIM)
  - Use extreme caution when handling needles and syringes
    - The needle must not be bent, sheared, replaced in the sheath or guard, or removed from the syringe after use
    - Place the needle and syringe promptly in a puncture-resistant container and autoclave or decontaminate before reuse or disposal.

**NEW SECTION****WAC 296-823-19035 Handle all spills and accidents properly.****You must:**

- Make sure appropriate professional staff or others, properly trained and equipped to work with concentrated

potentially infectious materials, immediately contain and clean up all spills

- Make sure that employees report a spill or accident that results in an exposure incident immediately to the laboratory director or other responsible person.

#### NEW SECTION

##### **WAC 296-823-19040 Post signs.**

###### **You must:**

- Post signs at the entrance to work areas and all access doors when other potentially infectious materials (OPIM) or infected animals are present in the work area or containment module.

- Make sure signs:
  - Contain the following symbol and information:



(Name of the infectious agent)  
 (Special requirements for entering the area)  
 (Name, telephone number of the laboratory  
 director or other responsible person.)

- Are all or mostly fluorescent orange-red with lettering and symbol in a contrasting color.

#### NEW SECTION

##### **WAC 296-823-19045 Provide additional training for facility employees.**

###### **You must:**

- Provide initial training to employees in HIV or HBV research laboratories or production facilities in addition to the training required in WAC 296-823-140
  - Make sure that employees demonstrate proficiency in the following:
    - Standard microbiological practices and techniques
    - The practices and operations specific to the facility
- BEFORE being allowed to work with HIV or HBV.
  - Provide a training program to employees working with HIV or HBV who have no prior experience in handling human pathogens.
    - Initial work activities must not include the handling of infectious agents
    - A progression of work activities must be assigned as techniques are learned and proficiency is developed.

- Make sure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

#### NEW SECTION

##### **WAC 296-823-19050 Furnish a sink for washing hands and a readily available eye wash facility.**

###### **You must:**

- Make sure each work area contains a sink for hand-washing and an eyewash facility is readily available.
  - For HIV and HBV production facilities, the sink must be operated automatically by foot or elbow and must be located near the exit door of the work area.

#### NEW SECTION

##### **WAC 296-823-19055 Make sure these additional criteria are followed.**

###### **You must:**

- Separate the HIV and HBV work areas from areas that are open to unrestricted traffic flow within the building
- Use two sets of doors to separate HIV and HBV work areas from access corridors or other contiguous areas.

- Note:** You may provide a physical separation of the high-containment work area from access corridors or other areas or activities by providing:
- A double-doored clothes-change room (showers may be included)
  - Airlock
- OR
- Other access facilities that requires passing through two sets of doors before entering the work area.

- Make sure the surfaces of doors, walls, floors, and ceilings in the work area are water resistant so they can be easily cleaned. These surfaces must be sealed or capable of being sealed to facilitate decontamination
  - Make sure access doors to the work area or containment module are self-closing
  - Provide a ducted exhaust-air ventilation system. This system must create directional airflow that draws air into the work area through the entry area and you must verify this airflow. The exhaust air must:
    - NOT be recirculated to any other area of the building
    - Be discharged to the outside
    - Be dispersed away from occupied areas and air intakes.

#### NEW SECTION

##### **WAC 296-823-200 Definitions.**

###### **Blood**

Human blood, human blood components and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

###### **Bloodborne pathogens**

Pathogenic microorganisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

- Human immunodeficiency virus (HIV)
- Hepatitis B virus (HBV)

- Hepatitis C virus, malaria
- Syphilis
- Babesiosis
- Brucellosis
- Leptospirosis
- Arboviral infections
- Relapsing fever
- Creutzfeld-Jakob Disease
- Human T-lymphotrophic virus Type I
- Viral Hemorrhagic Fever.

#### **Clinical laboratory**

A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

#### **Collateral duty**

Any job expectation that exists outside of the primary job duties assigned to that position.

#### **Contaminated**

The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

#### **Contaminated laundry**

Laundry that has been soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

#### **Contaminated sharps**

Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

#### **Decontamination**

The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

#### **Exposure incident**

A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

#### **Handwashing facilities**

A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

#### **Licensed healthcare professional**

A person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

#### **HBV**

Hepatitis B virus.

#### **HIV**

Human immunodeficiency virus.

#### **Needleless systems**

A device that does not use needles for any of the following:

- The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established
- The administration of medication or fluids
- Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

#### **Occupational exposure**

Reasonably anticipated skin, eye, mucous membrane, or parenteral contact (including potential contact as well as actual contact) with blood or OPIM that could result while doing their job.

#### **Other potentially infectious materials (OPIM)**

Includes all of the following:

- Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
  - Any unfixed tissue or organ (other than intact skin) from a human (living or dead);
  - HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV
  - Blood and tissues of experimental animals infected with bloodborne pathogens.

#### **Parenteral**

When mucous membranes or skin is pierced through actions such as needlesticks, human bites, cuts, or abrasions.

#### **Personal protective equipment (PPE)**

Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be PPE.

#### **Production facility**

A facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

#### **Regulated waste**

Regulated waste is any of the following:

- Liquid or semi-liquid blood or other potentially infectious materials (OPIM)
- Contaminated items that would release blood or OPIM in a liquid or semi-liquid state, if compressed
- Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
- Contaminated sharps
- Pathological and microbiological wastes containing blood or OPIM.

#### **Research laboratory**

A laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

#### **Safer medical devices**

Medical devices that have been engineered to reduce the risk of needlesticks and other contaminated sharps injuries. These include not only sharps with engineered sharps injury

protections and needless systems but also other medical devices designed to reduce the risk of sharps injury exposures to bloodborne pathogens. Examples include blunt suture needles and plastic or mylar-wrapped glass capillary tubes.

#### **Sharps with engineered sharps injury protections (SESIP)**

A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

##### **Source person**

A person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee. Examples include:

- Hospital and clinic patients
- Clients in institutions for the developmentally disabled
- Trauma victims
- Clients of drug and alcohol treatment facilities
- Residents of hospices and nursing homes
- Human remains
- Individuals who donate or sell blood or blood components.

##### **Sterilize**

The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

##### **Universal precautions**

An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

**Note:** Universal Blood-Body Fluid Precautions, Body Substance Isolation, and Standard Precautions expand on the concept of universal precautions to include all body fluids and substances as infectious. These concepts are acceptable alternatives to universal precautions.

##### **Work practice controls**

Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (for example, prohibiting recapping of needles with a two-handed technique).

### **WSR 03-01-103**

#### **PROPOSED RULES**

#### **EMPLOYMENT SECURITY DEPARTMENT**

[Filed December 17, 2002, 4:55 p.m.]

##### **Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-07-064.

Title of Rule: Adopting a new chapter 192-240 WAC, Extended benefits.

Purpose: To adopt a new chapter outlining the requirements an individual must meet to be eligible for extended unemployment benefits.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Statute Being Implemented: Chapter 50.22 RCW.

Summary: These regulations define the types of work that is considered suitable for claimants applying for or receiving extended benefits, their minimum job search requirements, and the penalties that an individual will incur for failing to accept or apply for suitable work.

Reasons Supporting Proposal: In January 2002, the state entered into an extended benefit period. There have been several changes in state law since the state was last in an extended benefit period (1994), and the existing regulations are out of date. It is necessary to update the rules to inform workers of the requirements they must meet to be eligible for extended benefits.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, Olympia, Washington, (360) 902-9665; Implementation and Enforcement: Annette Copeland, Olympia, Washington, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules define terms, clarify eligibility requirements, and outline job search requirements for individuals applying for or receiving extended unemployment benefits. They also set forth penalties for individuals who fail to comply with these requirements. The rules incorporate several requirements in federal law for the receipt of extended unemployment benefits. The purpose of the rules is to provide clear guidelines to individuals regarding both federal and state requirements of the extended benefit program.

Proposal Changes the Following Existing Rules: The following rules are repealed: WAC 192-16-033, 192-16-036, 192-16-040, 192-16-042, 192-16-045, and 192-16-047. Outdated language is eliminated and the rules are rewritten for purposes of clarity and understandability. The proposed rules will comprise a new chapter within Title 192 WAC so they are more easily located by the regulated community.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules are not substantially different from those adopted in 1981. Federal regulations and guidelines dictate most of the content of these regulations. The regulations do not impose requirements on businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Employment Security Department, Public Affairs Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, on February 5, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Mary Mendoza by February 3, 2003, TDD (360) 902-9589 or (360) 902-9281.

Submit Written Comments to: Larry Oline, Acting Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 438-3226, by February 4, 2003.

Date of Intended Adoption: February 14, 2003.

December 16, 2002

Dr. Sylvia P. Mundy  
Commissioner

**CHAPTER 192-240  
EXTENDED BENEFITS**

**NEW SECTION**

**WAC 192-240-010 Regular shareable benefits defined.** The term "regular shareable benefits" means regular benefits in excess of 26 times your weekly benefit amount that are paid during an extended benefit period.

**NEW SECTION**

**WAC 192-240-015 How to apply for extended benefits.** File your application for extended benefits by placing a telephone call to an unemployment claims telecenter. The commissioner can authorize other filing methods in unusual circumstances or for the convenience of the department.

**NEW SECTION**

**WAC 192-240-020 Suitable work provisions—Regular shareable and extended benefits—RCW 50.22.020 (3) and (4).** (1) An individual receiving benefits must be available for suitable work. Except as provided in subsection (2), any job is considered suitable for an individual receiving regular shareable or extended benefits unless:

- (a) It is not within your capabilities;
- (b) The position is vacant because of a labor dispute, working conditions are substantially less favorable than similar work in the area, or you would be required to join or resign from a union or labor organization (see RCW 50.20.110);
- (c) The gross weekly pay is less than your weekly benefit amount, plus any supplemental unemployment benefits you receive from your former employer; or
- (d) The job pays less than the higher of the federal or state minimum wage.

(2) If you can demonstrate that you have good prospects of returning to work in your customary occupation within a reasonably short period of time, suitable work is considered to be work in keeping with your prior work experience, education, or training. "Good prospects for work" means you have:

- (a) A definite recall or hire date within four weeks; or
- (b) A probable recall or hire date within four weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

**NEW SECTION**

**WAC 192-240-025 Failure to apply for or accept suitable work—RCW 50.22.020 (4)(b)—Regular shareable and extended benefits.** (1) You will be denied regular shareable or extended benefits if you fail:

- (a) To accept any offer of suitable work as defined in WAC 192-240-020; or
- (b) To accept a referral, or to apply for suitable work, when referred by your local employment center, if the job was:

(i) Offered to you in writing, or

(ii) Listed with the department.

(2) The denial is for the week in which the refusal occurs and until you work in four weeks and earn four times your weekly benefit amount.

**NEW SECTION**

**WAC 192-240-030 Job search requirements to receive regular shareable or extended benefits—RCW 50.22.020(5).** (1) To be eligible for regular shareable or extended benefits, you must show evidence of a systematic and sustained effort to find work. Your efforts must be of a quality and frequency that clearly indicate you are making sincere efforts to immediately return to gainful employment.

(a) At a minimum, your efforts must include at least four job search contacts with employers during each week you claim benefits.

(b) If you are a member in good standing of a referral union, you must make three job search contacts each week in addition to contacting your union and complying with the union's requirements.

(i) Registration with another union local can constitute one job search contact if you are willing to travel or relocate to accept work in their jurisdiction.

(ii) You do not have to look for work that would jeopardize your union membership, but must look for other work you are capable of doing.

(iii) If you have been identified by the department as having good prospects of returning to work within four weeks because you have an extremely favorable position on the union out-of-work list, contact with your union each week fulfills the job search requirements of this section.

(2) Every week you file a claim for regular shareable or extended benefits, you must report your job search contacts to the department. For each job search contact you must report the date of the contact, the employer or union involved and its place of business, the method of contact, the type of work sought, and the results of the contact.

(3) You must keep a record or log of your job search contacts which contains the information required by WAC 192-180-015.

(4) The department may review your job search activities at any time. You must provide the department with a copy of your job search log upon request. Employer contacts will be verified by the department as needed.

(5) The department will consider you to have met the job search requirements of this section and of RCW 50.22.020(5) for any week in which you participate in a training program that is approved by the commissioner.

(6) The job search requirements under this section and RCW 50.20.020(5) are waived for any week in which you are unable to conduct a job search because you are serving on jury duty. See RCW 50.20.117.

NEW SECTION

**WAC 192-240-035 How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7).** If you were denied benefits because you left work for family reasons as provided in RCW 50.20.050(4), you could qualify for regular benefits either through work and earnings or by reporting in person to your local employment center for each of ten weeks. However, you are not eligible for regular shareable or extended benefits unless, after leaving work, you obtained work and earned wages of seven times your weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

NEW SECTION

**WAC 192-240-040 Penalties.** (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and RCW 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and RCW 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(3). The denial period is only for the week or weeks in which the hospitalization occurred.

NEW SECTION

**WAC 192-240-045 Moving to a state in an extended benefit period.** RCW 50.22.030(2) provides that you are only eligible for two weeks of extended benefit payments if you live in a state that is not in an extended benefit period. If you subsequently move to a state that is in an extended benefit period, you may be eligible for further extended benefit

payments under RCW 50.22.020 beginning with the first full week in which you reside in that state.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 192-16-033 Interpretive regulation—Regular shareable benefits defined.

WAC 192-16-036 Interpretive regulation—Requalification for regular shareable, extended, or additional benefits under RCW 50.20.050(4).

WAC 192-16-040 Interpretive regulation—Good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3)—Shareable, extended, or additional benefits.

WAC 192-16-042 Interpretive regulation—Failure to apply for or accept work under RCW 50.22.020 (4)(b)—Shareable, extended, or additional benefits.

WAC 192-16-045 Interpretive regulation—Disqualification for failing to accept an offer of or to apply for suitable work—Shareable, extended, or additional benefits.

WAC 192-16-047 Interpretive regulation—Interpretation of requirements of RCW 50.22.020(5)—Tangible evidence of a systematic and sustained effort to obtain work—Shareable, extended, or additional benefits.

**WSR 03-01-104**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
[Filed December 18, 2002, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-026.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

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

PROPOSED

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 the slash symbol (/), 308-93-380 Format required for name and address—Ownership in joint tenancy, 308-93-390 Vessels held in trust, and 308-93-440 Ownership in doubt.

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 businesses in an industry.

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on February 12, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez, 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 February 11, 2003.

Date of Intended Adoption: March 4, 2003.

December 18, 2002

D. McCurley, Administrator  
Title and Registration Services  
by Katherine Vasquez

**AMENDATORY SECTION** (Amending WSR 01-21-071, filed 10/18/01, effective 11/18/01)

**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?** No, the department no longer uses these designations when recording ownership interest. For those certificates of owner-

ship (~~which~~) that have been issued using one of these designations(~~;~~):

(a) A any registered owners shown are considered to have equal registered owner interest in the vessel; and

(b) Any secured parties 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 allow the use of these designations when recording ownership interest.

**AMENDATORY SECTION** (Amending WSR 01-21-071, filed 10/18/01, effective 11/18/01)

**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 must show(~~s~~) 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(~~;~~)" in the brands/comments section.

**AMENDATORY SECTION** (Amending WSR 01-08-022, filed 3/27/01, effective 4/27/01)

**WAC 308-93-390 Vessels held in trust.** (1) **How is a trust shown on a certificate of ownership?** (~~Owners who choose to designate the trust on a certificate of ownership may:~~

~~(a) Show the registered owner name with the designation trustee;~~

~~(b) Show the registered owner name with the designation trustee followed by the name of the trust as one owner. If necessary, the name of the trust will be abbreviated to comply~~

PROPOSED

with the department's data field size constraints on the automated vessel field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

(2) ~~What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees. Trusts established under chapter 23.90 RCW must provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington.~~

(3) ~~If a vessel is titled in the name of a trust, who represents the trust for title transactions? Any trustee designated in the trust document represents the trust on all vessel transactions with the department unless that trustee is replaced or the trust is terminated.~~

(4) ~~What is required when the succession of trustees is appointed? If the name of the trustee who has been succeeded is shown on the certificate of ownership, the successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.)~~ A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts Trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(3) What is required when the trustee no longer acts on behalf of a trust? If a trustee no longer acts on behalf of a trust, and the vessel ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust application for new certificate of ownership is not required.

Note: New, or successor, trustees must provide documentation showing they are named as such in the trust.

(5) What is required when a trust is terminated? If the termination of the trust results in a change of ownership

for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

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 00-23-028, filed 11/7/00, effective 12/8/00)

**WAC 308-93-440 Ownership in doubt.** (1) ~~(What do I do if I am unable to provide an acceptable release of interest as defined in WAC 308-93-460 from the owner(s) of record for a vessel? When you are unable to provide an acceptable release of interest from the owner(s) of record for a vessel, you may:~~

(a) ~~Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel;~~

(b) ~~Apply for "registration only" as described in subsection (2) of this section;~~

(c) ~~Apply for bonded certificate of ownership as described in subsection (3) of this section.~~

(2) ~~What is "registration only"? It is a term used to describe registration of a vessel when a certificate of ownership is not issued because ownership is in doubt. If ownership is not contested during a three-year registration only period, the registered owner(s) may apply for certificate of ownership at the end of the three-year period.~~

(3) ~~What is a bonded certificate of ownership? A bonded certificate of ownership is an ownership document issued by the department that carries the brand "bonded" and is secured by a bond for one and one-half times the value of the vessel.~~

(4) ~~How do I apply for "ownership in doubt"? To apply for ownership in doubt, you must:~~

(a) ~~Provide evidence of ownership of the vessel, such as but not limited to, a bill of sale or purchase agreement.~~

(b) ~~Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration and request the certificate of ownership or other acceptable owner documents and releases of interest.~~

(5) ~~How do I obtain ownership information from the department for purposes of applying for ownership in doubt? For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by:~~

(a) ~~Satisfying subsection (4)(a) of this section; and~~

(b) ~~Completing a public disclosure form provided or approved by the department.~~

~~When satisfied, the request is for obtaining proper release(s) of interest, the department may disclose the name and address of the last owner(s) of record for that vessel.~~

(6) ~~What do I do once I know the name(s) and address(s) of the last known registered and legal owner(s)? If a record of the vessel is found, you must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter shall contain information regarding the sender's claim to ownership and a request for the released certificate of own-~~



ership or a notarized or certified release of interest on an approved department form.

If the vessel was last registered or titled in another state or jurisdiction you must write to the agency that issued the last known certificate of ownership or registration requesting owners of record, so information may be requested as in subsection (4)(b) of this section.

(7) What do I do if no record of the vessel is found or the previous owner(s) did not respond to the certified or registered letter? You must provide an affidavit or request for bonded title or registration without title form provided or approved by the department explaining how the vessel was acquired if:

(a) No record is found; or

(b) The previous owner did not respond within fifteen days after acknowledged receipt of the letter; or

(c) The letter was returned unclaimed.

(8) When am I required to apply for a bonded certificate of ownership? A bond is required if:

(a) The seller of the vessel is a Washington state vessel dealer (dealer must secure); or

(b) In lieu of the judgment described in subsection (1)(a) of this section and there is evidence of a security agreement on the last record as found in subsection (4)(b) of this section; or

(c) Ownership of the vessel is contested after you make application for ownership in doubt and before the existing three-year ownership in doubt period has ended; or

(d) If you desire to have a certificate of ownership issued for the vessel.

(9) How long is the duration of the bond? A bond shall be for a period of three years from the date of application.

(10) In what amount is the bond issued? The bond must be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(a) Information provided by any guide book or other publication of recognized standing in the vessel industry; or

(b) A value that is agreeable to the applicant and verifiable by authorized department of licensing, department of revenue, Washington vessel licensing agent, subagent or employee.

(11) If I have a bonded certificate of ownership for my vessel, how can I get a certificate of ownership without the bonded notation? To get a certificate of ownership without the bonded notation, you may apply for a certificate of ownership by submitting one of the following, in addition to other required documentation:

(a) A judgment from any district or superior court of any county of this state awarding ownership of the vessel as described in subsection (1) of this section; or

(b) The properly endorsed most previous (current) certificate of ownership or a satisfactory release of interest from the previous registered and legal owner(s); or

(c) An application to remove the bonded notation on the vessel certificate of ownership after the three-year ownership in doubt period has elapsed.

(12) If my vessel is "registration only" because ownership is in doubt, how can I get a certificate of ownership? You may apply for a certificate of ownership by submitting

one of the following, in addition to other required documentation:

(a) A judgment from any district or superior court of any county of this state awarding ownership of the vessel as described in subsection (1) of this section; or

(b) A certificate of ownership properly released or a signature notarized/certified on a release of interest from the most previous registered and legal owner(s); or

(c) An application from the registered owner to remove the registration only notation on the vessel certificate of ownership after the three-year ownership in doubt period has elapsed.

(13) May I sell or release my interest in the vessel during the three-year ownership in doubt period? Yes, upon transferring ownership during the three-year ownership in doubt period, you must provide the new owner(s) with a notarized or certified release of interest. The new owner may:

(a) Provide a judgment as described in subsection (1)(a) of this section; or

(b) Apply to the department for ownership and complete the time remaining on the previous ownership in doubt period.)) What does an applicant do if an acceptable release of interest as defined in WAC 308-93-460 is not available? When an applicant is unable to provide an acceptable release of interest for a vessel, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel; such judgment is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for "registration only" or bonded certificate of ownership as described in this rule if a judgment is unavailable as described in (a) of this subsection. The applicant must:

(i) Provide evidence of ownership of the vessel such as, but not limited to, a bill of sale;

(ii) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.

(A) If a record is found, the applicant must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter must contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If the previous owner does not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant must provide a completed affidavit

of request for bonded title or registration, explaining how the vessel was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration Without Title.

(iii) Determine whether to bond the vessel and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vehicle is a Washington state vessel dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record found. A bond will be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(A) Information provided by a value guide book or other publication of recognized standing in the vessel industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) If I have a bonded certificate of ownership for my vessel, how can I get a certificate of ownership without the bonded notation? In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit a properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(3) If I have a three-year vessel registration only, how can I obtain a certificate of ownership? In order to receive a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(4) May I sell or release my interest in the vessel during the three-year ownership in doubt period? Yes. A bonded certificate of ownership may be released and provided to the buyer the same as any other certificate of ownership. The Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. If there is a registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

WSR 03-01-107

PROPOSED RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed December 18, 2002, 10:05 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation I, Section 2.12.

Purpose: To more clearly state that the agency's substantive authority under SEPA includes the ability to require mitigation of the emissions of greenhouse gases to address the impacts of climate change.

Other Identifying Information: Section 2.12 pertains to SEPA substantive authority.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: This proposal clarifies existing language.

Reasons Supporting Proposal: This ability exists under the current language, but the revision provides more clarity.

Name of Agency Personnel Responsible for Drafting: Laurie Halvorson, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4030; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will more clearly state that the agency's substantive authority under SEPA includes the ability to require mitigation of the emissions of greenhouse gases to address the impacts of climate change. It will make clearer the agency's intention to mitigate climate change impacts from projects and facilities being permitted. The direct benefits from mitigation may include funding of local mitigation projects, which could include energy conservation or other projects to offset or reduce the greenhouse gas emissions generated by new facilities. Collateral benefits to air quality may result from the reduced combustion of fossil fuels that may occur from mitigation projects.

Proposal Changes the Following Existing Rules: The revised language is intended to make clearer the agency's intention to mitigate climate change impacts from projects and facilities being permitted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

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

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on January 23, 2003, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by January 16, 2003, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by January 13, 2003.

Date of Intended Adoption: January 23, 2003.

December 17, 2002

James Nolan

Director - Compliance

## **AMENDATORY SECTION**

### **REGULATION I SECTION 2.12 SEPA SUBSTANTIVE AUTHORITY**

(a) The policies and goals set forth in this section supplement those in the existing authority of the Agency.

(b) Any governmental action on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact, subject to the following limitations:

(1) Mitigation measures or denials shall be based on policies, plans, rules, or regulations designated in this article as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued. The responsible official shall cite the Agency's SEPA policy that is the basis of any condition or denial under this regulation (for proposals of applicants).

(2) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the responsible official. Such document may be the permit itself, or may be combined with other Agency documents, or may reference relevant portions of environmental documents.

(3) Mitigation measures shall be reasonable and capable of being accomplished.

(4) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(5) The Agency shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(6) To deny a proposal under SEPA, the Agency must find that:

(A) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental EIS prepared pursuant to this regulation; and

(B) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(c) The Agency designates and adopts by reference the following policies, plans, rules, and regulations as the potential bases for the Agency's exercise of substantive authority under SEPA, pursuant to this section:

(1) The Agency shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(A) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(B) Ensure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(C) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(D) Preserve important historic, cultural, and natural aspects of our national heritage;

(E) Maintain, wherever possible, an environment that supports diversity and variety of individual choice;

(F) Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and

(G) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(2) The Agency recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(3) The Agency adopts by reference the policies in the following laws and Agency resolutions, regulations, and plans:

(A) Federal and state Clean Air Acts, and regulations adopted thereunder.

(B) Agency Regulations I, II, and III.

(C) Resolutions adopted by the Agency Board of Directors.

(D) Maintenance plans.

(E) Washington State Implementation Plan.

(F) Final Report of the Agency PM<sub>2.5</sub> Stakeholder Group, dated October 15, 1999.

(4) The Agency establishes the following additional policies:

(A) Air quality

(i) Policy Background

(a) Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life.

(b) The Agency is responsible for monitoring air quality in the Puget Sound area, setting standards, and regulating development to achieve regional air quality standards.

(c) Federal, state, and regional regulations and programs cannot always anticipate or adequately mitigate adverse air quality impacts.

(ii) Policies

(a) To minimize or prevent adverse air quality impacts.

(b) To secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area.

(c) To eliminate emissions of ozone-depleting chlorofluorocarbons and to mitigate emissions of greenhouse gases, in

the interests of national and global environmental protection(~~and to consider energy efficiency and conservation to reduce greenhouse gases~~)).

(d) To reduce woodstove emissions by educating the public about the effects of woodstove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from woodstoves pursuant to standards adopted by the Department of Ecology; and to encourage replacing uncertified woodstoves with cleaner sources of heat.

(e) To reduce outdoor burning to the greatest extent practical.

(f) To develop and adopt strategies for effectively reducing or eliminating impacts from toxic air contaminants.

(g) To control volatile organic compound (VOC) emissions in order to maintain the National Ambient Air Quality Standard for ozone.

(h) If the responsible official makes a written finding that the applicable federal, state, and/or regional regulations did not anticipate or are inadequate to address the particular impact(s) of a project, the responsible official may condition or deny the proposal to mitigate its adverse impacts.

**(B) Land Use**

**(i) Policy background**

(a) Adverse land use impacts may result when a proposed project or land use policy includes uses that may be consistent with applicable zoning requirements but inconsistent with air quality regulations.

(b) Adverse cumulative land use impacts may result when particular uses permitted under the zoning code occur in an area to such an extent that they expose sensitive populations to air quality related health and environmental adverse impacts.

**(ii) Policies**

(a) To ensure that proposed uses in projects are reasonably compatible with surrounding uses and are consistent with applicable air quality regulations.

(b) To reduce regional air pollution emissions associated with land uses by promoting clean alternative forms of domestic use fuels, including natural gas, in new single and multifamily housing developments within urban growth areas. In addition, to discourage wood as a source of heat for residential development in low-lying areas susceptible to pollution accumulations.

(c) To encourage municipal curbside solid and yard waste collection services at reasonable costs.

**(C) Transportation**

**(i) Policy Background**

(a) Excessive traffic can adversely affect regional air quality.

(b) Substantial traffic volumes associated with major projects may adversely impact air quality in surrounding areas.

**(ii) Policies**

(a) To minimize or prevent adverse traffic impacts that would undermine the air quality of a neighborhood or surrounding areas.

(b) To promote transportation demand and systems management actions designed to reduce vehicle emissions by

reducing the use of single occupancy vehicles, reducing traffic congestion, and increasing public transportation services.

(c) To encourage integrating land use and transportation planning.

(d) To emphasize the importance of air quality conformity determinations required for proposed transportation plans, programs, and projects.

(e) To pursue and support alternative and clean fuels projects and programs.

(f) To promote and support land use plans and projects designed to reduce vehicle emissions by reducing the use of single occupant vehicles, number of vehicle miles traveled, and traffic congestion; and supporting the use of public transportation.

(g) In determining the necessary air quality impact mitigation, the responsible official will examine the mitigation proposed by the local jurisdiction.

**(D) Cumulative Effects**

(i) The analysis of cumulative effects shall include a reasonable assessment of:

(a) The capacity of natural systems, such as air, water, light, and land, to absorb the direct and reasonably anticipated indirect impacts of the proposal, and

(b) The demand upon facilities, services, and natural systems of present, simultaneous, and known future development in the area of the project or action.

(ii) An action or project may be conditioned or denied to lessen or eliminate its cumulative effects on the environment:

(a) When considered together with prior, simultaneous, or induced future development; or

(b) When, taking into account known future development under established zoning or other regulations, it is determined that a project will use more than its share of present and planned facilities, services, and natural systems.

**WSR 03-01-110  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
[Filed December 18, 2002, 2:39 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-074.

Title of Rule: WAC 246-926-100 Alternative training radiologic technologists.

Purpose: There is currently a critical shortage of certified technologists in Washington state. The proposed rule amendment will allow more individuals to successfully complete the alternative training program and gain their certification in Washington state.

Statutory Authority for Adoption: RCW 18.84.040.

Summary: WAC 246-926-100 is being amended to allow a radiologist or nuclear medicine physician specialist who is already providing indirect supervision to provide direct supervision when a certified radiologic technologist in the designated specialty area is unavailable to provide direct supervision as part of the clinical practice experience through the alternative training program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Holly Rawnsley, 1300 Quince Street S.E., Olympia, WA 98504-7869, (360) 236-4941.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amendment would allow the radiologist or nuclear medicine physician specialist, who is currently providing indirect supervision, to provide direct supervision as well, when a certified radiologic technologist in the specialty area being requested is not available. There is a critical shortage of certified technologists in all three areas (diagnostic, therapeutic and nuclear medicine) certified by Washington state. The proposed rule amendment will allow more individuals to successfully complete the alternative training program and gain their certification in Washington state.

Proposal Changes the Following Existing Rules: The proposed amendment will allow a radiologist or nuclear medicine physician specialist who is already providing indirect supervision to provide direct supervision when a certified radiologic technologist in the designated specialty area is unavailable to provide direct supervision as part of the clinical practice experience through the alternative training program. Currently, the rule allows only a certified radiologic technologist in the designated specialty area to provide direct supervision.

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

Small Business Economic Impact Statement

**I. What does the rule or rule amendment require?**

The proposed rule amendment allows the radiologist or nuclear medicine physician specialist providing indirect supervision to provide direct supervision in the event a certified radiologic technologist designated in the specialty area being requested is not available. Radiologists may only supervise individuals in the diagnostic or therapeutic specialty area. Nuclear medicine physician specialists may only supervise individuals in the nuclear medicine specialty area.

**II. What industries are affected?**

The proposed regulations affect general medical and surgical hospitals and specialty outpatient clinics that employ and provide training for radiologic technologists in the diagnostic, therapeutic and nuclear medicine specialty areas.

SIC	DESCRIPTION	TOTAL UNITS	Average employment		
			TOTAL EMP	Smallest 90%	Largest 10%
8062	General medical & surgical hospital	146	78,593	6	2,028
8093	Specialty outpatient clinics	245	7,530	11	159

**III. What are the costs?**

The cost to use a physician supervisor may be higher than using the certified radiologic technologist supervisor because the physician supervisor

would be paid at a higher rate. The radiologist or nuclear medicine specialist providing indirect supervision would typically spend forty-five minutes to review the work. By allowing them to directly supervise the procedure it would add an additional fifteen minutes of time. There would only be a net difference of fifteen minutes because they would essentially be directly and indirectly supervising at the same time. The cost for the certified radiologic technologist supervisor's time, \$23.98 per hour, can be subtracted since the physician is now providing the direct supervision. The additional cost for each person certified through the alternative training program is approximately \$25.

In the past we received approximately five requests per year for approval through the alternative training program. We expect the number of requests to increase to approximately 10-15 per year. The average cost increase for the time used by a physician supervisor to supervise between 5-10 more alternative training candidates is between \$126.10 and \$252.20 based on the number of candidates.

It is important to note that this is an added option to the alternative training program and is not mandatory. The stakeholders requested the revision. The rule does not require additional training, course work or equipment.

**IV. Is the cost disproportionate?** The cost is not disproportionate because it does not exceed the minor cost threshold of \$396.57.

**V. What cost minimizing features were included?** By allowing radiologists and nuclear medicine physician specialists to provide direct as well as indirect supervision, facilities are able to utilize current staff to provide the necessary supervision. There is a shortage of qualified certified radiologic technologists and vacancies are remaining unfilled for extended lengths of time. Because certified radiologic technologists are currently the only individuals allowed to provide direct supervision, this prohibits qualified individuals from participating in the alternative training program.

**VI. How will you involve small business in the rule making?** The Department of Health has maintained open communication with stakeholders, such as hospital administrators, medical doctors, educators, related associations, the general public, and individuals credentialed under chapter 18.84 RCW. These people are employed in various work settings and geographic areas.

The Department of Health held a public rules workgroup to draft amendment language. Approximately twenty people took part in the workgroup held simultaneously in Spokane and Olympia via videoconference. The department also received written correspondence from stakeholders with comments/recommendations to the proposed draft rule amendment.

A copy of the statement may be obtained by writing to Holly Rawnsley, Program Manager, Radiologic Technologist Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4941, fax (360) 236-2406.

RCW 34.05.328 applies to this rule adoption. This rule revision is significant because it changes the supervisory process to allow a broader range of staff to provide direct supervision.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on January 23, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Holly Rawnsley by January 15, 2003, TDD (800) 833-6388 or (360) 236-4941.

Submit Written Comments to: Holly Rawnsley, Program Manager, Radiologic Technologist Program, P.O. Box 47869, Olympia, WA 98504-7869, fax (360) 236-2406, by January 20, 2003.

Date of Intended Adoption: January 23, 2003.

December 18, 2002

Mary C. Selecky  
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-926-100 Definitions—Alternative training radiologic technologists.** (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

(f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

(g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

(h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.

(i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a

physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work.

(c) If a certified radiologic technologist designated in the specialty area is not available to provide direct supervision, the radiologist or physician specialist in nuclear medicine, who is providing indirect supervision, may also provide direct supervision. Radiologists may only supervise individuals in the diagnostic or therapeutic specialty areas. Physician specialists in nuclear medicine may only supervise individuals in the nuclear medicine specialty area.

WSR 03-01-111

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed December 18, 2002, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-112.

Title of Rule: WAC 246-830-005 Definitions and 246-830-435 Animal massage training.

Purpose: To implement RCW 18.108.230(5) which created endorsements for small or large animal practitioners.

Other Identifying Information: These rules implement RCW 18.108.230.

Statutory Authority for Adoption: RCW 18.108.230(5).

Statute Being Implemented: RCW 18.108.230.

Summary: The proposed rules define small and large animals and establish requirements for Washington State Massage Board approval of animal massage training programs.

Reasons Supporting Proposal: Provides a clear understanding of what would be categorized as a small or large animal and also ensure that training required is adequate to ensure that animal massage practitioners can practice safely.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kirby Putscher, Program Manager, 1112 S.E. Quince Street, Olympia, WA 98504-7867, (360) 236-4868.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule outlines the criteria that an animal massage training program must fulfill to ensure that the licensed massage practitioner has adequate knowledge to be eligible for the animal massage practitioner endorsement. Ensures to the public that the animal massage practitioner has received the required training to safely practice as an animal massage practitioner.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

I. What does the rule require? New definitions in the rule define animal, large animal and small animal.

The rule requires Board of Massage approval for animal massage training to implement RCW 18.108.230. The rule requires that the statutory requirement of a minimum of one hundred hours of training in specific topics relating to animal massage be distributed among the topics for certain numbers

of hours for each topic. Schools or training programs required to be licensed under private vocational schools or higher education laws, must be so licensed before the board will approve the training.

II. What industries are affected? RCW 18.108.220 Federal classification, requires that licensed massage practitioners be classified under SIC 8049.

SIC Industry Code and Title	No. of Businesses	No. of Employees	Average No. of Employees for Smallest Businesses	Average No. of Employees for 10% of Largest Businesses
8049 Offices of health care practitioners	913	5450	5	136

III. What are the costs? As there is no fee for endorsement, the cost to complete an application for endorsement is the only cost to massage practitioners under this rule. A licensed massage practitioner earns, on average, \$18 per hour. It takes approximately twenty minutes to complete the application form. Therefore it would cost approximately \$6 in time spent to complete the form.

The statute, RCW 18.108.230, imposes the cost of obtaining the training to get the endorsement. Massage schools that offer this training now charge \$10 to \$15 per credit hour for either the small or the large animal massage training course of 100 hours. The cost of training ranges from \$1000 to \$1500 for the required one hundred hours above the cost of human massage training to qualify for massage practitioner license with the small or large animal massage endorsement. Some massage practitioners now licensed may choose to obtain both endorsements and thereby incur twice the cost at \$2000 to \$3000.

The cost to a massage school to offer the required topics of training would range from \$2,500 to \$1,500 per one hundred hours of training. This difference is because a school may need to use a licensed veterinarian for part of the training at \$25 per hour versus using a massage practitioner who has the knowledge of small or large animal massage at \$15 per hour.

The cost of obtaining qualified trainers to teach the topics may be different for each school offering the training for small or large animal massage endorsement. This is because there may be no massage practitioner knowledgeable about animal kinesiology or animal anatomy and physiology in the vicinity of the school so they may need to use a licensed veterinarian to teach those topics. Licensed veterinarians charge more for their services than massage practitioners.

The Board of Massage did not use a survey or a committee to estimate the costs of the rule.

IV. Is the cost disproportionate? These rules will impose a disproportionate cost on small business.

The cost of filling out an application for endorsement is the same for both large and small businesses. The cost per employee for large businesses with an average of one hundred thirty-six employees is \$.04. The cost per employee for small businesses with an average of five employees is \$1.20.

V. What cost minimizing features were included?

A. Reducing, modifying, or eliminating substantive regulatory requirements: There has been no reduction or elimi-

nation of regulatory requirements in these rules. The statute requires training in specific topic areas to obtain the small or large animal massage endorsement from the Board of Massage.

Modification of the distribution of the one hundred hours among the required topics was done after the Board received comments. The animal first aid training was reduced from five hours to four hours in response to comments that the current standard for this training is four hours. The training on proper handling techniques was increased from twenty-five hours to twenty-six hours.

B. Simplifying, reducing or eliminating record-keeping and reporting requirements: Record keeping is not changed for massage practitioners as there is no renewal requirement for the endorsement for small or large animal massage. There are no reporting requirements relating to the endorsement.

C. Reducing the frequency of inspections: There is no inspection related to obtaining the training to qualify for endorsement.

D. Delaying compliance timetables: There are no compliance timetables related to obtaining or maintaining the training for endorsement.

E. Reducing or modifying fine schedules for noncompliance: There is no reduction or modification to fines for non-compliance with the rule. The requirement to obtain the endorsement is in the statute.

VI. How did the board involve small business in the rule making and how will the board notify businesses of new requirements? Memorandum and draft rule language was mailed to interested parties and other stakeholders to provide them an opportunity to comment or recommend changes to the draft language. The Board of Massage shared the draft rule language with the Veterinary Board of Governors.

Notice of proposed rules will be mailed to interested parties and other stakeholders. The board will consult the Veterinary Board of Governors on the proposed rules.

A copy of the statement may be obtained by writing to Kirby Putscher, Program Manager, Health Professions Section Three, Massage Program, P.O. Box 47867, 1112 S.E. Quince Street, Olympia, WA 98504-7867, phone (360) 236-4868, fax (360) 236-4922.

RCW 34.05.328 applies to this rule adoption. Licensed massage practitioners must satisfy the training requirements to receive the animal massage practitioner endorsement.

PROPOSED

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on February 5, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Kirby Putscher by January 29, 2003, TDD (800) 833-6388.

Submit Written Comments to: Kirby Putscher, Program Manager, Health Professions Section Three, Massage Program, P.O. Box 47867, 1112 S.E. Quince Street, Olympia, WA 98504-7867, fax (360) 236-4922, by January 29, 2003.

Date of Intended Adoption: February 5, 2003.

December 18, 2002

M. C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 96-22-098, filed 11/6/96, effective 12/7/96)

**WAC 246-830-005 Definitions.** For the purpose of administering chapter 18.108 RCW, the following definitions shall apply:

(1) "Massage" is as defined in RCW 18.108.010.

(2) "Massage school" is an institution which has the sole purpose of offering training in massage therapy.

(3) "Massage program" is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(4) "Apprenticeship program" is defined for the purposes of this chapter as training in massage administered by an apprenticeship trainer that satisfies the educational requirements for massage set forth in WAC 246-830-430, 246-830-440, and 246-830-450. This training shall be offered by an apprenticeship trainer to no more than three apprentices at one time and shall be completed within two years.

(5) "Apprenticeship trainer" is defined as a massage practitioner licensed in the state of Washington with not less than five current years of experience in full-time practice.

(6) "Apprentice" is defined as an individual enrolled in an apprenticeship program, and shall be held to the same standards as students in schools or programs.

(7) "Student" ((~~sh~~)) means an individual currently enrolled in an approved school, program, or apprenticeship program, who is practicing massage solely for the purposes of education as is incidental to their current course work and who is not receiving compensation for said practice.

(8) "Direct supervision" ((~~sh~~)) means a faculty member is on the premises, is quickly and easily available and the client has been examined by the faculty member at such time as acceptable massage practice requires.

(9) "Animal" means any species normally recognized as treatable by veterinary medicine.

(10) "Large animal" means any species commonly recognized as livestock and exotics. Livestock includes horses, cattle, swine and sheep.

(11) "Small animal" means any species commonly recognized as domesticated. Domesticated includes canine, feline and other small animals.

## NEW SECTION

**WAC 246-830-435 Animal massage training.** (1) For the purpose of animal massage practitioner endorsement as provided in chapter 18.108 RCW, board approval will be given to any training that consists of a minimum of one hundred hours. An hour of training is defined as fifty minutes out of a clock hour of actual instructional time. These one hundred hours must consist of the following:

(a) Twenty-five hours of animal massage technique;

(b) Twenty-five hours of animal kinesiology;

(c) Twenty hours of animal anatomy and physiology;

(d) Four hours of animal first aid which includes knowledge of normal vital signs, identification of emergency or life threatening situations, emergency first-aid application, and legal boundaries of emergency situations; and

(e) Twenty-six hours of proper handling techniques which must include instruction on the ability to control the animal to minimize risk of harm to the animal and the animal massage practitioner.

(2) Any school or training program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW), or any other statute, must complete those requirements before the board will consider the training for approval.

## WSR 03-01-112

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed December 18, 2002, 2:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-097.

Title of Rule: Adult heart surgery standards and need forecasting method; adult elective coronary interventions standards and need forecasting method; and pediatric cardiac surgery and diagnostic treatment center standards and need forecasting method.

Purpose: To reduce many regulatory requirements prohibiting the establishment of heart surgery and interventional cardiology programs and increase access to those services while still maintaining high quality programs.

Other Identifying Information: Chapter 59, Laws of 2000.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Statute Being Implemented: Chapter 70.38 RCW.

Summary: Amends WAC 246-310-261 Open heart surgery standards and need forecasting methods, amends WAC 246-310-262 Nonemergent interventional cardiology standard, and creates a new section, WAC 246-310-263 Pediatric cardiac surgery and diagnostic treatment center standards and need forecasting methods.

Reasons Supporting Proposal: This proposed rule is consistent with recommendations forwarded by the 2000 Heart Surgery Advisory Committee, a panel of top cardiac practitioners and hospitals. These changes will decrease the



regulatory burden on applicants and increase access to cardiac services while still maintaining high quality programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Bart Eggen, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6658; and Enforcement: Gary Bennett, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, (360) 705-6652.

Name of Proponent: 2000 Heart Surgery Advisory Committee, Department of Health, governmental.

Rule is necessary because of state court decision, 23480-7-II (WAC 246-310-263).

Explanation of Rule, its Purpose, and Anticipated Effects: Amends WAC 246-310-261 Open heart surgery standards and need forecasting methods, to revise definitions to reflect technological changes in adult heart surgery; reduce the minimum volume standards for applying hospitals and individual surgeons, and make other changes which reduce the regulatory burden on applicants. These changes should result in increased access to adult heart surgery services.

Amends WAC 246-310-262 Nonemergent interventional cardiology standard, to remove the requirement that all nonemergent interventional cardiology procedures be performed in hospitals with on-site open heart surgery programs; specifically define "adult elective coronary interventions"; require a separate certificate of need for these programs; establish standards for applying programs; and develop a need forecasting method. These changes should result in increased access to adult elective coronary interventions and provide improved treatment options.

As required through a August 1999 court decision, creates a new section, WAC 246-310-263 Pediatric cardiac surgery and diagnostic treatment center standards and need forecasting methods consistent with the definitions and standards in the American Academy of Pediatrics, Guidelines for Pediatric Cardiology Diagnostic and Treatment Centers and the adult heart surgery need forecasting method. This places in rule guidelines the department has been utilizing since the court decision, clarifying for applicants the standards and methods the department will use in their decision making.

Proposal Changes the Following Existing Rules: WAC 246-310-261, updates definitions, places requirements for the concurrent review process in this section, reduces minimum volume standards for hospitals and surgeons, changes the process applicants use to demonstrate they can meet the minimum volume, changes the requirements for board certified surgeons and twenty-four hour coverage, requires institutions to address the heart surgery program in their quality improvement plan, and require ongoing compliance with the certificate of need standards.

WAC 246-310-262, removes the requirement that all nonemergent interventional cardiology procedures be performed in hospitals with on-site open heart surgery programs, defines "adult elective coronary interventions," requires a separate certificate of need for adult elective coronary intervention programs, establishes a concurrent review process for these programs, develops institutional and staff volume requirements, requires institutions to address the adult elective coronary intervention program in their quality improve-

ment plan, requires ongoing compliance with the certificate of need standards, and develops a need forecasting method.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the facilities subject to this rule fall under the definition of a small business.

RCW 34.05.328 applies to this rule adoption. The proposed rules are significant because they set standards for certificate of need for health care facilities under RCW 34.05-328 (5)(iii)(B).

Hearing Location: Department of Health, 1101 Eastside Street, Room 6, Olympia, WA 98504-7890, on February 5, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Yvette Harrison by January 27, 2003, TDD (800) 833-6388 or (360) 705-6661.

Submit Written Comments to: Yvette Harrison, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6661, e-mail yvette.harrison@doh.wa.gov, by February 5, 2003.

Date of Intended Adoption: February 20, 2003.

December 17, 2002

M. C. Selecky  
Secretary

AMENDATORY SECTION (Amending Order 274, filed 5/26/92, effective 6/26/92)

**WAC 246-310-261 ((Open)) Adult heart surgery standards and need forecasting method.** (1) ((Open)) Heart surgery means a specialized surgical procedure of the heart and great vessels in the chest (excluding organ transplantation) ((which utilizes a heart lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease)).

(2) ((Open)) Heart surgery is a tertiary service as listed in WAC 246-310-020. To be granted a certificate of need, ((an open)) a heart surgery program ((shall)) must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240. If granted a certificate of need for adult heart surgery, a hospital is not required to obtain another certificate of need for adult elective coronary intervention as defined in WAC 246-310-262.

(3) The department shall review new adult heart surgery applications using the concurrent review cycle in this subsection.

(a) Applicants must submit letters of intent between the first working day and last working day of July of each year.

(b) Initial applications must be submitted between the first working day and last working day of August of each year.

(c) The department shall screen initial applications for completeness by the last working day of September of each year.

(d) Responses to screening questions must be submitted by the last working day of October of each year.

(e) The public review and comment period for applications must begin on November 16 of each year. If November

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16 is not a working day in any year, then the public review and comment period must begin on the first working day after November 16.

(f) The public comment period is limited to ninety days, unless extended under WAC 246-310-120 (2)(d). The first sixty days of the public comment period must be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days must be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period may not exceed sixty days, unless extended under WAC 246-310-120 (2)(d).

(4) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

~~((3))~~ (5) Standards.

(a) A minimum of two hundred (~~(fifty open)~~) heart surgery procedures per year (~~(shall)~~) must be performed at institutions with an (~~open~~) adult heart surgery program.

(b) Hospitals applying for a certificate of need (~~(shall)~~) must demonstrate that they can meet one hundred ten percent of the minimum volume standard. To do so, the applicant hospital must provide (~~written documentation, which is verifiable, of open heart surgeries performed on patients referred by active medical staff of the hospital. The volume of surgeries counted must be appropriate for the proposed program (i.e., pediatric and recognized complicated cases would be excluded)~~) data from CHARS demonstrating:

(i) The zip codes served by the applying hospital;

(ii) The applying hospital's percentage of total adult hospital admissions in the applicable zip codes during the most recent available three years data. Expired patients will not be counted;

(iii) The number of heart surgeries performed on patients from these zip codes during the most recent available three years data. The percentage established in (ii) of this subsection must then be applied to the number of heart surgeries. This number must be equal to or greater than two hundred twenty (one hundred ten percent of the minimum volume).

(c) (~~No new program shall be established which will reduce an existing program~~) The department shall not grant a certificate of need to a new program if the new program would cause the procedures at an existing program to drop below (~~(the minimum volume standard)~~) two hundred fifty procedures per year.

(d) (~~Open~~) Heart surgery programs (~~(shall)~~) must have at least (~~(two)~~) one U.S. board certified cardiac surgeon(~~(s, one of whom shall be available for emergency surgery)~~) or cardio-thoracic surgeon. The program must provide twenty-

four hour(~~s a day~~) coverage. (~~The practice of these surgeons shall be concentrated in a single institution and arranged so that~~) Each surgeon must perform(~~(s)~~) a minimum of one hundred (~~(twenty five open)~~) heart surgery procedures per year (~~(at that institution)~~).

(e) Institutions with (~~open~~) heart surgery programs (~~(shall)~~) must have plans for facilitating emergency access to (~~open~~) heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion (~~(problems)~~)).

(f) Institutions with heart surgery programs must provide a copy of the hospital's QI plan that includes/incorporates a section specific to the heart surgery program.

(g) When a certificate of need is issued, failure to operate the heart surgery program in accordance with certificate of need standards may be grounds for revocation or suspension of a facility's certificate of need, or other appropriate licensing or certification action.

(h) In the event two or more hospitals are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing programs;

(iv) Providing the greatest breadth and depth of cardiovascular and support services; and

(v) Facilitating emergency access to care.

(~~(g)~~) (i) Hospitals granted a certificate of need have three years from the date the program is initiated to establish the program and meet these standards.

(~~(h)~~) (j) These standards should be reevaluated in at least three years.

(~~(4)~~) (6) Steps in the need forecasting method. The department will develop a forecast of need for (~~open~~) heart surgery every year using the following procedures.

(a) Step 1. Based upon the most recent three years volumes reported for the hospitals within each planning area, compute the planning area's current capacity and the percent of out-of-state use of the area's hospitals. In those planning areas where a new program is being established, the assumed volume of that institution will be the greater of either the minimum volume standard or the estimated volume described in the approved application and adjusted by the department in the course of review and approval.

(b) Step 2. Patient origin adjust the three years of (~~open~~) heart surgery data, and compute each planning area's age-specific use rates and market shares.

(c) Step 3. Multiply the planning area's age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of surgeries expected to be performed on the residents of each planning area.

(d) Step 4. Apportion the forecasted surgeries among the planning areas in accordance with each area's average market share for the last three years of the four planning areas. This figure equals the forecasted number of state residents' surgeries expected to occur within the hospitals in each planning area. In those areas where a newly approved program is being established, an adjustment will be made to reflect anticipated market share shifts consistent with the approved application.

(e) Step 5. Increase the number of surgeries expected to occur within the hospitals in each planning area in accordance with the percent of surgeries calculated as occurring in those hospitals on out-of-state residents, based on the average of the last three years. This figure equals the total forecasted number of surgeries expected to occur within the hospitals in each planning area.

(f) Step 6. Calculate the net need for additional ~~((open))~~ heart surgery services by subtracting the current capacity from the total forecasted surgeries.

(g) Step 7. ~~((If the net need is less than the minimum volume standard, no new programs shall be assumed to be needed in the planning area. However, hospitals may be granted certificate of need approval even if the forecasted need is less than the minimum volume standard, provided:))~~ The department will not grant a certificate of need to new programs if the net need is less than the minimum volume standard, except for an applicant hospital that meets (g)(i) and either (ii) or (iii) of this subsection:

(i) The applying hospital can meet all the other certificate of need criteria for ~~((an open))~~ a heart surgery program (including documented evidence of capability of achieving the minimum volume standard); and

(ii) There is documented evidence that at least eighty percent of the patients referred for ~~((open))~~ heart surgery by the medical staff of the applying hospital are referred to institutions more than seventy-five miles away; or

(iii) Existing programs within the same planning area could maintain volumes of two hundred fifty or more procedures.

~~((5))~~ (7) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be fifteen to forty-four year olds, forty-five to sixty-four year olds, sixty-five to seventy-four year olds, and seventy-five and older.

(b) Current capacity. A planning area's current capacity for ~~((open))~~ heart surgeries equals the sum of the highest reported annual volume for each hospital within the planning area during the most recent available three years data.

(c) Forecast year. ~~((Open))~~ Heart surgery service needs shall be based on forecasts for the fourth year after the certificate of need ~~((open))~~ heart surgery concurrent review process. ~~((The 1992 reviews will be based on forecasts for 1996.))~~

(d) Market share. The market share of a planning area represents the percent of a planning area's total patient origin adjusted surgeries that were performed in hospitals located in that planning area. The most recent available three years data will be used to compute the age-specific market shares for each planning area.

~~((Open))~~ Heart surgeries. ~~((Open))~~ Heart surgeries are defined as diagnosis related groups (DRGs) 104 through ((108, inclusive)) 111 as developed under the Centers for Medicare and Medicaid Services (CMS) contract. The department will reflect any future revisions made by CMS to the DRGs in the appropriate certificate of need definitions, analyses and decisions. All pediatric surgeries (ages fourteen and under) are excluded.

(f) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within a planning area will equal the percent of total surgeries occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). The most recent available three years data will be used to compute out-of-state use of planning area hospitals.

(g) Patient origin adjustment. A patient origin adjustment of ~~((open))~~ heart surgeries provides a count of surgeries performed on the residents of a planning area regardless of which planning area the surgeries were performed in. (Surgeries can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(h) Planning areas. Four regional health service areas will be used as planning areas for forecasting ~~((open))~~ heart surgery service needs.

(i) Health service area "one" includes the following counties: Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish, Skagit, and Whatcom.

(ii) Health service area "two" includes the following counties: Cowlitz, Clark, Grays Harbor, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum.

(iii) Health service area "three" includes the following counties: Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, and Yakima.

(iv) Health service area "four" includes Adams, Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Stevens, Spokane, Walla Walla, and Whitman.

(v) Use rate. The ~~((open))~~ heart surgery use rate equals the number of surgeries performed on the residents of a planning area divided by the population of that planning area. The most recent available three years data is used to compute an averaged annual age-specific use rate for the residents of each of the four planning areas.

~~((6))~~ (8) The data source for ~~((open))~~ heart surgeries is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

~~((7))~~ (9) The data source for population estimates and forecasts is the office of financial management population trends reports.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-262 ~~((Nonemergent interventional cardiology standard.))~~ Adult elective coronary interventions—Standards and need forecasting method. ~~((All non-emergent percutaneous transluminal coronary angioplasty (PTCA) procedures and all other nonemergent interventional cardiology procedures are tertiary services as defined in~~

~~WAC 246-310-010 and shall be performed in institutions which have an established on-site open heart surgery program capable of performing emergency open heart surgery.)~~

(1) Adult elective coronary interventions mean catheter-based nonsurgical therapeutic interventions in the heart and great vessels in the chest provided in a facility that has on-site inpatient services. For purposes of this section, a facility that has on-site inpatient services includes a permanent structure which is attached to or contiguous with an inpatient hospital facility. These interventions include, but are not limited to: Insertion of coronary artery stents, percutaneous transluminal coronary angioplasty (PTCA), and invasive electrophysiologic procedures.

(2) Adult elective coronary interventions are tertiary services as listed in WAC 246-310-020. To be granted a certificate of need, an adult elective coronary intervention program must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(3) The department shall review new adult elective coronary intervention services using the concurrent review cycle in subsections (4) through (6) of this section.

(4) Certificate of need applications must be submitted and reviewed according to the following schedule and procedures.

(a) Applicants must submit letters of intent between the first working day and last working day of September of each year.

(b) Initial applications must be submitted between the first working day and last working day of October of each year.

(c) The department shall screen initial applications for completeness by the last working day of November of each year.

(d) Responses to screening questions must be submitted by the last working day of December of each year.

(e) The public review and comment period for applications begins on January 16 of each year. If January 16 is not a working day in any year, then the public review and comment period must begin on the first working day after January 16.

(f) The public comment period is limited to ninety days, unless extended under WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days must be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period may not exceed sixty days, unless extended under WAC 246-310-120 (2)(d).

(5) The department may convert the review of an application that was initially submitted under the concurrent review cycle to a regular review process if the department determines that the application does not compete with another application.

(6) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(7) Standards.

(a) Institutional volume requirements.

(i) A minimum of two hundred therapeutic catheter-based interventions per year must be performed in institutions with an adult elective coronary intervention program by the end of the third year of operation and for each year thereafter.

(ii) During the first year of operation, a minimum of one hundred therapeutic catheter-based interventions must be performed. Allowing one hundred procedures per year during the first year of operation will allow institutions to consider the complexity of cases performed during that first year.

(iii) No new program shall be established which will reduce an existing program below the minimum institutional volume standard.

(b) Staff certification requirements.

(i) Director of interventional cardiology. The director of interventional cardiology at the adult elective coronary intervention program must become U.S. board certified in general cardiology at the time of application and become U.S. board certified in interventional cardiology within two years.

(ii) Established cardiologists. Established cardiologists are defined as cardiologists out of fellowship for more than two years as of the effective date of this section. Established cardiologists must be U.S. board certified or board prepared in interventional cardiology at time of application. Board prepared status must not extend beyond five years. Cardiologists certified in general cardiology at time of application must be U.S. Interventional Cardiology Board certified within five years.

(iii) New cardiologists. New cardiologists means those cardiologists out of fellowship for less than two years. New cardiologists must be U.S. board certified or board prepared in interventional cardiology at the time of application and must maintain certification. Board prepared status may not extend beyond two years.

(c) Staff volume requirements.

(i) Established cardiologists. Established cardiologists (including the director of interventional cardiology) must perform a minimum of seventy-five catheter-based therapeutic interventions per year, except for those established cardiologists who have performed a minimum of five hundred post-training cases during his/her career. The minimum volume requirement for these cardiologists is fifty procedures per year.

(ii) New cardiologists. New cardiologists must perform a minimum of fifty catheter-based therapeutic interventions per year until they have been in practice for two or more years. After this time period, the minimum volume requirement is seventy-five procedures per year.

(d) Institutions with adult elective coronary intervention programs must have plans for facilitating safe and swift emergency access to heart surgery services at all times for the population they serve. These plans must include, at a minimum:

(i) A formal written transfer agreement for emergency medical/surgical management with at least one hospital that provides heart surgery services, that can be reached expeditiously from the program by available emergency transport within a reasonable amount of time (never to exceed two hours) and that provides the greatest assurance of patient safety;

(ii) A plan for conferences between representatives from the heart surgery program(s) and the elective coronary intervention program to be held at least quarterly, in which a significant number of preoperative and postoperative cases are reviewed, including all transport cases;

(iii) Arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.); and

(iv) The maintenance of, or affiliation with, emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(e) Institutions with adult elective coronary intervention programs must provide a copy of the hospital's QI plan that includes/incorporates a section specific to the adult elective coronary intervention program.

(f) If a certificate of need is issued, it will be conditioned to require ongoing compliance with the certificate of need standards. Failure to meet the conditioned standards may be grounds for revocation or suspension of a facility's certificate of need, or other appropriate licensing or certification actions.

(g) If two or more hospitals are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing adult coronary intervention programs;

(iv) Providing the greatest breadth and depth of cardiovascular and support services; and

(v) Facilitating emergency access to care.

(h) Hospitals granted a certificate of need have three years from the date the program is initiated to establish the program and meet these standards.

(i) These standards should be reevaluated in at least three years.

(8) Steps in the need forecasting method. The department will develop a forecast of need for adult elective coronary interventions every year using the following procedures.

(a) Step 1. Based upon the most recent three years volumes reported for the hospitals within each planning area, compute the planning area's current capacity and the percent of out-of-state use of the area's hospitals. In those planning areas where a new program has operated less than three years, the assumed volume of that institution will be the greater of either the minimum volume standard or the esti-

mated volume described in the approved application and adjusted by the department in the course of review and approval.

(b) Step 2. Patient origin adjust the three years of adult elective coronary intervention data and compute each planning area's age-specific use rates and market shares.

(c) Step 3. Multiply the planning area's age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of catheter-based therapeutic interventions expected to be performed on the residents of each planning area.

(d) Step 4. Apportion the forecasted catheter-based therapeutic interventions among the planning areas in accordance with each area's average market share for the last three years of the planning areas. This figure equals the forecasted number of state residents' interventions expected to occur within the hospitals in each planning area. In those areas where a newly approved program is being established, an adjustment will be made to reflect anticipated market share shifts consistent with the approved application.

(e) Step 5. Increase the number of catheter-based therapeutic interventions expected to occur within the hospitals in each planning area in accordance with the percent of catheter-based therapeutic interventions calculated as occurring in those hospitals on out-of-state residents, based on the average of the last three years. This figure equals the total forecasted number of catheter-based therapeutic interventions expected to occur within the hospitals in each planning area.

(f) Step 6. Calculate the net need for additional adult elective coronary intervention services by subtracting the current capacity from the total forecasted interventions.

(g) Step 7. The department will not grant a certificate of need to new programs if the net need is less than the minimum volume standard, except for an applicant hospital that meets (g) (i) and either (ii) or (iii) of this subsection:

(i) The applying hospital meets all the other certificate of need criteria for an adult elective coronary intervention program (including documented evidence of capability of achieving the minimum volume standard); and

(ii) There is documented evidence that at least eighty percent of the patients referred for catheter-based therapeutic interventions by the medical staff of the applying hospital are referred to institutions more than seventy-five miles away; or

(iii) Existing programs within the same planning area could maintain volumes of two hundred fifty or more procedures.

(9) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be fifteen to forty-four year olds, forty-five to sixty-four year olds, sixty-five to seventy-four year olds, and seventy-five and older.

(b) Current capacity. A planning area's current capacity for adult elective coronary interventions equals the sum of the highest reported annual volume for each hospital within the planning area during the most recent available three years data.

(c) Forecast year. Adult elective coronary intervention service needs must be based on forecasts for the fourth year

after the certificate of need adult elective coronary intervention concurrent review process.

(d) Market share. The market share of a planning area represents the percent of a planning area's total patient origin adjusted catheter-based therapeutic interventions that were performed in hospitals located in that planning area. The most recent available three years data will be used to compute the age-specific market shares for each planning area.

(e) Adult elective coronary interventions. Adult elective coronary interventions means diagnosis related groups (DRGs) 112, 115, and 116 as developed under the Centers for Medicare and Medicaid Services (CMS) contract. All pediatric catheter-based therapeutic and diagnostic interventions (ages fourteen and under) are excluded. The department will reflect any revisions made by CMS to the DRGs in the appropriate certificate of need definitions, analyses, and decisions.

(f) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within a planning area will equal the percent of total catheter-based therapeutic interventions occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). The most recent available three years data will be used to compute out-of-state use of planning area hospitals.

(g) Patient origin adjustment. A patient origin adjustment of catheter-based therapeutic interventions provides a count of interventions performed on the residents of a planning area regardless of which planning area the interventions were performed in. (Interventions can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(h) Planning areas. Planning area means each individual county designated by the department as the smallest geographic area for which adult coronary interventions are projected.

(i) Use rate. The adult elective coronary intervention use rate equals the number of catheter-based therapeutic interventions performed on the residents of a planning area divided by the population of that planning area. The most recent available three years data is used to compute an averaged annual age-specific use rate for the residents of each of the four planning areas.

(10) The data source for adult elective coronary interventions is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

(11) The data source for population estimates and forecasts is the office of financial management population trends reports.

## NEW SECTION

**WAC 246-310-263 Pediatric cardiac surgery and diagnostic treatment center standards and need forecasting method.** (1) A pediatric cardiac surgery and diagnostic treatment center is an institution providing comprehensive pediatric cardiology care, including medical and surgical diagnosis and treatment.

(2) Pediatric cardiac surgery and diagnosis includes, but is not limited to: All pediatric surgery of the heart and the great vessels in the chest; all pediatric catheter-based nonsurgical therapeutic and diagnostic interventions in the heart and great vessels in the chest; and invasive pediatric electrophysiological procedures.

(3) Pediatric cardiac surgery and diagnosis is a tertiary service as listed in WAC 246-310-020. To be granted a certificate of need, a pediatric cardiac surgery and diagnostic treatment center must meet the standards in this section in addition to applicable review criteria in WAC 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(4) The department must review new pediatric cardiac surgery and diagnostic services using the concurrent review cycle in this section.

(5) Certificate of need applications must be submitted and reviewed according to the following schedule and procedures.

(a) Applicants must submit letters of intent between the first working day and last working day of August of each year.

(b) Initial applications must be submitted between the first working day and last working day of September of each year.

(c) The department shall screen initial applications for completeness by the last working day of October of each year.

(d) Responses to screening questions must be submitted by the last working day of November of each year.

(e) The public review and comment period for applications begin on December 16 of each year. If December 16 is not a working day in any year, then the public review and comment period must begin on the first working day after December 16.

(f) The public comment period is limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period must be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, must also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period is limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(6) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(7) Standards.

(a) A minimum of one hundred pediatric cardiac surgical procedures (seventy-five with extracorporeal circulation) per year and a minimum of one hundred fifty catheterizations must be performed at pediatric cardiac surgery and diagnostic treatment centers.

(b) Pediatric cardiology diagnostic and treatment centers applying for a certificate of need must demonstrate that they can meet one hundred ten percent of the minimum volume standard. To do so, the applicant center must provide data from CHARS demonstrating:

(i) The zip codes served by the applying hospital;

(ii) The percentage of the total hospital admissions for children ages 0-21 served by the applying hospital in each of the applicable zip codes during the most recent available three years data. Expired patients will not be counted;

(iii) The number of pediatric heart surgeries performed in these zip codes during the most recent available three years data. The percentage established in (b)(ii) of this subsection shall then be applied to the number of pediatric heart surgeries. This number must be equal to or greater than one hundred ten (one hundred ten percent of the minimum volume);

(c) A new center may not be established if it will reduce an existing program below the minimum volume standard.

(d) Pediatric cardiology diagnostic and treatment centers must have at least two U.S. board certified or board prepared cardiac surgeons on the staff. Board prepared status must not extend beyond five years. At least one surgeon must be certified by the American Board of Thoracic Surgery. The program must provide twenty-four hour coverage.

(e) Institutions with pediatric cardiology diagnostic and treatment centers must have plans for facilitating emergency access to heart surgery services at all times for the population they serve. These plans should, at minimum, include arrangements for addressing peak volume periods (such as joint agreements with other programs, the capacity to temporarily increase staffing, etc.), and the maintenance of or affiliation with emergency transportation services (including contingency plans for poor weather and known traffic congestion problems).

(f) Institutions with pediatric cardiology diagnostic and treatment centers must provide a copy of the hospital's QI plan that includes/incorporates a section specific to the pediatric cardiac surgery and diagnostic treatment center.

(g) If a certificate of need is issued, it will be conditioned to require ongoing compliance with the certificate of need standards. Failure to meet the conditioned standards may be grounds for revocation or suspension of a facility's certificate of need, or other appropriate licensing or certification action.

(h) In the event two or more centers are competing to meet the same forecasted net need, the department shall consider the following factors when determining which proposal best meets forecasted need:

(i) The most appropriate improvement in geographic access;

(ii) The most cost efficient service;

(iii) Minimizing impact on existing programs;

(iv) Providing the greatest breadth and depth of pediatric cardiovascular and support services; and

(v) Facilitating emergency access to care.

(i) Centers granted a certificate of need have three years from the date the program is initiated to establish the program and meet these standards.

(j) These standards should be reevaluated in at least three years.

(8) Steps in the need forecasting method. The department will develop a forecast of need for pediatric cardiac surgical and diagnostic procedures every year using the following procedures.

(a) Step 1. Based upon the most recent three years volumes reported for the hospitals within the planning area, compute the planning area's current capacity and the percent of out-of-state use of the area's hospitals. When a new program is being established, the assumed volume of that institution will be the greater of either the minimum volume standard or the estimated volume described in the approved application and adjusted by the department in the course of review and approval.

(b) Step 2. Patient origin adjust the three years of pediatric cardiac surgical and diagnosis data, and compute the planning area's age-specific use rates and market shares.

(c) Step 3. Multiply the planning area's age-specific use rates by the area's corresponding forecast year population. The sum of these figures equals the forecasted number of pediatric cardiac surgical and diagnostic procedures expected to be performed on Washington pediatric residents.

(d) Step 4. Apportion the forecasted pediatric cardiac surgical and diagnostic procedures among the planning areas in accordance with Washington's average market share for the last three years. This figure equals the forecasted number of state pediatric residents' procedures expected to occur within the hospitals in the planning area. In those areas where a newly approved program is being established, an adjustment will be made to reflect anticipated market share shifts consistent with the approved application.

(e) Step 5. Increase the number of pediatric cardiac surgical and diagnostic procedures expected to occur within the hospitals in the planning area in accordance with the percent of procedures calculated as occurring in those hospitals on out-of-state residents, based on the average of the last three years. This figure equals the total forecasted number of procedures expected to occur within the hospitals in the planning area.

(f) Step 6. Calculate the net need for additional pediatric cardiac services by subtracting the current capacity from the total forecasted pediatric cardiac surgical and diagnostic procedures.

(g) Step 7. The department will not grant a certificate of need to new programs if the need is less than the minimum volume standard, except for an applicant hospital that meets the requirements in this subsection:

(i) The applying hospital can meet all the other certificate of need criteria for a pediatric cardiac surgery and diagnostic treatment center (including documented evidence of capability of achieving the minimum volume standard); and

(ii) There is documented evidence that at least eighty percent of the patients referred for pediatric cardiac services by the medical staff of the applying hospital are referred to institutions more than seventy-five miles away.

(9) For the purposes of the forecasting method in this section, the following terms have the following specific meanings:

(a) Age-specific categories. The categories used in computing age-specific values will be 0-14, 15-19 year olds.

(b) Current capacity. The planning area's current capacity for pediatric cardiac surgical and diagnostic procedures equals the sum of the highest reported annual volume for each hospital within the planning area during the most recent available three years data.

(c) Forecast year. Pediatric cardiac surgery and diagnosis service needs shall be based on forecasts for the fourth year after the certificate of need heart surgery concurrent review process.

(d) Market share. The market share of the planning area represents the percent of a planning area's total patient origin adjusted procedures that were performed in hospitals located in Washington. The most recent available three years data will be used to compute the age-specific market shares for Washington.

(e) Pediatric cardiac surgery and diagnosis. Pediatric cardiac surgery and diagnosis means diagnosis related groups (DRGs) 104-111 and 115-116, as developed under the Centers for Medicare and Medicaid Services (CMS) contract. All adult cardiac procedures (ages twenty-one and over) are excluded.

(f) Out-of-state use of planning area hospitals. The percent of out-of-state use of hospitals within the planning area will equal the percent of total pediatric cardiac surgery and diagnosis occurring within the planning area's hospitals that were performed on patients from out-of-state (or on patients whose reported zip codes are invalid). The most recent available three years data will be used to compute out-of-state use of Washington hospitals.

(g) Patient origin adjustment. A patient origin adjustment of pediatric cardiac surgical and diagnostic procedures provides a count of procedures performed on the residents of the planning area regardless of where the surgeries were performed. (Procedures can be patient origin adjusted by using the patient's zip code reported in the CHARS data base.)

(h) Planning area. For the purpose of pediatric cardiac surgery and diagnosis, the planning area is the state of Washington.

(i) Use rate. The pediatric cardiac surgery and diagnostic use rate equals the number of procedures performed on the pediatric residents of the planning area. The most recent available three years data is used to compute an averaged annual age-specific use rate for the pediatric residents.

(10) The data source for pediatric cardiac surgery and diagnosis is the comprehensive hospital abstract reporting system (CHARS), office of hospital and patient data, department of health.

(11) The data source for population estimates and forecasts is the office of financial management population trends reports.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-310-132

Open heart surgery concurrent review cycle.

## WSR 03-01-116

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 18, 2002, 3:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-21-012.

Title of Rule: Adopt new chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE).

Purpose: These rules are needed to implement the new comprehensive assessment reporting evaluation (CARE) tool, an automated system used to assess clients of long-term care.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.090.

Statute Being Implemented: RCW 74.09.520, 74.39A.-090.

Summary: Aging and Disability Services is adopting rules to support the comprehensive assessment reporting evaluation, a system used to determine needs for, develop care plan for, and support delivery of long-term care services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brooke Buckingham, ADSA, 640 Woodland Square Loop, Lacey, WA 98503, (360) 725-2530.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Once CARE implementation is completed, rules within chapter 388-72A WAC will replace comparable sections within chapter 388-71 WAC.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will support the implementation of the comprehensive assessment reporting evaluation (CARE). Designated staff will use this automated system to collect demographic data, assess functional needs and abilities, health and medical information, determine eligibility for services, develop a care plan, and authorize services for clients on or requesting long-term care services.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rules do



not impact small businesses. The rules only affect client eligibility assessments and determination of need for home and community long-term care services.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules do meet the definition of "significant legislative rule," but a cost benefit analysis is not required under RCW 34.05.328 (5)(b)(vii), exempting, "rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on February 4, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by January 31, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., February 4, 2003.

Date of Intended Adoption: Not earlier than February 5, 2003.

December 18, 2002

Bonnie Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-02 issue of the Register.

**WSR 03-01-117**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Children's Administration)  
[Filed December 18, 2002, 3:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-15-079.

Title of Rule: Chapter 388-145 WAC, Emergency respite center licensing requirements.

Purpose: This chapter establishes licensing rules for emergency respite centers (ERCs), also known as crisis nurseries. The legislature passed chapter 230, Laws of 2001 that included an amendment to RCW 74.15.020 defining center-based ERCs and adding RCW 74.15.280 authorizing the department to adopt licensing rules.

Statutory Authority for Adoption: RCW 74.15.020 and chapter 230, Laws of 2001.

Statute Being Implemented: RCW 74.15.280 and 74.15.020, chapter 230, Laws of 2001.

Summary: This chapter establishes licensing rules for emergency respite centers (ERCs), also known as crisis nurseries. Licensing will be required of all center-based programs providing crisis respite to families in their communi-

ties. The chapter provides consistent standards for the health and safety of children placed by their parents at a respite center.

Reasons Supporting Proposal: The 2001 session of the legislature passed chapter 230, Laws of 2001 that included an amendment to RCW 74.15.020 defining center-based ERCs and RCW 74.15.280 authorizing the department to adopt licensing rules. The rules outline health and safety standards for the protection of children placed at respite centers.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources, Office of Foster Care Licensing, Children's Administration, Department of Social and Health Services.

Name of Proponent: Department of Social and Health Services, Children's Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this chapter is to define the basic licensing standards for emergency respite centers and to ensure children experience safe and healthy care while placed in centers. Some of the rules were drawn from appropriate child care center and child group care licensing requirements. Additionally, new sections specific to ERCs were developed. In part, the chapter includes:

- Licensing process;
- Facility or building fire safety requirements;
- Health and environment safety regarding medication management, first-aid supplies, food/menus, and physical facility maintenance;
- Staff qualifications and training;
- Staffing ratios and child supervision; and
- Program activities and toys.

The anticipated effect of the new rules will be consistent standards of care for children placed away from their home and family by their parents. The inspections by the Office of the State Fire Marshal and Department of Health help to ensure that the physical safety of each child is in place. The rules provide adequate staffing levels and standards of supervision to promote the health and safety of the children.

Proposal does not change existing rules. The proposed rules do not change current permanent rules. When adopted as permanent, the proposed WAC 388-145-0010 through 388-145-1220 will replace emergency new WAC 388-148-1205 through 388-148-1300 that were filed previously as WSR 02-23-064, 02-15-132, and 02-08-031.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration has analyzed the proposed rules and concluded that no small businesses will be impacted.

RCW 34.05.328 applies to this rule adoption. Since the proposed new regulations "make significant changes to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)), Children's Administration has determined the proposed rules to be "significant" as defined by the legislature. As required by RCW 34.05.328 (1)(c), Children's Administration has analyzed the probable costs and probably benefits of the pro-

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posed new requirements, taking into account both the qualitative and quantitative benefits and costs. This cost-benefit analysis is available by contacting the person above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on February 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by February 21, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., February 25, 2003.

Date of Intended Adoption: Not earlier than February 26, 2003.

Bonnie Jacques  
for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 03-03 issue of the Register.

**WSR 03-01-124**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 02-14—Filed December 19, 2002, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-17-02 [02-19-098].

Title of Rule: Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

Purpose: Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, these amendments would modify the existing surface water quality standards for Washington. This rule making will propose to revise the surface water quality standards by:

- Moving from the current class-based system to a use-based system for designating beneficial uses of waters (for example swimming and aquatic life habitat) in Washington.
- Making changes to criteria (for example temperature and bacteria) for designated uses of the waters.
- Providing more clarity and detail on implementing the regulation, including the state's antidegradation policy.
- Organizing the structure and sections of the regulation to make it easier to use.

Statutory Authority for Adoption: Chapters 90.84 and 90.54 RCW.

Statute Being Implemented: Chapters 90.84 and 90.54 RCW.

Summary: Changes are proposed to adopt a new use based system, update criteria, clarify antidegradation, and reorganize and clarify the rule.

Reasons Supporting Proposal: These changes are being undertaken to incorporate new science, provide more detail

and clarity on implementing the regulations, and better tailor the criteria assigned to our waters to the characteristic uses that actually exist in those waters.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Braley, Lacey, Washington, (360) 407-6414.

Name of Proponent: Department of Ecology, governmental.

Rule is necessary because of federal law, 40 C.F.R. 131.20.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule amendment is to update water quality standards for surface waters of the state of Washington consistent with public health and public enjoyment, and for the protection of fish, shellfish, and wildlife pursuant to the provisions of chapters 90.54 and 90.48 RCW. Washington's surface water quality standards set limits on pollution in order to protect beneficial uses, such as swimming and fishing. The water quality standards serve as the cornerstone for protecting water quality in the state of Washington, and are implemented through programs that control or affect water quality. The revised standards are intended to reflect the latest scientific information and incorporate new state and federal requirements - all aimed at making our waters clean and safe for humans, fish and wildlife.

Federal regulations require that state water quality standards be reviewed and approved by the United States Environmental Protection Agency (EPA) for compliance with the Clean Water Act prior to their use. EPA must also prepare and submit a biological assessment to the federal fish and wildlife agencies to determine compliance with the Endangered Species Act (ESA). The new water quality standards will not take effect until this process is completed.

Proposal Changes the Following Existing Rules: This amendment would make changes to the following areas: The entire rule is impacted by this amendment due to reorganization and clarification with the rule. The rule is now organized into parts to assist the user in finding information more easily. Further, the standards are proposed to be implemented by a use based system rather than a class system. Changes are being proposed to existing criteria for temperature, dissolved oxygen, bacteria, and ammonia, as well as new criteria for agricultural water supplies. The antidegradation section, designed to prevent degradation of water quality, was expanded and clarified. A tools part was added to the rule to provide users with a variety of "tools" that can be used to comply with this regulation.

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

#### Small Business Economic Impact Statement

The proposed amendments to the water quality standards for surface waters have been reviewed, based on a worst case scenario (greatest potential economic impact). Based on this approach, the proposal will have a disproportionate impact on affected small businesses.<sup>1</sup> This proposed amendment would revise water quality standards that (1) will affect some small and large businesses, and (2) that provide basic protections for the uses of waters in Washington. The proposed changes

that will affect some businesses are associated with the following parts of the rule:

Antidegradation (Part III WAC 173-201A-300 through 173-201A-330).

Change to use based standards for fresh water (contained in WAC 173-201A-200, 173-201A-600, 173-201A-602).

Temperature standards for fresh water (contained in WAC 173-201A-200 (1)(c)).

Dissolved oxygen standards for fresh water (contained in WAC 173-201A-200 (1)(d)).

Bacteriological standards (WAC 173-201A-200(2) and 173-201A-210(2)).

Heat plumes in mixing zones (WAC 173-201A-200 (1)(c)).

Agricultural water supplies (WAC 173-201A-200 (3)(b)).

**The majority of businesses will not be affected because activities under the current standards would be sufficient to comply with the proposed revisions.** However, for any waterbody reaches affected by the proposed changes, and for which no variance, flexibility, or offset is possible, the proposed amendments would have a disproportionate impact on small business. Cost minimizing features have been provided in the rule.<sup>2</sup>

Uncertainty drove the decision to use a worst case analysis. The proposed rule only sets the standard and does not specify how a waterbody should meet that standard. Ecology would have needed further information in order to reduce the uncertainty in the analysis, including:

- Did the criteria on the waterbody change?
- Is the waterbody reach naturally limited?
- Will a permittee discharge a pollutant that involves a revised criteria?
- Will that permit need to be modified as a result of the criteria changes?

**The mechanism used to meet the permit limit is chosen by business and not prescribed by ecology. Ecology can not predict the options a business might choose. The determination that there will be a disproportionate impact is therefore based on a worst case analysis.**<sup>3</sup> Because of the uncertainties described above, ecology estimated costs based on the most expensive management practices to meet the criteria changes and has assumed these activities are occurring on waterbodies that do not have additional assimilative capacity. It is not possible to know the average impact of the rule. Ecology modeled worst case impacts for permitted facilities.<sup>4</sup> The modeled impact was disproportionate.

Ecology does not expect that nonpoint best management practices will be affected by the change in the standards. Business related stormwater may affect water quality. However, ecology's expectation is that the proposed changes to the standard will not require any substantive changes in currently accepted stormwater practices because current practices represent the best available methods for managing urban stormwater.<sup>5</sup> Timber and agricultural activities may affect stream temperature by removing cover. However, the practices that currently protect for water temperature and there-

fore dissolved oxygen should be so similar under the two versions of the rule that there would not be a measurable difference. (See Appendix C.)

**Legal Background:** The proposed amendments to chapter 173-201A WAC change the water quality standards for all of the surface waters in Washington. The standards set numerical limits on the allowable pollution for the state's waters and serves as the driver for control programs. Federal regulations require that the standards be reviewed and revised.<sup>6</sup> If a proposed rule change was driven entirely by state or federal law or regulation, it is not evaluated in this document. Appendix A provides a crosswalk of the current rule and the proposed changes and indicates which amendments create no substantial changes,<sup>7</sup> which amendments are federal,<sup>8</sup> and which create a significant rule change.

**Description of Proposed Changes as They Affect Business:** Small and large businesses may be affected by the proposed changes if they affect water quality in the following ways:

- Direct point source discharge to water,
- Various businesses discharge wastewater to POTWs (publicly owned treatment works), which in turn discharge to the waters of the state.

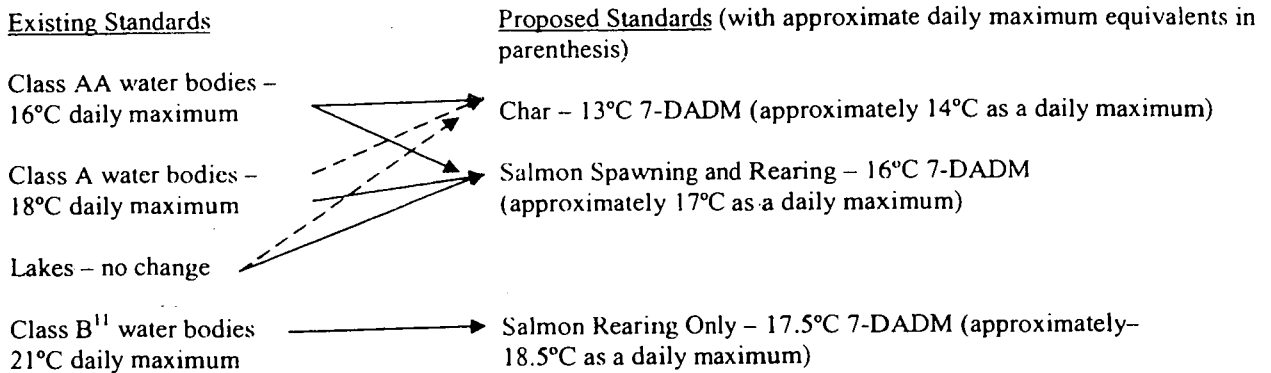
The following are brief descriptions of the rule changes.<sup>9</sup> A more detailed description of the proposed changes can be found in both the decision memos and the draft environmental impact statement which are both a part of the proposed rule package.

Proposed Antidegradation (Part III WAC 173-201A-300 through 173-201A-330): This section has been rewritten and greatly expanded. However, the changes either: (1) Are a form of cost reduction discussed below under Cost Minimization;<sup>10</sup> or (2) make requirements that are implicit in the existing rules explicit. Therefore no cost was modeled.

Use Based Format for the Standards (contained in WAC 173-201A-200, 173-201A-600, 173-201A-602): The proposed amendment shifts the classification system to a use basis. Uses are defined and the regulation applies the most stringent standards that support those uses in each case. The proposed classification system only has an impact on businesses through the change in the criteria (e.g. dissolved oxygen) and the change in the waterbody reaches (e.g. Class A to Char). Thus the proposed reclassification is analyzed through these changes. In the longer term, improved information will allow the deletion of certain uses from specific waterbody segments, potentially easing the long-term burden of the regulations.

Temperature Standards (contained in WAC 173-201A-200, 173-201A-210): Temperature standards would be either reduced or increased for some fresh water reaches. The metric used to express the temperature standard would also change from an "instantaneous daily maximum" to a "7 day average of the daily maximum" (7-DADMax). For an average water body with continuous temperature monitoring, the 7-DADMax measure is 1% lower than the instantaneous daily maximum measure. Diagram 1 shows the differences between the existing rule and the proposed rule. There are no proposed changes for marine waters.

**Diagram 1: Summary of Transition to Proposed Temperature Criteria**



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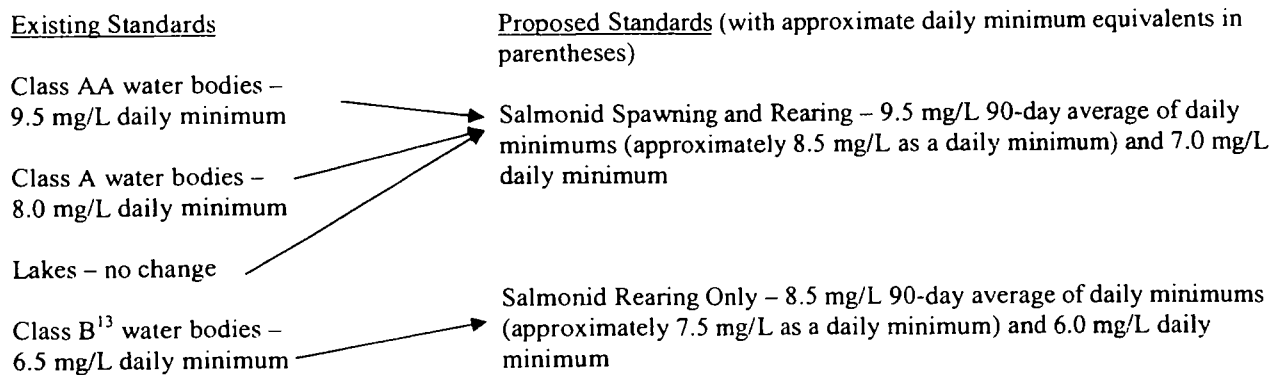
Waterbody reaches, including lakes, which naturally exceed the current standard are already limited to a .3°C change in temperature. Businesses in naturally limited reaches will be unaffected by the new standards. If the temperature criteria for a water body is increased the businesses will benefit. **Only activities located in specific waterbody reaches will be more constrained. These are reaches where (1) the stream does not naturally exceed the current standard and where (2) the proposed temperature standard is lowered.** This situation forms part of the basis for the worst case analysis.

Heat Plumes in Mixing Zones (WAC 173-201A-200 (1)(c)(vi)(C)): Heat plumes would be required to meet a temperature of 33°C, two seconds after leaving the pipe. This would impact point source dischargers that have high temper-

ature discharges that might exceed this criteria. This situation forms part of the basis for the worst case analysis.

Dissolved Oxygen Standards (DO) (contained in WAC 173-201A-200 (1)(d)): DO standards would be reduced or increased in many fresh water reaches (including lakes). There are no proposed changes for marine waters. DO measurement would change to two metrics: A long-term ninety-day average of the daily minimum and a short-term one-day minimum would be used. The daily minimum would be reduced, which should make the standard easier to meet. However, the ninety-day average, might be harder to achieve. The DO standard would increase for some waterbody reaches and would be reduced from "allows no change"<sup>12</sup> to a numeric standard of 9.5 mg/l for lakes. In some places the DO requirements would increase (see Diagram 2).

**Diagram 2: Summary of Transition to Proposed Dissolved Oxygen Criteria**



Where the natural level of DO is already lower than the current standard, there will be no change for businesses. This situation forms part of the basis for the worst case analysis.

Table 1

Changes to Bacteria Standard				
	AA (Primary)	A (Primary)	B (Secondary)	C (Secondary)
<b>Fresh Water</b>				
Primary Contact Use	50 fecal to 100 <i>E. coli</i>	100 fecal to 100 <i>E. coli</i>	none	none
Secondary Contact Use	none	none	200 fecal to 200 <i>E. coli</i>	none
<b>Salt Water</b>				
Shellfish Harvesting Areas	No change regardless of the level of contact use			
Primary Contact Use	14 fecal to 35 entero- cocci	14 fecal to 35 enterococci	none	none
Secondary Contact Use	none	none	100 fecal to 70 enterococci	200 fecal to 70 enterococci

Bacteriological Standards (WAC 173-201A-200(2), 173-201A-210 (1)(g) and (2)(b)): The proposed rule uses *E. coli* as the bacterial indicator for fresh water and enterococci as the bacterial indicator for marine water rather than the current fecal coliform test. These changes would increase testing costs for most entities that currently only measure fecal coliform. Where there are shellfish beds in salt water recreation areas there will be no change because the shellfish criteria dominate.

Agricultural Water Supplies (WAC 173-201A-200 (3)(b)): The proposed rules would set standards to protect the

quality of water diverted for agriculture. This would mean additional criteria would be applied to all water bodies where agricultural water supply is a beneficial use. Since use of waters for irrigated agriculture is widespread, the proposed criteria will be broadly applied to rivers, lakes, and reservoirs throughout the state.

#### SIC<sup>14</sup> Coded Industries Affected

This proposed rule amendment may affect many of the four digit SIC coded industries in the state.

Table 2

Employment Security Data on 4 Digi SIC Coded Industries						
SIC	DESCRIPTION	TOTAL		Permits Affected	Average Employment	
		Companies	Employment		largest 10%	small
TOTL	INDUSTRY DESCRIPTION					
1031	Copper ores	*	*	1		
2023	Dry, condensed, evaporated product	3	219	1		
2033	Canned fruits and vegetables	42	2904	2	127.3	2.4
2082	Malt beverages	29	943	1	29.6	5.9
2083	Malt	*	*	1		
2086	Bottled and canned soft drinks	11	1138	1		
2092	Fresh or frozen prepared fish	138	6562	4	187.5	12.1
2421	Sawmills and planing mills, general	179	11577	1	148.4	11.1
2611	Pulp mills	7	1331	3		
2621	Paper mills	27	7425	6	435.3	1.5
2679	Converted paper products, nec	8	350	1		2.0
2812	Alkalies and chlorine	6	273	1	25.3	
2819	Industrial inorganic chemicals, nec	13	1088	1	27.3	8.0
2869	Industrial organic chemicals, nec	*	*	1		
2873	Nitrogenous fertilizers	*	*	31		
2874	Nitrogenous fertilizers	*	*	1		
2899	Chemical preparations, nec	13	243	1		2.7
2911	Petroleum refining	26	1833	1		4.9
3241	Cement, hydraulic	5	176	2		
3272	Concrete products, nec	77	1717	1		10.5
3274	Lime	*	*	1		
3313	Electrometallurgical products	*	*	1		

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Employment Security Data on 4 Digi SIC Coded Industries						
SIC	DESCRIPTION	TOTAL		Permits	Average Employment	
		Companies	Employment	Affected	largest 10%	small
3334	Primary aluminum	11	5060	4	745.2	
3341	Secondary nonferrous metals	4	50	1		
3353	Aluminum sheet, plate, and foil	7	1046	1		
3357	Nonferrous wiredrawing & insulating	*	*	1		
3463	Nonferrous forgings	*	*	1		
3624	Carbon and graphite products	*	*	1		
4226	Special warehousing and storage, ne	40	431	1	29.2	3.5
4789	Transportation services, nec	69	793	1	36.6	4.6
4911	Electric services	193	10671	1	132.1	14.2
4961	Steam and air-conditioning supply	*	*	1		
5171	Petroleum bulk stations & terminals	60	950	4	59.3	11.6

1. **Point Sources:** The proposed rule may affect permitted point source facilities in a variety of sectors. These sectors and the number of permits<sup>15</sup> the facilities hold are listed in Table 2.<sup>16</sup> The impact on permitted activities would depend on:

- Whether the activity is located on a waterbody reach where the water body is not already listed as impaired,
- Whether the incremental change in the standards will require a permit change, and
- The mechanism a permittee chooses to use.

2. Some **POTWs** (publicly owned treatment works), which discharge to surface water, would be affected by the proposed amendments. If they raise their rates, then many of the businesses discharging to them could be affected at least to a small degree. Most POTWs would be affected by the proposed bacterial changes, but some could also be affected by the proposed changes associated with agricultural water supplies, DO, and temperature.

3. **Nonpoint Sources** (for more information on how ecology regulates nonpoint activities go to Appendix C):

- a. Business related stormwater may also affect water quality. Ecology's expectation is that the proposed changes to the standard will not require any substantive changes in currently accepted stormwater practices because current practices represent the best available methods for managing urban stormwater.<sup>17</sup>
- b. Forestry activities are covered under the forest and fish rules. The changes expected due to the incremental change in the rule are within the error rates for the methods used to determine shade and therefore are not analyzed (see Appendix C).
- c. Agricultural best management practices also affect water quality. These practices are unlikely to shift due to the incremental changes in the standards due to the elevation at which the practices occur (see Appendix C).

**Results of the SBEIS Worst Case Analysis:** The set of worst case analyses performed to support this SBEIS (see Appendix B and D) show the following economic effects:

1. **Industrial permits** may be affected. Industrial permits limit the amount and quality of discharge to surface waters by industrial facilities. Each permit is written so that the discharge will not cause a water body to exceed the sur-

face water quality standards. Compliance with the permit is mandatory, but the permittee selects the mechanism to meet the permit requirements. Ecology does not know which mechanisms permittees will choose. However, ecology must still determine whether a disproportionate impact from the proposed rule amendments would occur. So, a worst case analysis was done for a large and a small business.

This analysis assumed that the permittee chose to stop discharging to surface water and instead used land application during the summer. **Land application was chosen because it is one of the most expensive possible options, though it is not required by the water quality standards.** Costs include probabilistic estimates for testing, land, labor, equipment, engineering assistance, materials, and structures. The largest cost in the short term is the land and irrigation system. The largest cost over the long term is testing of water quality, soil, and crop in order to assure the system is working. **This worst case scenario indicates a disproportionate impact on small businesses with permits.** The cost per employee is four times higher for small business than for large business.

In most places, the proposed changes would have a marginal impact on a permit. For example there is unlikely to be any significant difference for a revised permit that reduces outfall water temperature one degree. The temperature inside a plant may be much higher than the discharge water. A high end discharge may be 30°C where inside the plant the water may be near boiling. Thus the internal reduction that is already occurring inside a plant is often large by comparison to the additional 1°C change that would generally be required. Where other less expensive options, which actually cool the water or add DO are taken, the expected cost ranges from 21% to 29% of the worst case cost for small businesses and from 6% to 9% of the worst case costs for large businesses.<sup>18</sup>

**Permit Worst Case Cost for a 15 Year Model: Cost Per Employee for Large and Small Business<sup>19</sup>**

	Small Business	Large Business
Cost per employee for land application of wastewater	\$40,000	\$9,600

Note this is the **present value of fifteen years of costs** divided by average employment.

See Appendix B for an explanation of the model basis.

See Appendix D: Monte Carlo Run for the sensitivity test.

**2. Businesses may be affected by changes in POTW rates.** If a given POTW needs to make capital improvements to meet the new standards, it may pass along those costs to its customers (including small businesses) in the form of higher charges. In any SIC coded sector where small and large businesses for some reason have the same billing increase, the rule change will automatically have a disproportionate impact on small businesses. The reader should note that, ecology considers these cost changes in making decisions regarding such a permit.<sup>20</sup>

**Proposed Cost Minimization:** Ecology must provide cost minimization where it is legal and feasible to do so. Cost minimization applies to both large and small business and falls into several categories.

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

Cost minimization provisions for most record keeping, inspection, compliance time tables, and penalty requirements are regulated by other laws, rules and programs, and are not controlled or dictated by this rule. Chapter 173-201A WAC protects water quality through standards, criteria, and the identification of beneficial uses of Washington's waters. However, implementation of chapter 173-201A WAC occurs through other ecology programs that administer water quality protection through permits, pollution control and reduction programs, and certifications. Therefore, cost minimization provisions below are focused on: Reducing, modifying, or eliminating substantive regulatory requirements.

- WAC 173-201A-020: The revised definition of AKART (all known, available, and reasonable methods of prevention, control, and treatment) has been broadened to include stormwater management manuals.
- WAC 173-201A-200 (1)(c) and (d): The revised temperature and DO criteria have been designed to avoid unnecessary impact on human economic activities and to allow for reasonable implementation. Revisions include:
  - (a) Selecting criteria from the midpoint of the range that bounds the estimate of what maximum temperatures or DO are needed to fully protect species.
  - (b) Applying the criteria based on general patterns of stream use and species mixes.
  - (c) Not basing recommendations on individual studies showing sensitive outcomes.
  - (d) Recognizing longer-term averaging periods where appropriate when developing the recommended criteria.

(e) Where natural conditions of a water body do not meet the criteria, a small allowance for human activities is allowed to be factored in to permits and pollution reduction plans.

(f) An allowance that criteria can be adjusted to account for the thermal effects of permanent human structural changes.

(g) Alternative language that allows waterbodies to only have to meet the criteria nine years out of ten. This exemption can be used in situations when temperatures or DO levels are naturally exceeded in extreme climatic years, and will make permitting or modeling more accurate and effective.

- WAC 173-201A-210 (2)(b)(2): Alternative bacteria indicator allowance. In situations where enterococci or *E. coli* are not primarily due to warm-blooded animals but instead from, for example, wood waste, the alternative fecal coliform indicator can be used. This prevents the use of enterococci from triggering unnecessary pollution-prevention efforts.
- WAC 173-201A-210 (2)(b)(4): Resolving conflicts on shellfish protection. Ecology defers to the Department of Health in determining that shellfish harvest is adequately protected. This prevents unnecessarily strict pollution-prevention measures.
- WAC 173-201A-260: This section contains provisions for applying criteria in general, including:
  - (a) Allowing the natural condition of a water body to be an alternative criteria.
  - (b) Numeric criteria do not apply to human-created waters for the removal or containment of pollution, such as private farm ponds that did not incorporate natural waterbodies.
- WAC 173-201A-320: The antidegradation section that requires a more detailed analysis from applicants of water quality permits is limited to new and expanded actions that have a measurable change in water quality. This limitation assures that resources are spent on actions that will cause a measurable change, rather than on insignificant actions.
- WAC 173-201A-320 (4)(a)(iii): Allows for overrides of antidegradation standards for innovative pollution controls and management that may advance AKART for a given industry.
- WAC 173-201A-320 (4)(b)(ix): Allows for the use of water quality offsets in meeting antidegradation requirements.
- WAC 173-201A-320(6): Allows general permits and pollution control programs to go through an antidegradation analysis at the time the permit is developed and not for each individual action covered by the general permit or pollution control program. This will be a cost savings in terms of not having to provide individual analyses.
- WAC 173-201A-320 (6)(c): Allows nonpoint source programs and general permits to use adaptive management, to avoid over-use of control measures and phase-in requirements over time.
- Part IV-Tools for Application of Criteria and Uses: This new part in the rule provides several tools for

applying alternative criteria or uses. These new tools include provisions for:

(a) WAC 173-201A-410: The amendment moves the longer duration short-term modification of water quality from pesticides to its own subsection that can apply to any short-term activity. Thus the flexibility is more broadly provided.

(b) WAC 173-201A-420: Variances allow criteria to be modified for individual facilities, or stretches of waters on a longer term basis.

(c) WAC 173-201A-430: Site specific criteria may be developed after determining that the criteria designated for a water body cannot be attained due in part or whole to natural climatic or landscape attributes, or irreversible human changes.

(d) WAC 173-201A-440: A use attainability analysis may be done to remove a designated use for a water body that is neither existing nor attainable.

(e) WAC 173-201A-450: A water quality offset occurs where a project proponent implements or finances the implementation of controls for point or nonpoint sources otherwise under the control of other entities to reduce the levels of pollution for the expressed purpose of creating sufficient assimilative capacity to allow new or expanded discharges. The goal of water quality offsets is to reduce the pollution levels of a water body sufficiently enough that a proponent's actions are not causing or further contributing to a violation of the requirements of this chapter and result in a net environmental benefit.

- WAC 173-201A-510(5): Some dams cannot meet water quality standards (e.g. total dissolved gases, temperature). This allows ecology to issue a water quality certification for relicensing of the dam through a compliance schedule, rather than disapproving the certification.
- Lastly, existing programs partially offset some of the impacts on landowners. In the case of agriculture, the conservation reserve enhancement program (CREP) from the United States Department of Agriculture will provide lease payments for some agricultural land set aside into buffers. The Clean Water Act also allows states substantial discretion in applying controls for nonpoint source pollution such that hardship situations can be readily avoided in implementation actions. For more detail on CREP, see Appendix C.

**Opportunities for Small Business to Discuss the Proposed Rule with Ecology:** Ecology has tried to make businesses an active participant in the development of the proposed revisions to the surface water quality standards. Outreach efforts will continue to include business representation on both technical and policy workgroups, presentations at trade and association meetings, special face-to-face issues with individual business sectors concerned about specific parts of the rule, multiple public hearings, and notification of the proposal and opportunities to participate to a mailing list of over 3,600 interested and affected persons.

As the rule moves toward adoption we will make information and ourselves available to business. Web site for all filing documents and attachments: <http://www.ecy.wa.gov/laws-rules/activity/wac173201a.html>. Contact for Rule Con-

tent: Susan Braley, (360) 407-6414, [sbra461@ecy.wa.gov](mailto:sbra461@ecy.wa.gov). Contact for Economic Analysis: Cathy Carruthers, (360) 407-6564, [caca461@ecy.wa.gov](mailto:caca461@ecy.wa.gov).

<sup>1</sup> RCW 19.85.040.

<sup>2</sup> RCW 19.85.030 (see cost minimization section).

<sup>3</sup> Other lower cost mechanisms also indicated a disproportionate impact.

<sup>4</sup> Facilities with NPDES (National Pollution Discharge Elimination System) and Washington state permits.

<sup>5</sup> Bill Moore, Environmental Engineer, Water Quality Program, Department of Ecology.

<sup>6</sup> Changes were proposed in order to remain in compliance with the following federal regulations: C.F.R. 131.10-Designated uses, C.F.R. 131.11-Criteria, C.F.R. 131.12-Antidegradation, C.F.R. 131.2, C.F.R. 13136-Toxics Criteria. Changes were proposed to comply with state water quality law chapter 90.48 RCW. For the most part, ecology's options are constrained by state law, the Clean Water Act and the Endangered Species Act.

<sup>7</sup> Many of the changes are clarifications of administrative procedure. Even where there are substantive changes in the physical standards, the changes are relatively minor and will in general cause no change in compliance actions.

<sup>8</sup> Federal requirements are exempt from analysis under RCW 19.85.025(2).

<sup>9</sup> RCW 19.85.040(1).

<sup>10</sup> RCW 19.85.030(3) lists acceptable forms of cost minimization.

<sup>11</sup> There are only 9 class B waterbodies.

<sup>12</sup> The most stringent standard possible.

<sup>13</sup> There are only 9 class B waterbodies.

<sup>14</sup> Standard Industrial Classification Codes. This use of SIC code is required by law despite the change of system at the federal level.

<sup>15</sup> Unaffected marine and stormwater permits were not included in the count. Simply being listed here does not mean there is necessarily a cost increase to the facility.

<sup>16</sup> The companies affected may hold more than one permit. The "\*" means there are fewer than three companies.

<sup>17</sup> Bill Moore, Environmental Engineer, Water Quality Program, Department of Ecology.

<sup>18</sup> Why have some companies (our cases) actually chosen the worst case cost? The reasons seem to have been based on severe stream reach limits and a need for long-term certainty in a setting where permits are evaluated every five years.

<sup>19</sup> These values were sensitivity tested with a probabilistic Monte Carlo simulation. The results are in Appendix B and the case descriptions are in Appendix D.

<sup>20</sup> Permit conditions for POTWs may be affected by cost considerations given in three chapters in the permit writer's manual: Water Quality Program Permit Writer's Manual 92-109, Chapter 4, Deriving Technology Based Effluent Limits, Chapter 5, Municipal Effluent Limitations and Other Requirements, Chapter 6, Water Quality Based Effluent Limits for Surface Waters.

A copy of the statement may be obtained by writing to Susan Braley, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6414, fax (360) 407-6426, e-mail [sbra461@ecy.wa.gov](mailto:sbra461@ecy.wa.gov).

RCW 34.05.328 applies to this rule adoption. These rule amendments are considered significant legislative in nature, and therefore the documentation necessary to comply with RCW 34.05.328 will be completed.

Hearing Location: Workshops and Hearings: All workshops begin at 6 p.m., public hearings begin at 8 p.m.; **Wenatchee**, Monday, January 27, 2003, Chelan County Auditorium, 400 Douglas; **Spokane**, Tuesday, January 28, 2003, Spokane Falls Community College, Student Union Building 17, Lounge AB, 3410 West Fort George Wright Drive; **Pasco**, Wednesday, January 29, 2003, Columbia



Basin College, 2600 North 20th Avenue; **Yakima**, Thursday, January 30, 2003, Ecology Central Region Office, 15 West Yakima Avenue, Suite 200; **Bellingham**, Monday, February 3, 2003, Whatcom County Courthouse, 311 Grand Avenue; **Seattle**, Tuesday, February 4, 2003, Seattle Center, Northwest Rooms: Lopez Room, 305 Harrison Street; **Port Angeles**, Wednesday, February 5, 2003, Vern Burton Center, 308 East 4th Street; and **Vancouver**, Thursday, February 6, 2003, Water Resources Center, 4600 S.E. Columbia Way.

Assistance for Persons with Disabilities: Contact Ann Butler at (360) 407-6480. The TTY number is 711 or 1-800-833-6388, by January 21, 2003.

Submit Written Comments to: Susan Braley, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, sbra461@ecy.wa.gov, fax (360) 407-6426, by 5:00 p.m. on March 7, 2003.

Date of Intended Adoption: June 2, 2003.

December 19, 2002

Linda Hoffman

Deputy Director

## PART I - INTRODUCTION

AMENDATORY SECTION (Amending Order 92-29, filed 11/25/92, effective 12/26/92)

**WAC 173-201A-010 (~~(Introduction.)~~) Purpose.** (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington consistent with public health and public enjoyment (~~(thereof)~~) of the waters and the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of chapter 90.48 RCW (~~and the policies and purposes thereof~~). All actions must comply with this chapter. As part of this chapter:

(a) All surface waters are protected by narrative criteria and designated beneficial uses.

(b) Based on the use designations, numeric and narrative criteria are assigned to the waterbody to protect the use.

(c) Where more than one use is designated to a waterbody, the most stringent criteria assigned to the waterbody must apply.

(2) Surface waters of the state include lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands, and all other surface waters and water courses within the jurisdiction of the state of Washington.

~~((2))~~ (3) This chapter (~~(shall)~~) will be reviewed periodically by the department and appropriate revisions (~~(shall)~~) will be undertaken.

~~((3))~~ The water use and quality criteria set forth in WAC 173-201A-030 through 173-201A-140 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. Compliance with the surface water quality standards of the state of Washington require compliance with chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, and chapter 173-204 WAC, Sediment management standards. (4) WAC 173-201A-200 through 173-201A-260 describe the designated water uses and criteria

for the state of Washington. These criteria were established based on present and potential water uses of the surface waters of the state. Consideration was also given to both the natural water quality potential and its limitations. To be in compliance with the surface water quality standards one must comply with chapter 173-201A WAC, Water quality standards of the state of Washington and chapter 173-204 WAC, Sediment management standards, and applicable federal rules.

AMENDATORY SECTION (Amending Order 94-19, filed 11/18/97, effective 12/19/97)

**WAC 173-201A-020 Definitions.** The following definitions are intended to facilitate the use of chapter 173-201A WAC:

**"1-DMax" or "1-day maximum temperature"** is the highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of one hour or less.

**"7-DADMax" or "7-day average of the daily maximum temperatures"** is the arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.

**"90-DADMin" or "90-day average of the daily minimum"** is the arithmetic average of all daily minimum dissolved oxygen measurements taken over a ninety-day period.

**"Action value"** means a total phosphorus (TP) value established at the upper limit of the trophic states in each ecoregion. Exceedance of an action value indicates that a problem is suspected. A lake-specific study may be needed to confirm if a nutrient problem exists.

**"Actions"** refers broadly to any human projects or activities.

**"Acute conditions"** are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of short-term exposure to the substance or detrimental environmental condition.

**"AKART"** is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement. (~~("The Stormwater Management Manual for the Puget Sound Basin" (1992);)~~) Stormwater management manuals may be used as a guideline, to the extent appropriate, for developing best management practices to apply AKART for storm water discharges.

**"Background (~~(conditions)~~)"** means the biological, chemical, and physical conditions of a water body, outside the area of influence of the discharge under consideration.

Background sampling locations in an enforcement action would be up-gradient or outside the area of influence of the discharge. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately up-gradient from each discharge. When assessing background conditions in the headwaters of a disturbed watershed it may be necessary to use the background conditions of a neighboring or similar watershed as the reference conditions.

**"Best management practices (BMP)"** means physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges.

**"Biological assessment"** is an evaluation of the biological condition of a water body using surveys of aquatic community structure and function and other direct measurements of resident biota in surface waters.

**"Bog"** means those wetlands that are acidic, peat forming, and whose primary water source is precipitation, with little, if any, outflow.

**"Carcinogen"** means any substance or agent that produces or tends to produce cancer in humans. For implementation of this chapter, the term carcinogen will apply to substances on the United States Environmental Protection Agency lists of A (known human) and B (probable human) carcinogens, and any substance which causes a significant increased incidence of benign or malignant tumors in a single, well conducted animal bioassay, consistent with the weight of evidence approach specified in the United States Environmental Protection Agency's Guidelines for Carcinogenic Risk Assessment as set forth in 51 FR 33992 et seq. as presently published or as subsequently amended or republished.

**"Chronic conditions"** are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of repeated or constant exposure over an extended period of time to a substance or detrimental environmental condition.

**"Created wetlands"** means those wetlands intentionally created from nonwetland sites to produce or replace natural wetland habitat.

**"Critical condition"** is when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing or characteristic water uses. For steady-state discharges to riverine systems the critical condition may be assumed to be equal to the 7Q10 flow event unless determined otherwise by the department.

**"Damage to the ecosystem"** means any demonstrated or predicted stress to aquatic or terrestrial organisms or communities of organisms which the department reasonably concludes may interfere in the health or survival success or natural structure of such populations. This stress may be due to, but is not limited to, alteration in habitat or changes in water temperature, chemistry, or turbidity, and shall consider the potential build up of discharge constituents or temporal

increases in habitat alteration which may create such stress in the long term.

**"Department"** means the state of Washington department of ecology.

**"Director"** means the director of the state of Washington department of ecology.

**"Drainage ditch"** means that portion of a designed and constructed conveyance system that serves the purpose of transporting surplus water; this may include natural water courses or channels incorporated in the system design, but does not include the area adjacent to the water course or channel.

**"Ecoregions"** are defined using EPA's *Ecoregions of the Pacific Northwest* Document No. 600/3-86/033 July 1986 by Omernik and Gallant.

**"Enterococci"** refers to a subgroup of the fecal streptococci that includes *S. faecalis*, *S. faecium*, *S. gallinarum*, and *S. avium*. The enterococci are differentiated from other streptococci by their ability to grow in 6.5% sodium chloride, at pH 9.6, and at 10°C and 45°C.

**"E. coli" or "Escherichia coli"** is an aerobic and facultative gram negative nonspore forming rod shaped bacteria that can grow at 44.5 degrees Celsius that are ortho-nitrophenyl-B-D-galactopyranoside (ONPG) positive and Methylumbelliferyl glucuronide (MUG) positive.

**"Existing uses"** means those uses actually attained in fresh or marine waters on or after November 28, 1975, whether or not they are designated uses. Introduced nonnative species, and put-and-take fisheries comprised of nonself-replicating introduced native species, do not need to receive full support as an existing use.

**"Fecal coliform"** means that portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within twenty-four hours at 44.5 plus or minus 0.2 degrees Celsius.

**"Geometric mean"** means either the nth root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

**"Ground water exchange"** means the discharge and recharge of ground water to a surface water. Discharge is inflow from an aquifer, seeps or springs that increases the available supply of surface water. Recharge is outflow downgradient to an aquifer or downstream to surface water for base flow maintenance. Exchange may include ground water discharge in one season followed by recharge later in the year.

**"Hardness"** means a measure of the calcium and magnesium salts present in water. For purposes of this chapter, hardness is measured in milligrams per liter and expressed as calcium carbonate (CaCO<sub>3</sub>).

**"Irrigation ditch"** means that portion of a designed and constructed conveyance system that serves the purpose of transporting irrigation water from its supply source to its place of use; this may include natural water courses or channels incorporated in the system design, but does not include the area adjacent to the water course or channel.

"Lakes" shall be distinguished from riverine systems as being water bodies, including reservoirs, with a mean detention time of greater than fifteen days.

"Lake-specific study" means a study intended to quantify existing nutrient concentrations, determine existing characteristic uses for lake class waters, and potential lake uses. The study determines how to protect these uses and if any uses are lost or impaired because of nutrients, algae, or aquatic plants. An appropriate study must recommend a criterion for total phosphorus (TP), total nitrogen (TN) in  $\mu\text{g}/\text{l}$ , or other nutrient that impairs characteristic uses by causing excessive algae blooms or aquatic plant growth.

"Mean detention time" means the time obtained by dividing a reservoir's mean annual minimum total storage by the thirty-day ten-year low-flow from the reservoir.

"Migration or translocation" means any natural movement of an organism or community of organisms from one locality to another locality.

"Mixing zone" means that portion of a water body adjacent to an effluent outfall where mixing results in the dilution of the effluent with the receiving water. Water quality criteria may be exceeded in a mixing zone as conditioned and provided for in WAC ((173-201A-100)) 173-201A-400.

"Natural conditions" or "natural background levels" means surface water quality that was present before any human-caused pollution. When estimating natural conditions in the headwaters of a disturbed watershed it may be necessary to use the less disturbed conditions of a neighboring or similar watershed as a reference condition. (See also WAC 173-201A-260(2).)

"New or expanded actions" mean human actions that occur for the first time, or human actions that are modified after July 1, 2003, for the purpose of applying the antidegradation section in WAC 173-201A-320.

"Nonpoint source" means pollution that enters any waters of the state from any dispersed land-based or water-based activities, including but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

"Permit" means a document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

"pH" means the negative logarithm of the hydrogen ion concentration.

"Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legiti-

mate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

"Primary contact ((recreation)) use" means activities where a person would have direct contact with water to the point of complete submergence including, but not limited to, skin diving, swimming, and water skiing.

"Secondary contact ((recreation)) use" means activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems, or urogenital areas would normally be avoided.

"Shoreline stabilization" means the anchoring of soil at the water's edge, or in shallow water, by fibrous plant root complexes; this may include long-term accretion of sediment or peat, along with shoreline progradation in such areas.

"Storm water" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

"Storm water attenuation" means the process by which peak flows from precipitation are reduced and runoff velocities are slowed as a result of passing through a surface waterbody.

"Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the state of Washington.

"Temperature" means water temperature expressed in degrees Celsius ( $^{\circ}\text{C}$ ).

"Thermal refuge" means areas of water having temperatures at least  $2^{\circ}\text{C}$  cooler than the surrounding water that can be used by fish to avoid, or limit, exposure to the warmer surrounding water.

"Treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of wastewater or storm water treatment. Treatment wetlands are considered part of a collection and treatment system, and generally are not subject to the criteria of this chapter.

"Trophic state" means a classification of the productivity of a lake ecosystem. Lake productivity depends on the amount of biologically available nutrients in water and sediments and may be based on total phosphorus (TP). Secchi depth and chlorophyll-a measurements may be used to improve the trophic state classification of a lake. Trophic states used in this rule include, from least to most nutrient rich, ultra-oligotrophic, oligotrophic, lower mesotrophic, upper mesotrophic, and eutrophic.

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Upwelling" means the natural process along Washington's Pacific Coast where the summer prevailing northerly winds produce a seaward transport of surface water. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen, rise to replace the surface water. The cold oxygen deficient water enters Puget Sound and other coastal

estuaries at depth where it displaces the existing deep water and eventually rises to replace the surface water. Such surface water replacement results in an overall increase in salinity and nutrients accompanied by a depression in dissolved oxygen. Localized upwelling of the deeper water of Puget Sound can occur year-round under influence of tidal currents, winds, and geomorphic features.

"USEPA" means the United States Environmental Protection Agency.

"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Waterbodies not included in the definition of wetlands as well as those mentioned in the definition are still waters of the state.)

"Wildlife habitat" means waters of the state used by, or that directly or indirectly provide food support to, fish, other aquatic life, and wildlife for any life history stage or activity.

AMENDATORY SECTION (Amending Order 94-19, filed 11/18/97, effective 12/19/97)

**WAC 173-201A-040 Toxic substances.** (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and characteristic beneficial uses of waters are being fully protected.

(3) The following criteria, found in Table 240(3), shall be applied to all surface waters of the state of Washington for the protection of aquatic life. The department may revise the following criteria on a statewide or waterbody-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria. Values are µg/L for all substances except Ammonia and Chloride which are mg/L:

Table 240(3)  
Toxics Substances Criteria

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin e	2.5a	0.0019b	0.71a	0.0019b
Ammonia (un-ionized NH3) hh	f,c	g,d	0.233h,c	0.035h,d
Arsenic dd	360.0c	190.0d	69.0c,ll	36.0d,cc,ll
Cadmium dd	i,c	j,d	42.0c	9.3d
Chlordane	2.4a	0.0043b	0.09a	0.004b
Chloride (Dissolved) k	860.0h,c	230.0h,d	-	-
Chlorine (Total Residual)	19.0c	11.0d	13.0c	7.5d
Chlorpyrifos	0.083c	0.041d	0.011c	0.0056d
Chromium (Hex) dd	15.0c,i,ii	10.0d,jj	1,100.0c,i,ll	50.0d,ll
Chromium (Tri) gg	m,c	n,d	-	-
Copper dd	o,c	p,d	4.8c,ll	3.1d,ll
Cyanide ee	22.0c	5.2d	1.0c,mm	((-) d,mm)
DDT (and metabolites)	1.1a	0.001b	0.13a	0.001b
Dieldrin/Aldrin e	2.5a	0.0019b	0.71a	0.0019b
Endosulfan	0.22a	0.056b	0.034a	0.0087b
Endrin	0.18a	0.0023b	0.037a	0.0023b
Heptachlor	0.52a	0.0038b	0.053a	0.0036b
Hexachlorocyclohexane (Lindane)	2.0a	0.08b	0.16a	=
((Lindane)	2.0a	0.08b	0.16a	-))
Lead dd	q,c	r,d	210.0c,ll	8.1d,ll
Mercury s	2.1c,kk,dd	0.012d,ff	1.8c,ll,dd	0.025d,ff
Nickel dd	t,c	u,d	74.0c,ll	8.2d,ll

PROPOSED

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Parathion	0.065c	0.013d	-	-
Pentachlorophenol (PCP)	w,c	v,d	13.0c	7.9d
Polychlorinated				
Biphenyls (PCBs)	2.0b	0.014b	10.0b	0.030b
Selenium	20.0c,ff	5.0d,ff	290c,ll,dd	71.0d, x,ll,dd
Silver dd	y,a	-	1.9a,ll	-
Toxaphene	0.73c,z	0.0002d	0.21c,z	0.0002d
Zinc dd	aa,c	bb,d	90.0c,ll	81.0d,ll

Notes to Table 240(3):

- a. An instantaneous concentration not to be exceeded at any time.
- b. A 24-hour average not to be exceeded.
- c. A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d. A 4-day average concentration not to be exceeded more than once every three years on the average.
- e. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f. Shall not exceed the numerical value given by:

$$((0.52^3(FT)(FPH)(2))$$

where: FT =  $10^{(0.03(20-TCAP))}$ ; TCAP = T - 30  
 FT =  $10^{(0.03(20-T))}$ ; 0 ≤ T ≤ TCAP  
 FPH =  $1 + 8 \times 10^{-pH-9}$   
 FPH =  $(1 + 10^{(7.4-pH)})^{-1.25}$ ; 6.5 ≤ pH ≤ 8.0  
 TCAP = 20×C; Salmonids present.  
 TCAP = 25×C; Salmonids absent.))

For salmonids present:  $\frac{0.275}{1 + 10^{7.204-pH}} \pm \frac{39.0}{1 + 10^{pH-7.205}}$   
 For salmonids absent:  $\frac{0.411}{1 + 10^{7.204-pH}} \pm \frac{58.4}{1 + 10^{pH-7.20}}$

where: RATIO =  $13.5 + 7.7 \leq pH \leq 9$   
 RATIO =  $(20.25 \times 10^{(7.7-pH)}) + (1 + 10^{(7.4-pH)})$ ; 6.5 ≤ pH ≤ 7.7  
 ((where: FT and FPH are as shown in (f) above except:  
 TCAP = 15×C; Salmonids present;  
 TCAP = 20×C; Salmonids absent.))  
 FT =  $1.4$ ; 15 ≤ T ≤ 30  
 FT =  $10^{(0.03(20-T))}$ ; 0 ≤ T ≤ 15  
 FPH =  $1 + 8 \times 10^{-pH-9}$   
 FPH =  $(1 + 10^{(7.4-pH)})^{-1.25}$ ; 6 ≤ pH ≤ 8.0

- g. Shall not exceed the numerical ((value given by)) concentration calculated as follows:  
Unionized ammonia concentration for waters where salmonid habitat is a use:

Chronic criterion =  $\frac{0.0557}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}}$  (1.45 x 10<sup>0.028(25-A)</sup>)

where: A = the greater of either T (temperature in degrees Celsius) or 7.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

Total ammonia concentration for waters where salmonid habitat is not a use and other fish early life stages are present:

Chronic criterion =  $\frac{0.0557}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}}$  (B)

where: B = the lower of either 2.85, or 1.45 x 10<sup>0.028 x (25-T)</sup>; T = temperature in degrees Celsius.

Applied as a thirty-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the thirty-day period should not exceed 2.5 times the chronic criterion.

- h. Measured in milligrams per liter rather than micrograms per liter.
- i. ≤ (0.944)(e<sup>1.128(((H)) ln(hardness)</sup>)-3.828)) at hardness= 100. Conversion factor (CF) of 0.944 is hardness dependent. CF is calculated for other hardnesses as follows: CF= 1.136672 - [(((H)) ln hardness)(0.041838)].
- j. ≤ (0.909)(e<sup>0.7852(((H)) ln(hardness)</sup>)-3.490)) at hardness= 100. Conversion factor (CF) of 0.909 is hardness dependent. CF is calculated for other hardnesses as follows: CF= 1.101672 - [(((H)) ln hardness)(0.041838)].
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.

- m. ≤ (0.316)e<sup>0.8190(((H)) ln(hardness)</sup>+3.688)
- n. ≤ (0.860)e<sup>0.8190(((H)) ln(hardness)</sup>+1.561)
- o. ≤ (0.960)(e<sup>0.9422(((H)) ln(hardness)</sup>-1.464))
- p. ≤ (0.960)(e<sup>0.8545(((H)) ln(hardness)</sup>-1.465))
- q. ≤ (0.791)(e<sup>1.273(((H)) ln(hardness)</sup>-1.460)) at hardness= 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: CF= 1.46203 - [(((H)) ln hardness)(0.145712)].
- r. ≤ (0.791)(e<sup>1.273(((H)) ln(hardness)</sup>-4.705)) at hardness= 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: CF= 1.46203 - [(((H)) ln hardness)(0.145712)].
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t. ≤ (0.998)(e<sup>0.8460(((H)) ln(hardness)</sup>+3.3612))
- u. ≤ (0.997)(e<sup>0.8460(((H)) ln(hardness)</sup>+1.1645))

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- v.  $\leq e^{[1.005(\text{pH}) - 5.290]}$
- w.  $\leq e^{[1.005(\text{pH}) - 4.830]}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds  $5.0 \mu\text{g}/((+))$  in salt water.
- y.  $\leq (0.85)(e^{(1.72((+)) \ln(\text{hardness}) - 6.52)})$
- z. Channel Catfish may be more acutely sensitive.
- aa.  $\leq (0.978)(e^{(0.8473((+)) \ln(\text{hardness}) + 0.8604)})$
- bb.  $\leq (0.986)(e^{(0.8473((+)) \ln(\text{hardness}) + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36  $\mu\text{g}/\text{L}$ ) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21  $\mu\text{g}/\text{L}$ .
- dd. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
- ee. The criteria for cyanide is based on the weak ~~((and))~~ acid dissociable method in the 17th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote dd, above).
- ff. These criteria are based on the total-recoverable fraction of the metal.
- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- hh. The listed fresh water criteria are based on unionized or total ammonia concentrations, while those for marine water are based on total ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.
- ii. The conversion factor used to calculate the dissolved metal concentration ((is)) was 0.982.
- jj. The conversion factor used to calculate the dissolved metal concentration ((is)) was 0.962.
- kk. The conversion factor used to calculate the dissolved metal concentration ((is)) was 0.85.
- ll. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury ((is applicable)) was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion= criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951

Metal	CF
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

mm. The cyanide criteria are: ~~((9-+))~~ 2.8 $\mu\text{g}/\text{l}$  chronic and ~~((2-8))~~ 2.1 $\mu\text{g}/\text{l}$  acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1  $\mu\text{g}/\text{L}$ .

(4) USEPA Quality Criteria for Water, 1986, as revised, shall be used in the use and interpretation of the values listed in subsection (3) of this section.

(5) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (3) of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate. Human health-based water quality criteria used by the state are contained in 40 CFR 131.36 (known as the National Toxics Rule).

(6) Risk-based criteria for carcinogenic substances shall be selected such that the upper-bound excess cancer risk is less than or equal to one in one million.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 92-29, filed 11/25/92, effective 12/26/92)

**WAC 173-201A-100 Mixing zones.** (1) The allowable size and location of a mixing zone and the associated effluent limits shall be established in discharge permits, general permits, or orders, as appropriate.

(2) A discharger shall be required to fully apply AKART prior to being authorized a mixing zone.

(3) Mixing zone determinations shall consider critical discharge conditions.

(4) No mixing zone shall be granted unless the supporting information clearly indicates the mixing zone would not have a reasonable potential to cause a loss of sensitive or important habitat, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health as determined by the department.

(5) Water quality criteria shall not be violated outside of the boundary of a mixing zone as a result of the discharge for which the mixing zone was authorized.

(6) The size of a mixing zone and the concentrations of pollutants present shall be minimized.

(7) The maximum size of a mixing zone shall comply with the following:

(a) In rivers and streams, mixing zones, singularly or in combination with other mixing zones, shall comply with the most restrictive combination of the following (this size limitation may be applied to estuaries having flow characteristics that resemble rivers):

(i) Not extend in a downstream direction for a distance from the discharge port(s) greater than three hundred feet plus the depth of water over the discharge port(s), or extend upstream for a distance of over one hundred feet;

(ii) Not utilize greater than twenty-five percent of the flow; and

(iii) Not occupy greater than twenty-five percent of the width of the water body.

(b) In estuaries, mixing zones, singularly or in combination with other mixing zones, shall:

(i) Not extend in any horizontal direction from the discharge port(s) for a distance greater than two hundred feet plus the depth of water over the discharge port(s) as measured during mean lower low water; and

(ii) Not occupy greater than twenty-five percent of the width of the water body as measured during mean lower low water. For the purpose of this section, areas to the east of a line from Green Point (Fidalgo Island) to Lawrence Point (Orcas Island) are considered estuarine, as are all of the Strait of Georgia and the San Juan Islands north of Orcas Island. To the east of Deception Pass, and to the south and east of Admiralty Head, and south of Point Wilson on the Quimper Peninsula, is Puget Sound proper, which is considered to be entirely estuarine. All waters existing within bays from Point Wilson westward to Cape Flattery and south to the North Jetty of the Columbia River shall also be categorized as estuarine.

(c) In oceanic waters, mixing zones, singularly or in combination with other mixing zones, shall not extend in any horizontal direction from the discharge port(s) for a distance greater than three hundred feet plus the depth of water over the discharge port(s) as measured during mean lower low water. For the purpose of this section, all marine waters not classified as estuarine in (b)(ii) of this subsection shall be categorized as oceanic.

(d) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones shall not be allowed unless it can be demonstrated to the satisfaction of the department that:

(i) Other siting, technological, and managerial options that would avoid the need for a lake mixing zone are not reasonably achievable;

(ii) Overriding considerations of the public interest will be served; and

(iii) All technological and managerial methods available for pollution reduction and removal that are economically achievable would be implemented prior to discharge. Such methods may include, but not be limited to, advanced waste treatment techniques.

(e) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones, singularly or in combination with other mixing zones, shall comply with the most restrictive combination of the following:

(i) Not exceed ten percent of the water body volume;

(ii) Not exceed ten percent of the water body surface area (maximum radial extent of the plume regardless of whether it reaches the surface); and

(iii) Not extend beyond fifteen percent of the width of the water body.

(8) Acute criteria are based on numeric criteria and toxicity tests approved by the department, as generally guided under WAC ((~~173-201A-040~~) 173-201A-240) (1) through (5), and shall be met as near to the point of discharge as practically attainable. Compliance shall be determined by monitoring data or calibrated models approved by the department utilizing representative dilution ratios. A zone where acute criteria may be exceeded is allowed only if it can be demonstrated to the department's satisfaction the concentration of, and duration and frequency of exposure to the discharge, will not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem. A zone of acute criteria exceedance shall singularly or in combination with other such zones comply with the following maximum size requirements:

(a) In rivers and streams, a zone where acute criteria may be exceeded shall comply with the most restrictive combination of the following (this size limitation may also be applied to estuaries having flow characteristics resembling rivers):

(i) Not extend beyond ten percent of the distance towards the upstream and downstream boundaries of an authorized mixing zone, as measured independently from the discharge port(s);

(ii) Not utilize greater than two and one-half percent of the flow; and

(iii) Not occupy greater than twenty-five percent of the width of the water body.

(b) In oceanic and estuarine waters a zone where acute criteria may be exceeded shall not extend beyond ten percent of the distance established in subsection (7)(b) of this section as measured independently from the discharge port(s).

(9) Overlap of mixing zones.

(a) Where allowing the overlap of mixing zones would result in a combined area of water quality criteria nonattainment which does not exceed the numeric size limits established under subsection (7) of this section, the overlap may be permitted if:

(i) The separate and combined effects of the discharges can be reasonably determined; and

(ii) The combined effects would not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem.

(b) Where allowing the overlap of mixing zones would result in exceedance of the numeric size limits established under subsection (7) of this section, the overlap may be allowed only where:

(i) The overlap qualifies for exemption under subsections (12) and (13) of this section; and

(ii) The overlap meets the requirements established in (a) of this subsection.

(10) Storm water:

(a) Storm water discharge from any "point source" containing "process wastewater" as defined in 40 C.F.R. Part 122.2 shall fully conform to the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section.

(b) Storm water discharges not described by (a) of this subsection may be granted an exemption to the numeric size criteria in subsections (7) and (8) of this section and the over-

lap criteria in subsection (9) of this section, provided the discharger clearly demonstrates to the department's satisfaction that:

(i) All appropriate best management practices established for storm water pollutant control have been applied to the discharge.

(ii) The proposed mixing zone shall not have a reasonable potential to result in a loss of sensitive or important habitat, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health as determined by the department; and

(iii) The proposed mixing zone shall not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem.

(c) All mixing zones for storm water discharges shall be based on a volume of runoff corresponding to a design storm approved by the department. Exceedances from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section due to precipitation events greater than the approved design storm may be allowed by the department, if it would not result in adverse impact to existing or characteristic uses of the water body or result in damage to the ecosystem, or adversely affect public health as determined by the department.

(11) Combined sewer overflows complying with the requirements of chapter 173-245 WAC, may be allowed an average once per year exemption to the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section, provided the discharge complies with subsection (4) of this section.

(12) Exceedances from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section may be considered by the department in the following cases:

(a) For discharges existing prior to November 24, 1992, (or for proposed discharges with engineering plans formally approved by the department prior to November 24, 1992);

(b) Where altering the size configuration is expected to result in greater protection to existing and characteristic uses;

(c) Where the volume of water in the effluent is providing a greater benefit to the existing or characteristic uses of the water body due to flow augmentation than the benefit of removing the discharge, if such removal is the remaining feasible option; or

(d) Where the exceedance is clearly necessary to accommodate important economic or social development in the area in which the waters are located.

(13) Before an exceedance from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section may be allowed under subsection (12) of this section, it must clearly be demonstrated to the department's satisfaction that:

(a) AKART appropriate to the discharge is being fully applied;

(b) All siting, technological, and managerial options which would result in full or significantly closer compliance that are economically achievable are being utilized; and

(c) The proposed mixing zone complies with subsection (4) of this section.

(14) Any exemptions granted to the size criteria under subsection (12) of this section shall be reexamined during each permit renewal period for changes in compliance capability. Any significant increase in capability to comply shall be reflected in the renewed discharge permit.

(15) The department may establish permit limits and measures of compliance for human health based criteria (based on lifetime exposure levels), independent of this section.

(16) Sediment impact zones authorized by the department pursuant to chapter 173-204 WAC, Sediment management standards, do not satisfy the requirements of this section.

AMENDATORY SECTION (Amending Order 94-19, filed 11/18/97, effective 12/19/97)

**WAC 173-201A-110 Short-term modifications.** The criteria and special conditions established in WAC ((173-201A-030)) 173-201A-200 through ((173-201A-140)) 173-201A-260, 173-201A-602 and 173-201A-612 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest, even though such activities may result in a temporary reduction of water quality conditions (~~below those criteria and classifications established by this regulation. Such activities must be conditioned, timed, and restricted (i.e., hours or days rather than weeks or months) in a manner that will minimize water quality degradation to existing and characteristic uses. In no case will any degradation of water quality be allowed if this degradation significantly interferes with or becomes injurious to characteristic water uses or causes long-term harm to the environment~~)).

(1) A short-term modification shall:

(a) Be authorized in writing by the department, and conditioned, timed, and restricted in a manner that will minimize water quality degradation to designated uses;

(b) Be valid for the duration of the activity requiring modification of the criteria and special conditions in WAC 173-201A-200 through 173-201A-260, as determined by the department;

(c) Allow degradation of water quality if the degradation does not significantly interfere with or become injurious to designated water uses or cause long-term harm to the environment.

(2) The department may authorize a longer duration where the activity is part of an ongoing or long-term operation and maintenance plan, integrated pest or noxious weed management plan, waterbody or watershed management plan, or restoration plan. Such a plan must be developed through a public involvement process consistent with the Administrative Procedure Act (chapter 34.05 RCW) and be in compliance with SEPA, chapter 43.21C RCW, in which case the standards may be modified for the duration of the plan, or for five years, whichever is less. Such long-term plans may be renewed by the department after providing for



another opportunity for public and intergovernmental involvement and review.

(3) The department may allow a major watershed restoration activity that will provide greater benefits to the health of the aquatic system in the long-term (such as removing dams or reconnecting meander channels) which, in the short term, may cause significant impacts to designated uses as a result of the activities to restore the waterbody and environmental conditions. Authorization will be given in accordance with subsection (2) of this section.

(4) A short-term modification may be issued in writing by the director or his/her designee to an individual or entity proposing the aquatic application of pesticides, including but not limited to those used for control of federally or state listed noxious and invasive species, and excess populations of native aquatic plants, mosquitoes, burrowing shrimp, and fish, subject to the following terms and conditions:

(a) A short-term modification will in no way lessen or remove the project proponent's obligations and liabilities under other federal, state and local rules and regulations.

(b) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request shall be made at least thirty days prior to initiation of the proposed activity, and after the project proponent has complied with the requirements of the State Environmental Policy Act (SEPA);

~~(c) ((A short-term modification shall be valid for the duration of the activity requiring modification of the criteria and special conditions in WAC 173-201A-030 through 173-201A-140, or for one year, whichever is less. Ecology may authorize a longer duration where the activity is part of an ongoing or long-term operation and maintenance plan, integrated pest or noxious weed management plan, waterbody or watershed management plan, or restoration plan. Such a plan must be developed through a public involvement process consistent with the Administrative Procedure Act (chapter 34.05 RCW) and be in compliance with SEPA, chapter 43.21C RCW, in which case the standards may be modified for the duration of the plan, or for five years, whichever is less;~~

(d)) Appropriate public notice as determined and prescribed by the director or his/her designee shall be given, identifying the pesticide, applicator, location where the pesticide will be applied, proposed timing and method of application, and any water use restrictions specified in USEPA label provisions;

~~((e))~~ (d) The pesticide application shall be made at times so as to:

(i) Minimize public water use restrictions during weekends; and

(ii) Avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, Independence Day weekend, and Labor Day weekend;

~~((f))~~ (e) Any additional conditions as may be prescribed by the director or his/her designee.

~~((g))~~ (5) A short-term modification may be issued for the control or eradication of noxious weeds identified as such in accordance with the state noxious weed control law, chapter 17.10 RCW, and Control of spartina and purple loosestrife, chapter 17.26 RCW. Short-term modifications for

noxious weed control shall be included in a water quality permit issued in accordance with RCW 90.48.445, and the following requirements:

(a) The department may issue water quality permits for noxious weed control may be issued to the Washington state department of agriculture (WSDA) for the purposes of coordinating and conducting noxious weed control activities consistent with their responsibilities under chapter 17.10 and 17.26 RCW. Coordination may include noxious weed control activities identified in a WSDA integrated noxious weed management plan and conducted by individual landowners or land managers.

~~((b) The department may also issue water quality permits ((may also be issued)) to individual landowners or land managers for noxious weed control activities where such activities are not covered by a WSDA integrated noxious weed management plan.~~

~~((3) The turbidity criteria established under WAC 173-201A-030 shall be modified to allow a temporary mixing zone during and immediately after necessary in-water or shoreline construction activities that result in the disturbance of in-place sediments. A temporary turbidity mixing zone is subject to the constraints of WAC 173-201A-100 (4) and (6) and is authorized only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. A temporary turbidity mixing zone shall be as follows:~~

~~(a) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from activity causing the turbidity exceedance.~~

~~(b) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream from activity causing the turbidity exceedance.~~

~~(c) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream from activity causing the turbidity exceedance.~~

~~(d) For projects working within or along lakes, ponds, wetlands, estuaries, marine waters or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty feet from activity causing the turbidity exceedance.)~~

AMENDATORY SECTION (Amending Order 94-19, filed 11/18/97, effective 12/19/97)

WAC 173-201A-160 Means of implementation. (1) ~~((Discharges from municipal, commercial, and industrial operations.))~~ Permitting. The primary means to be used for controlling municipal, commercial, and industrial waste discharges shall be through the issuance of waste ~~((disposal))~~ discharge permits, as provided for in RCW 90.48.160, 90.48.162, and 90.48.260. Waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, must be conditioned so the discharges authorized will meet the water quality standards. No waste discharge permit can be issued which results in a violation of established water quality criteria, except as provided for in this chapter.

(a) Persons discharging wastes in compliance with the terms and conditions of permits are not subject to civil and criminal penalties on the basis that the discharge violates water quality standards.

(b) Permits are subject to modification by the department when it is determined that the discharge violates water quality standards. Major modification of permits is subject to review in the same manner as the originally issued permits.

**(2) Miscellaneous waste discharge or water quality effect sources.** The director shall, through the issuance of regulatory permits, directives, and orders, as are appropriate, control miscellaneous waste discharges and water quality effect sources not covered by subsection (1) of this section.

**(3) Nonpoint source and storm water pollution.**

(a) Activities which generate nonpoint source pollution shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate nonpoint source pollution.

(b) Best management practices shall be applied so that when all appropriate combinations of individual best management practices are utilized, violation of water quality criteria shall be prevented. If a discharger is applying all best management practices appropriate or required by the department and a violation of water quality criteria occurs, the discharger shall modify existing practices or apply further water pollution control measures, selected or approved by the department, to achieve compliance with water quality criteria. Best management practices established in permits, orders, rules, or directives of the department shall be reviewed and modified, as appropriate, so as to achieve compliance with water quality criteria.

(c) Activities which contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria. When applicable best management practices are not being implemented, the department may conclude individual activities are causing pollution in violation of RCW 90.48.080. In these situations, the department may pursue orders, directives, permits, or civil or criminal sanctions to gain compliance with the standards.

(d) Activities which cause pollution of storm water shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate storm water pollution. The consideration and control procedures in (b) and (c) of this subsection apply to the control of pollutants in storm water.

**(4) General allowance for compliance schedules.**

(a) Permits, orders, and directives of the department for existing discharges may include a schedule for achieving compliance with water quality criteria contained in this chapter. Such schedules of compliance shall be developed to ensure final compliance with all water quality-based effluent limits in the shortest practicable time. Decisions regarding

whether to issue schedules of compliance will be made on a case-by-case basis by the department. Schedules of compliance may not be issued for new discharges. Schedules of compliance may be issued to allow for: (i) construction of necessary treatment capability; (ii) implementation of necessary best management practices; (iii) implementation of additional storm water best management practices for discharges determined not to meet water quality criteria following implementation of an initial set of best management practices; (iv) completion of necessary water quality studies; or (v) resolution of a pending water quality standards' issue through rule-making action.

(b) For the period of time during which compliance with water quality criteria is deferred, interim effluent limitations shall be formally established, based on the best professional judgment of the department. Interim effluent limitations may be numeric or nonnumeric (e.g., construction of necessary facilities by a specified date as contained in an ecology order or permit).

(c) Prior to establishing a schedule of compliance, the department shall require the discharger to evaluate the possibility of achieving water quality criteria via nonconstruction changes (e.g., facility operation, pollution prevention). Schedules of compliance may in no case exceed ten years, and shall generally not exceed the term of any permit.

**(5) Compliance schedules for dams:**

(a) All existing dams in the state of Washington must comply with the provisions of this chapter.

(b) For dams that do not meet one or more of the state's water quality criteria, the dam owner must develop a water quality attainment plan that provides a detailed strategy for achieving compliance. The plan must include:

(i) A compliance schedule that does not exceed ten years;

(ii) Identification of all reasonable and feasible improvements that could be used to meet standards, or if meeting the standards is not attainable, then to achieve the highest attainable level of improvement;

(iii) Any department-approved gas abatement plan as described in WAC 173-201A-200 (1)(f)(ii) and (iii);

(iv) Analytical methods that will be used to evaluate all reasonable improvements;

(v) Water quality monitoring, which will be used by the department to track the progress in achieving compliance with the state water quality standards; and

(vi) Benchmarks and reporting sufficient for the department to track the applicant's progress toward implementing the plan within the designated time period.

(c) The plan must ensure compliance with all applicable water quality criteria, as well as any other requirements established by the department (such as through a total maximum daily load, or TMDL, analysis).

(d) If the department is acting on an application for a water quality certification, the approved water quality attainment plan may be used by the department in its determination that there is reasonable assurance that water quality standards will be met by the dam.

(e) When evaluating compliance with the plan, the department will allow the use of models and engineering esti-

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mates to approximate design success in meeting the standards.

(f) If reasonable progress toward implementing the plan is not occurring in accordance with the designated time frame, the department may declare the project in violation of the water quality standards and the project's associated water quality certification.

(g) If an applicable water quality standard is not met by the end of the time provided in the attainment plan, or after completion of all reasonable and feasible improvements, the owner must take the following steps:

(i) Evaluate any new reasonable and feasible technologies that have been developed (such as new operational or structural modifications) to achieve compliance with the standards, and develop a new compliance schedule to evaluate and incorporate the new technology;

(ii) After this evaluation, if no new reasonable and feasible improvements have been identified, then prepare a Use Attainability Analysis as described in WAC 173-201A-440, or provide a scientific justification for site-specific criteria as described in WAC 173-201A-430.

(h) New dams, and any modifications to existing facilities that do not comply with a gas abatement or other pollution control plan established to meet criteria in WAC 173-201A-200 (1)(f), must comply with the water quality standards at the time of project completion.

(i) Structural changes made as a part of a department approved gas abatement plan to aid fish passage, described in WAC 173-201A-200 (1)(f)(ii) and (iii), may result in system performance limitations in meeting water quality criteria for that parameter at other times of the year.

AMENDATORY SECTION (Amending Order 92-29, filed 11/25/92, effective 12/26/92)

**WAC 173-201A-170 ((~~Surveillance~~)) Monitoring and compliance.** A continuing surveillance program, to ascertain whether the regulations, waste disposal permits, orders, and directives promulgated and/or issued by the department are being complied with, will be conducted by the department staff as follows:

- (1) Inspecting treatment and control facilities.
- (2) Monitoring and reporting waste discharge characteristics.
- (3) Monitoring receiving water quality.

**PART II - DESIGNATED USES AND CRITERIA**

NEW SECTION

**WAC 173-201A-200 Fresh water designated uses and criteria.** The following uses are designated for protection in fresh surface waters in the state of Washington. Use designations for specific waterbodies are listed in WAC 173-201A-602.

(1) **Aquatic life uses.** Aquatic life uses are designated using the following categories of key species. It is intended that nonspecified fish and nonfish aquatic species must also be protected.

(a) The categories for aquatic life uses are:

(i) **Char.** This category applies to waterbodies for the protection of spawning, or tributary rearing for the first years of life, by any species of native char (bull trout and Dolly Varden).

(ii) **Salmon, steelhead, and trout spawning and rearing.** This category applies to waterbodies that are protected for both spawning and rearing by species of salmon, steelhead and trout.

(iii) **Salmon, steelhead, and trout rearing-only.** This category applies to waterbodies that are protected for only rearing by species of salmon, steelhead and trout.

(iv) **Non-anadromous interior redband trout.** This category applies to waterbodies where a non-anadromous form of self-reproducing interior redband trout is present (*O. mykiss*).

(v) **Indigenous warm water species.** This category applies to waterbodies where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chiselmouth, sucker, and northern pikeminnow.

(b) **General criteria.** General criteria that apply to all aquatic life fresh water uses are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

(c) **Aquatic life temperature criteria.** Except where noted, water temperature is measured by the "7-day average of the daily maximum temperatures," or "7-DADMax" in degrees Celsius (°C) and the equivalent degrees Fahrenheit (°F). Table 200 (1)(c) lists the maximum temperatures for each of the aquatic life use categories.

**Table 200 (1)(c)  
Aquatic Life Temperature Criteria in Fresh Water**

Category	Maximum 7-DADMax
Char	13°C (55.4°F)
Salmon, Steelhead, and Trout Spawning and Rearing	16°C (60.8°F)
Salmon, Steelhead, and Trout Rearing-Only	17.5°C (63.5°F)
Non-anadromous Interior Red-band Trout	18°C (64.4°F)
Indigenous Warm Water Species	20°C (68°F)

(i) When a waterbody's temperature is warmer than the criteria in Table 200 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions or human structural changes that cannot be effectively remedied (as determined consistent with the federal regulations at 40 CFR 131.10), then human actions considered cumulatively may not cause the 7-DADMax temperature of that waterbody to increase more than 0.3°C (0.54°F).

PROPOSED

(ii) When the natural condition of the water is cooler than the criteria in the table, the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions are restricted as follows:

(A) Incremental temperature increases resulting from individual point source activities must not, at any time, exceed  $28/(T+5)$  for freshwater, or  $12/(T-2)$  for marine water, as measured at the edge of a mixing zone boundary. (Where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge); and

(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the waterbody must not, at any time, exceed  $2.8^{\circ}\text{C}$  ( $5.04^{\circ}\text{F}$ ) outside designated mixing zones.

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Temperature measurements should represent the waterbody segment as a whole and should:

(A) Be taken from well mixed portions of rivers and streams;

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(v) Temperatures must be maintained to fully protect uses of downstream waters. Where an upstream waterbody segment having less stringent criteria enters a downstream segment having more stringent criteria, an area of mixing is allowed where the temperature exceeds the more stringent criteria. Mixing is allowed only where a localized change in temperature would not have the potential to impair the aquatic life use of the downstream waters.

(vi) The following criteria are intended to prevent acute lethality and barriers to fish migrations, and are to be applied when complying with provisions established in the mixing zone provision in WAC 173-201A-400(4). The criteria do not override the temperature criteria established for waters in subsection (1)(c) of this subsection, WAC 173-201A-210 (1)(c), 173-201A-602, or 173-201A-612:

(A) To protect for adult and juvenile salmonids from discrete human actions, a 7-DADMax temperature greater than  $22^{\circ}\text{C}$  ( $71.6^{\circ}\text{F}$ ) or a 1-DMax temperature greater than  $23^{\circ}\text{C}$  ( $73.4^{\circ}\text{F}$ ) is considered lethal.

(B) To protect for developing fish embryos, a 1-DMax temperature greater than  $17.5^{\circ}\text{C}$  ( $63.5^{\circ}\text{F}$ ) is considered lethal.

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above  $33^{\circ}\text{C}$  ( $91.4^{\circ}\text{F}$ ) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmon migration are assumed to exist any time the 1-DMax temperature is greater than  $22^{\circ}\text{C}$  ( $71.6^{\circ}\text{F}$ ) and the adjacent downstream water temperatures are  $3^{\circ}\text{C}$  ( $5.4^{\circ}\text{F}$ ) or more cooler.

(vii) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control

of the thermal component of any discharge in accordance with 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** The D.O. criteria is measured in milligrams per liter (mg/L), and includes both a short-term one-day minimum and a longer term ninety-day average of the daily minimum. Table 200 (1)(d) lists minimum D.O. for each of the aquatic life use categories.

**Table 200 (1)(d)**

**Aquatic Life Dissolved Oxygen Criteria in Fresh Water**

Category	1-day minimum	90-DADMin
Char	7.0 mg/L	9.5 mg/L
Salmon, Steelhead, and Trout Spawning and Rearing	7.0 mg/L	9.5 mg/L
Salmon, Steelhead, and Trout Rearing-Only	6.0 mg/L	8.5 mg/L
Non-anadromous Interior Redband Trout	6.0 mg/L	8.5 mg/L
Indigenous Warm Water Species	5.0 mg/L	7.0 mg/L

(i) The health of aquatic species depends upon maintaining both high longer term average D.O. levels and preventing unhealthy short-term depressions of D.O. The ninety-day average of the daily minimum and the one-day minimum criteria in the table above must both be applied to ensure protection of a healthy aquatic system.

(ii) When a waterbody's D.O. is lower than the criteria in Table 200 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions or human structural changes that cannot be effectively remedied (as determined consistent with the federal regulations at 40 CFR 131.10), then human actions considered cumulatively may not cause the 90-DADMin to decrease more than 0.2 mg/L.

(iii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iv) Unless site-specific knowledge of the patterns of aquatic life use in a waterbody dictate otherwise, D.O. measurements should represent the water segment as a whole and should:

(A) Be taken from well mixed portions of rivers and streams; and

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(v) D.O. must be maintained to fully protect all existing and designated aquatic life uses of downstream waters. Where an upstream water segment having less stringent criteria enters a downstream segment having more stringent criteria, an area of mixing may occur wherein the water quality is

lower than the more stringent D.O. criteria. Mixing is allowed only where a localized change in D.O. would not have the potential to impair the aquatic life use of the downstream waters.

(vi) It is important to average data for comparison with the ninety-day average of the daily minimum D.O. criteria in a manner that would not unreasonably bias the results.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 200 (1)(e) lists the maximum turbidity criteria for each of the aquatic life use categories.

**Table 200 (1)(e)  
Aquatic Life Turbidity Criteria in Fresh Water**

Category	NTUs
Char	Turbidity shall not exceed: • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
Salmon, Steelhead, and Trout Spawning and Rearing	Same as above.
Salmon, Steelhead, and Trout Rearing-Only	Turbidity shall not exceed: • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

The turbidity criteria established under WAC 173-201A-200 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. A temporary area of mixing shall be as follows:

(i) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from activity causing the turbidity exceedance.

(ii) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of activity causing the turbidity exceedance.

(iii) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of activity causing the turbidity exceedance.

(iv) For projects working within or along lakes, ponds, wetlands, estuaries, marine waters or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty.

(f) **Aquatic life total dissolved gas (TDG) criteria.** TDG is measured in percent saturation. Table 200 (1)(f) lists the maximum TDG criteria for each of the aquatic life use categories.

**Table 200 (1)(f)  
Aquatic Life Total Dissolved Gas Criteria in Fresh Water**

Category	Percent Saturation
Char	Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.
Salmon, Steelhead, and Trout Spawning, and Rearing	Same as above.
Salmon, Steelhead and Trout Rearing-Only	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(i) The water quality criteria herein established for TDG shall not apply when the stream flow exceeds the seven-day, ten-year frequency flood.

(ii) TDG is measured as an average of the twelve highest consecutive hourly readings in any one day, relative to atmospheric pressure.

(iii) The TDG criteria may be adjusted to aid fish passage over hydroelectric dams when consistent with a department approved gas abatement plan. This plan must be accompanied by fisheries management and physical and biological monitoring plans. The elevated TDG levels are intended to allow increased fish passage without causing more harm to fish populations than caused by turbine fish passage.

(iv) The following special fish passage exemptions for the Snake and Columbia rivers apply when spilling water at dams is necessary to aid fish passage:

- TDG must not exceed an average of one hundred fifteen percent as measured in the forebays of the next downstream dams.

- TDG must not exceed an average of one hundred twenty percent as measured in the tailraces of each dam; and

- A maximum TDG one-hour average of one hundred twenty-five percent must not be exceeded during spillage for fish passage.

PROPOSED

(g) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 200 (1)(g) lists the pH levels for each of the aquatic life use categories.

**Table 200 (1) (g)**  
**Aquatic Life pH Criteria in Fresh Water**

Use Category	pH Units
Char	pH shall be within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.
Salmon, Steelhead, and Trout Spawning and Rearing	Same as above.
Salmon, Steelhead, and Trout Rearing-Only	pH shall be within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(2) **Water contact uses.** The water contact uses are primary and secondary contact.

(a) **General criteria.** General criteria that apply to water contact fresh water uses are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

(b) **Water contact bacteria criteria.** Table 200 (2)(b) lists the bacteria criteria to protect fresh water contact uses.

**Table 200 (2)(b)**

**Water Contact Bacteria Criteria in Fresh Water**

Category	Bacteria Indicator
Primary Contact Uses	<i>E. coli</i> organism levels must not exceed a geometric mean value of 100/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 200/100 mL.
Secondary Contact Uses	<i>E. coli</i> organism levels must not exceed a geometric mean value of 200/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 400/100 mL.

(i) Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods.

(ii) It is preferable to average by season and include five or more data collection events within each period.

(iii) When averaging bacteria sample data for comparison to the geometric mean criteria, the period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(iv) When determining compliance with the geometric mean and single sample bacteria criteria in or around small sensitive areas, such as popular swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(v) The department will, at its discretion, establish site-specific bacteria criteria for rivers and streams that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas even when the preassigned bacteria criteria for the river or stream are being met.

(vi) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by ecology.

(3) **Water supply uses.** The water supply uses are domestic, agricultural, industrial, and stock watering.

(a) **General criteria.** General criteria that apply to the water supply uses are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

(b) **Agricultural criteria.** The criteria are applied to all rivers, lakes, and reservoirs that are used for, or designated for use as, agricultural supply water. These criteria are not to be applied on-farm or at individual points of use within irrigation projects that are designed to capture and reuse drainage water from individual agricultural operations. The criteria which follow are to be implemented as an arithmetic average value for the period of April 1 - September 30. A minimum of three samples taken during this six-month period is to be used to determine the value for compliance. Since these criteria are not aimed at preventing short-term exceedances, sample values from the last consecutive three-year period, may be combined to create a stronger data base for determining compliance. To average multiple years, however, the number of samples in each monthly or bimonthly period must generally be equal so as to reduce the chance of seasonal bias.

(i) Electrical conductivity is not to exceed 700 microsiemens per centimeter ( $\mu\text{S}/\text{cm}$ ).

(ii) Bicarbonate is not to exceed 339 milligrams per liter (mg/L).

PROPOSED

(iii) Total suspended solids is not to exceed 75 milligrams per liter (mg/L).

(iv) pH must be within the range of 6.5 to 9.0 standard units.

(4) **Miscellaneous uses.** The miscellaneous fresh water uses are wildlife habitat, commerce and navigation, and fish harvesting.

(a) **General criteria.** General criteria that apply to miscellaneous fresh water uses are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

**NEW SECTION**

**WAC 173-201A-210 Marine water designated uses and criteria.** The following uses are designated for protection in fresh surface waters in the state of Washington. Use designations for specific waterbodies are listed in WAC 173-201A-612.

(1) **Aquatic life uses.** Aquatic life uses are designated using the following categories of key species. It is intended that nonspecified fish and nonfish aquatic species that are naturally found in association with the key species will also be protected.

(a) **The categories for aquatic life uses are:**

(i) **Extraordinary quality** salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing, spawning, and harvesting; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(ii) **Excellent quality** salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing, spawning, and harvesting; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iii) **Good quality** salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) **Fair quality** salmonid and other fish migration and harvesting.

(b) **General criteria.** General criteria that apply to aquatic life marine water uses are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

(c) **Aquatic life temperature criteria.** Except where noted, temperature is measured as a "1-day maximum temperature," or "1-DMax" in degrees Celsius (°C) and the equivalent degrees Fahrenheit (°F). Table 210 (1)(c) lists the maximum temperature criteria allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1)(c)**

**Aquatic Life Temperature Criteria in Marine Water**

Category	1-DMax
<i>Extraordinary quality</i>	13°C (55.4°F)
<i>Excellent quality</i>	16°C (60.8°F)
<i>Good quality</i>	19°C (66.2°F)
<i>Fair quality</i>	22°C (71.6°F)

Notes in WAC 173-201A-200 (1)(c)(i) through (vii) for aquatic life temperature criteria in fresh water apply to this table where applicable to marine water.

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** Except where noted, D.O. concentrations are measured as a 1-day minimum in milligrams per liter. Table 210 (1)(d) lists the D.O. criteria allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1)(d)**

**Aquatic Life Dissolved Oxygen Criteria in Marine Water**

Category	1-Day Minimum Dissolved Oxygen in mg/L
<i>Extraordinary quality</i>	7.0 mg/L
<i>Excellent quality</i>	6.0 mg/L
<i>Good quality</i>	5.0 mg/L
<i>Fair quality</i>	4.0 mg/L

Notes in WAC 173-201A-200 (1)(d)(i) through (iv) for aquatic life D.O. criteria in fresh water apply to this table where applicable to marine water.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 210 (1)(e) lists the maximum turbidity criteria allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1) (e)**

**Aquatic Life Turbidity Criteria in Marine Water**

Category	NTUs
<i>Extraordinary quality</i>	Turbidity must not exceed: <ul style="list-style-type: none"> <li>• 5 NTU over background when the background is 50 NTU or less; or</li> <li>• A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
<i>Excellent quality</i>	Same as above.
<i>Good quality</i>	Turbidity must not exceed: <ul style="list-style-type: none"> <li>• 10 NTU over background when the background is 50 NTU or less; or</li> <li>• A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.</li> </ul>
<i>Fair quality</i>	Same as above.

PROPOSED

Notes in WAC 173-201A-200 (1)(e)(i) for turbidity criteria in fresh water apply to this table where applicable to marine water.

(f) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 210 (1)(f) lists the pH levels allowed as a result of human actions for each of the aquatic life use categories.

**Table 210 (1)(f)  
Aquatic Life pH Criteria in Marine Water**

Use Category	pH Units
<i>Extraordinary quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.2 units.
<i>Excellent quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
<i>Good quality</i>	Same as above.
<i>Fair quality</i>	pH must be within the range of 6.5 to 9.0 with a human-caused variation within the above range of less than 0.5 units.

(g) **Aquatic life bacteria criteria.** Table 210 (1)(g) lists the bacteria criteria to protect aquatic life uses for marine water.

**Table 210 (1)(g)  
Aquatic Life Use Bacteria Criteria in Marine Water**

Category	Bacteria Indicator
<i>Extraordinary quality</i>	Fecal coliform organism levels must not exceed a geometric mean value of 14 colonies/100 mL, and not have more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 colonies/100 mL.
<i>Excellent quality</i>	Fecal coliform organism levels must not exceed a geometric mean value of 14 colonies/100 mL, and not have more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 colonies/100 mL.
<i>Good quality</i>	N/A
<i>Fair quality</i>	N/A

(i) Fecal coliform levels for shellfish growing areas will be viewed by ecology as also being fully protective of primary and secondary water contact uses.

(ii) Shellfish growing areas approved for unconditional harvest by the state department of health are fully supporting the shellfish harvest goals of this chapter, even when comparison with the criteria contained in this chapter suggest otherwise.

(iii) Notes in WAC 173-201A-200 (2)(b)(i) through (vi) for water contact criteria in fresh water apply for marine water.

(2) **Water contact uses.** The water contact uses are primary contact and secondary contact.

(a) **General criteria.** General criteria that apply to water contact uses for marine water are described in WAC 173-201A-260 (1)(a) through (c), and are:

- (i) Toxic, radioactive, and deleterious materials;
- (ii) Aesthetic values; and
- (iii) Nonpoint source pollution.

(b) **Water contact bacteria criteria.** Table 210 (2)(b) lists the bacteria criteria to protect water contact uses for marine water.

**Table 210 (2)(b)  
Water Contact Use Bacteria Criteria in Marine Water**

Category	Bacteria Indicator
Primary Contact Use	Enterococci organism levels must not exceed a geometric mean value of 35/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 104/100 mL.
Secondary Contact Use	Enterococci organism levels must not exceed a geometric mean value of 70/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 208/100 mL.

(i) Fecal coliform levels for shellfish growing areas will be viewed by ecology as also being fully protective of primary and secondary water contact uses.

(ii) Shellfish growing areas approved for unconditional harvest by the state department of health are fully supporting the shellfish harvest goals of this chapter, even when comparison with the criteria contained in this chapter suggest otherwise.

(iii) Notes in WAC 173-201A-200 (2)(d)(i) through (vi) for water contact criteria in fresh water apply to this table for marine water.

(3) **Miscellaneous uses.** The miscellaneous marine water uses are wildlife habitat and commerce and navigation.

**General criteria.** General criteria that apply in miscellaneous marine water uses are described in WAC 173-201A-260 (1)(a) through (c) apply to the marine water miscellaneous uses and are:

PROPOSED



- (a) Toxic, radioactive, and deleterious materials;
- (b) Aesthetic values; and
- (c) Nonpoint source pollution.

NEW SECTION

**WAC 173-201A-230 Establishing lake nutrient criteria.** (1) The following table shall be used to aid in establishing nutrient criteria:

(Table 230(1)) The ecoregional and trophic-state action values for establishing nutrient criteria:

<b>Coast Range, Puget Lowlands, and Northern Rockies Ecoregions:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
Lower mesotrophic	>10-20		20 or less
	<u>Action value</u>		
	>20	....	lake specific study may be initiated.
<b>Cascades Ecoregion:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
	<u>Action value</u>		
	>10	....	lake specific study may be initiated.
<b>Columbia Basin Ecoregion:</b>			
<b>Trophic State</b>	<b>If Ambient TP (µg/l) Range of Lake is:</b>		<b>Then criteria should be set at:</b>
Ultra-oligotrophic	0-4		4 or less
Oligotrophic	>4-10		10 or less
Lower mesotrophic	>10-20		20 or less
Upper mesotrophic	>20-35		35 or less
	<u>Action value</u>		
	>35	....	lake specific study may be initiated.

**PROPOSED**

Lakes in the Willamette, East Cascade Foothills, or Blue Mountain ecoregions do not have recommended values and need to have lake-specific studies in order to receive criteria as described in subsection (3) of this section.

(2) The following actions are recommended if ambient monitoring of a lake shows the epilimnetic total phosphorus concentration, as shown in Table 1 of this section, is below the action value for an ecoregion:

(a) Determine trophic status from existing or newly gathered data. The recommended minimum sampling to determine trophic status is calculated as the mean of four or more samples collected from the epilimnion between June through September in one or more consecutive years. Sampling must be spread throughout the season.

(b) Propose criteria at or below the upper limit of the trophic state; or

(c) Conduct lake-specific study to determine and propose to adopt appropriate criteria as described in (c) of this subsection.

(3) The following actions are recommended if ambient monitoring of a lake shows total phosphorus to exceed the action value for an ecoregion shown in Table 1 of this section

or where recommended ecoregional action values do not exist:

(a) Conduct a lake-specific study to evaluate the characteristic uses of the lake. A lake-specific study may vary depending on the source or threat of impairment. Phytoplankton blooms, toxic phytoplankton, or excessive aquatic plants, are examples of various sources of impairment. The following are examples of quantitative measures that a study may describe: Total phosphorus, total nitrogen, chlorophyll-a, dissolved oxygen in the hypolimnion if thermally stratified, pH, hardness, or other measures of existing conditions and potential changes in any one of these parameters.

(b) Determine appropriate total phosphorus concentrations or other nutrient criteria to protect characteristic lake uses. If the existing total phosphorus concentration is protective of characteristic lake uses, then set criteria at existing total phosphorus concentration. If the existing total phosphorus concentration is not protective of the existing characteristic lake uses, then set criteria at a protective concentration. Proposals to adopt appropriate total phosphorus criteria to protect characteristic uses must be developed by considering technical information and stakeholder input as part of a pub-

lic involvement process equivalent to the Administrative Procedure Act (chapter 34.05 RCW).

(c) Determine if the proposed total phosphorus criteria necessary to protect characteristic uses is achievable. If the recommended criterion is not achievable and if the characteristic use the criterion is intended to protect is not an existing use, then a higher criterion may be proposed in conformance with 40 CFR part 131.10.

(4) The department will consider proposed lake-specific nutrient criteria during any water quality standards rule making that follows development of a proposal. Adoption by rule formally establishes the criteria for that lake.

(5) Prioritization and investigation of lakes by the department will be initiated by listing problem lakes in a watershed needs assessment, and scheduled as part of the water quality program's watershed approach to pollution control. This prioritization will apply to lakes identified as warranting a criteria based on the results of a lake-specific study, to lakes warranting a lake-specific study for establishing criteria, and to lakes requiring restoration and pollution control measures due to exceedance of an established criterion. The adoption of nutrient criteria are generally not intended to apply to lakes or ponds with a surface area smaller than five acres; or to ponds wholly contained on private property owned and surrounded by a single landowner; and nutrients do not drain or leach from these lakes or private ponds to the detriment of other property owners or other water bodies; and do not impact designated uses in the lake. However, if the landowner proposes criteria the department may consider adoption.

(6) The department may not need to set a lake-specific criteria or further investigate a lake if existing water quality conditions are naturally poorer (higher TP) than the action value and uses have not been lost or degraded, per WAC 173-201A-260(2).

## NEW SECTION

**WAC 173-201A-260 Other water quality criteria and applications. (1) Toxics, aesthetics, and nonpoint source pollution criteria.** The following narrative criteria apply to all designated uses for fresh and marine water:

(a) Toxic, radioactive, or deleterious material concentrations must be below those which have the potential, either singularly or cumulatively, to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health (see WAC 173-201A-240, toxic substances, and 173-201A-250, radioactive substances).

(b) Aesthetic values must not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste (see WAC 173-201A-230 for guidance on establishing lake nutrient standards to protect aesthetics).

(c) Runoff from nonpoint sources (such as from animal and human wastes or soil erosion from land-use activities) are not allowed to drain or be discharged into surface waterbodies of the state, except when controlled with best manage-

ment practices or treated with waste treatment technology, as approved by the department.

(2) **Natural and irreversible human conditions.** It is recognized that portions of many waterbodies cannot meet the assigned criteria due to the natural conditions of the waterbody. When a waterbody does not meet its assigned criteria due to natural climatic or landscape attributes, or due to human structural changes that cannot be effectively remedied (as determined consistent with the federal regulations at 40 CFR 131.10), then alternative estimates of the attainable water quality conditions, plus any further human effects allowance specified in this section for when natural conditions are above a numeric criteria, may become an alternative criteria target for a waterbody.

(3) **Procedures for applying water quality criteria.** In applying the appropriate water quality criteria for a water, the department will use the following procedure:

(a) The department will establish water quality requirements for waterbodies, in addition to those specifically listed in this chapter, on a case-specific basis where determined necessary to provide full support for existing uses.

(b) Upstream actions must be conducted in a manner that meets downstream waterbody criteria.

(c) If a waterbody has more than one use assigned to it under WAC 173-201A-602 or 173-201A-612, the most stringent water quality criteria for all included uses apply.

(d) At the boundary between waterbodies protected for different uses, the more stringent criteria apply.

(e) In brackish waters of estuaries, where different criteria for the same use occurs for fresh and marine waters, the decision to use the fresh water or the marine water criteria must be selected and applied on the basis of vertically averaged daily maximum salinity, referred to below as "salinity."

(i) The fresh water criteria must be applied at any point where ninety-five percent of the salinity values are less than or equal to one part per thousand, except that the fresh water criteria for bacteria applies when the salinity is less than ten parts per thousand; and

(ii) The marine water criteria must apply at all other locations where the salinity values are greater than one part per thousand, except that the marine criteria for bacteria applies when the salinity is ten parts per thousand or greater.

(f) Numeric criteria established in this chapter are not intended for application to human-created waters managed primarily for the removal or containment of pollution. This includes private farm ponds created from upland sites that did not incorporate natural waterbodies. Water systems covered under this exemption must be managed so that:

(i) They do not create unreasonable risks to human health or beneficial uses;

(ii) Discharges from these systems meet downstream water quality criteria.

This general exemption does not apply to ditches, such as those used for drainage and irrigation, that are designed and managed only to convey or transport water from one location to another.

(g) When applying the numeric criteria established in this chapter, the department will give consideration to the

precision and accuracy of the sampling and analytical methods used, as well as the existing conditions at the time.

(h) The analytical testing methods for these numeric criteria must be in accordance with the *"Guidelines Establishing Test Procedures for the Analysis of Pollutants"* (40 CFR Part 136) or superseding methods published. The department may also approve other methods following consultation with adjacent states and with the approval of the USEPA.

(i) The primary means for protecting water quality in wetlands is through implementing the antidegradation procedures described in Part III of this chapter.

(i) In addition to designated uses, wetlands may have existing beneficial uses that are to be protected that include ground water exchange, shoreline stabilization, and storm water attenuation.

(ii) Water quality in wetlands is maintained and protected by maintaining the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses.

(iii) Wetlands must be delineated using the *Washington State Wetlands Identification and Delineation Manual*, in accordance with WAC 173-22-035.

### PART III - ANTIDEGRADATION

#### NEW SECTION

**WAC 173-201A-300 Purpose.** The purpose of the anti-degradation policy is to:

(1) Restore and maintain the highest possible quality of the surface waters of Washington;

(2) Describe situations under which a water quality can be lowered from its current condition;

(3) Apply to human activities that are likely to have an impact on the water quality of a surface water;

(4) Assure that human activities that are likely to contribute to a lowering of water quality, at a minimum, apply all known, available, and reasonable methods of prevention, control, and treatment (AKART); and

(5) Apply three levels of protection for surface waters of the state, further described below:

(a) Tier I protection, to assure that existing and designated uses are maintained and protected;

(b) Tier II protection, to assure that waters of a higher quality than standards are protected; and

(c) Tier III protection, to assure that "outstanding resource waters" are designated and protected.

The antidegradation policy is guided by chapter 90.48 RCW, Water Pollution Control Act, chapter 90.54 RCW, Water Resources Act of 1971, and 40 CFR 131.12.

#### NEW SECTION

**WAC 173-201A-310 Tier I—Existing uses of a water protected and maintained.** (1) The water quality necessary to protect existing and designated uses of a water must be maintained and protected.

(2) For degraded waters, the department will take appropriate and definitive steps to bring the water quality back to levels which meet the water quality standards.

(3) Where water quality criteria are not met due to natural conditions, human actions are not allowed to further lower the water quality, except where explicitly allowed in this chapter.

#### NEW SECTION

**WAC 173-201A-320 Tier II—Waters of a higher quality than the standards protected.** (1) Where a water is demonstrated to be of a higher quality than a criterion assigned to that water, the water quality must be protected at the higher level unless the department determines that a lowering of water quality is necessary and in the overriding public interest. The department may authorize new or expanded actions that are expected to cause a measurable change in water quality only if:

(a) The resulting quality of the water will fully protect existing uses;

(b) The resulting water quality will not exceed the applicable criteria of WAC 173-201A-200 through 173-201A-260, 173-201A-400 through 173-201A-450, or 173-201A-602 and 173-201A-612;

(c) AKART, for both point and nonpoint sources, is applied; and

(d) The decrease in water quality is found to be necessary and in the overriding public interest after conducting a satisfactory public participation and intergovernmental coordination process.

(2) To determine that a lowering of water quality is necessary and in the overriding public interest, an analysis will be conducted for new or expanded actions when the resulting discharge is expected to cause a measurable change in the physical, chemical, or biological quality of a waterbody. Measurable changes will be determined based on a predicted change in water quality at a point outside the source area, after allowing for mixing consistent with WAC 173-201A-400(7). In the context of this regulation, a measurable change refers to:

(a) Temperature increase of 0.3°C or more;

(b) Dissolved oxygen decrease of 0.2 mg/L or more;

(c) Bacteria level increase of 2 cfu/100 mL or more;

(d) pH change of 0.1 units;

(e) Turbidity increase of 0.5 NTU or more; or

(f) Any detectable change in the concentration of a toxic or radioactive substance.

(3) A Tier II analysis will only be conducted in conjunction with the following authorizations:

(a) National Pollutant Discharge Elimination System (NPDES) waste discharge permits;

(b) State waste discharge permits to surface waters;

(c) Section 401 water quality certifications for federal activities; and

(d) Other water pollution control programs authorized, implemented, or administered by the department.

(4) Once an activity has been determined to cause a measurable lowering in water quality, then an analysis must be

conducted to determine if the lowering of water quality is necessary and in the overriding public interest. Information to conduct the analysis must be provided by the applicant seeking the authorization, or the department in developing a general permit or pollution control program, and must include:

(a) A statement of the benefits and costs of the social, economic, and environmental effects associated with the action. This information will be used to justify that the lowering of water quality accommodates important economic or social development in the area in which the water is located. Examples of information that can assist in this justification:

(i) Economic benefits such as creating or expanding employment, increasing median family income, or increasing the community tax base;

(ii) Providing or contributing to necessary social services;

(iii) Innovative pollution control and management approaches that would allow a significant improvement in AKART for a particular industry or category of action;

(iv) Prevention or remediation of environmental or public health threats.

(b) Information that identifies and selects the best combination of site, structural, and managerial approaches that can be practically implemented to prevent or minimize the lowering of water quality. This information will be used to justify that the lowering of water quality is necessary. Examples that may be considered as alternatives include:

(i) Pollution prevention measures (such as changes in plant processes, source reduction, and substitution with less toxic substances);

(ii) Recycle/reuse of waste by-products or production materials and fluids;

(iii) Application of water conservation methods;

(iv) Alternative or enhanced treatment technology;

(v) Improved operation and maintenance of existing treatment systems;

(vi) Seasonal or controlled discharge options to avoid critical conditions of water quality;

(vii) Establishing buffer areas with effective limits on activities;

(viii) Land application or infiltration to capture pollutants and reduce surface runoff, on-site treatment, or alternative discharge locations;

(ix) Water quality offsets as described in WAC 173-201A-450.

(5) The department retains the discretion to require that the applicant examine specific alternatives, or that additional information be provided to conduct the analysis.

(6) General permit and water pollution control programs are developed for a category of dischargers that have similar processes and process pollutants. New or reissued general permits or other water pollution control programs authorized, implemented, or administered by the department will undergo an analysis under Tier II at the time the department develops and approves the general permit or program.

(a) Individual activities covered under these general permits or programs will not require a Tier II analysis.

(b) The economic and environmental considerations made, when developing the general permit or program, sat-

isfy the requirements of subsection (4)(a) of this section. A statement to that effect will be included in information provided during the public process.

(c) The department recognizes that many water quality programs are in a continual state of improvement and development. As a result, information regarding the existence, effectiveness, or costs of control practices for reducing pollution and meeting the water quality standards may be incomplete. In these instances, the antidegradation requirements of this section can be considered met for general permits and programs that have a formal process to select, develop, adopt, and refine control practices for protecting water quality and meeting the intent of this section. This adaptive process must:

(i) Ensure that information is developed and used expeditiously to revise permit or program requirements;

(ii) Review and refine management and control programs in cycles not to exceed five years;

(iii) Include a plan that describes how information will be obtained and used to ensure full compliance with this chapter. The plan must be developed and documented in advance of permit or program approval under this section.

#### NEW SECTION

**WAC 173-201A-330 Tier III—Outstanding resource waters protected.** Where a high quality water is designated as an outstanding resource water, the water quality and uses of those waters must be maintained and protected.

(1) To be eligible for designation as an outstanding resource water in Washington, one or more of the following must apply:

(a) The water is in a relatively pristine condition (largely absent human sources of degradation) or possesses exceptional water quality, and also occurs in federal and state parks, monuments, preserves, wildlife refuges, wilderness areas, marine sanctuaries, estuarine research reserves, or wild and scenic rivers;

(b) The water has unique aquatic habitat types (for example, peat bogs) that by conventional water quality parameters (such as dissolved oxygen, temperature, or sediment) are not considered high quality, but which are unique and regionally rare examples of their kind;

(c) The water has both high water quality and regionally unique recreational value;

(d) The water has areas of thermal refuge created by cold water seeps, springs, and ground water emergence areas that have been determined through biological and physical habitat studies to be critical to the long-term protection of aquatic species (for this type of outstanding resource water, the non-degradation protection would apply only to temperature).

(2) Any water or portion thereof that meets one or more of the conditions described in subsection (1) of this section may be designated for protection as an outstanding resource water. A request for designation may be made by:

(a) Public nominations that are submitted to the department in writing and include sufficient information to show how the waterbody meets the appropriate conditions identified in this section; or

(b) The department, in coordination with its waterbody assessment process, or in coordination with activities occurring on a watershed-basis.

(3) After receiving a request for outstanding resource water designation, the department will:

(a) Respond within sixty days of receipt with a decision on whether the submitted information demonstrates that the waterbody meets the eligibility requirements for an outstanding resource water. If the submitted information demonstrates that the waterbody meets the eligibility requirements, the department will schedule a review of the nominated water for designation as an outstanding resource water. The review will include a public process and consultation with recognized tribes in the geographic vicinity of the water.

(b) In determining whether or not to designate an outstanding resource water, the department will consider factors relating to the difficulty of maintaining the current quality of the waterbody. Outstanding resource waters should not be designated where substantial and imminent social or economic impact to the local community will occur, unless the public support is overwhelmingly in favor of the designation. The department will carefully weigh the level of support from the public and affected governments in assessing whether or not to designate the water as an outstanding resource water.

(c) After considering public comments and weighing public support for the proposal, the department will make a final determination on whether a nominated waterbody should be adopted into this chapter as an outstanding resource water.

(4) A designated outstanding resource water will be maintained and protected, except in the following situations:

(a) Temporary actions that are necessary to protect the public interest as approved by the department.

(b) Treatment works bypasses for sewage, waste, and stormwater are allowed where such a bypass is unavoidable to prevent the loss of life, personal injury, or severe property damage, and no feasible alternatives to the bypass exist.

(c) Response actions taken in accordance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, or similar federal or state authorities, to alleviate a release into the environment of substances which may pose an imminent and substantial danger to public health or welfare.

(d) Constituents of atmospheric deposition not found in measurable concentrations in the surface layer of the water, the sediments, or the tissues of aquatic life.

#### PART IV - TOOLS FOR APPLICATION OF CRITERIA AND USES

##### NEW SECTION

**WAC 173-201A-420 Variance.** The criteria established in WAC 173-201A-200 through 173-201A-260 may be modified for individual facilities, or stretches of waters, as a variance when:

(1) The modification is consistent with the requirements of federal law (currently 40 CFR 131.10(g)).

(2) The waterbody is assigned variances for specific criteria and all other applicable criteria must be met;

(3) Reasonable progress is being made toward meeting the original criteria;

(4) Each variance is subject to a public and intergovernmental involvement process; and

(5) The department may issue a variance for up to five years, and may renew the variance after providing for another opportunity for public and intergovernmental involvement and review.

##### NEW SECTION

**WAC 173-201A-430 Site specific criteria.** After determining that the criteria established for a waterbody cannot be attained due in part or whole to natural climatic or landscape attributes, or irreversible human changes, site specific criteria may be developed, if it meets the following conditions:

(1) It is consistent with the federal regulations on designating and protecting uses (currently 40 CFR 131.10);

(2) Each site specific criteria is subject to a public involvement and intergovernmental coordination process;

(3) The site-specific analyses for the development of new water quality criteria must be conducted in a manner that is scientifically justifiable and consistent with the assumptions and rationale in "*Guidelines for Deriving National Water Quality Criteria for the Protection of Aquatic Organisms and their Uses*," EPA 1985; and conducted in accordance with the procedures established in the "*Water Quality Standards Handbook*," EPA 1994, as revised;

(4) The decision to approve the site specific criteria is based on a demonstration that alternative criteria will protect the existing and attainable uses of the waterbody; and

(5) Written authorization is received from the department.

##### NEW SECTION

**WAC 173-201A-440 Use attainability analysis.** Removal of a designated use for a waterbody assigned in this chapter must be based on a use attainability analysis (UAA). A UAA is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors. A use can only be removed through a UAA if it is not existing or attainable. Procedures to conduct a UAA are as follows:

(1) A request to conduct a UAA for removal of a designated use on a waterbody must be submitted to the department in writing and include sufficient information to demonstrate that the use is neither existing nor attainable;

(a) A UAA must be consistent with the federal regulations on designating and protecting uses in federal regulations (currently 40 CFR 131.10);

(b) Subcategories of use protection that reflect the lower physical potential of the waterbody for protecting designated uses must be based upon federal regulations (currently 40 CFR 131.10(c)); and

(c) Allowing for seasonal uses where doing so would not harm existing or designated uses occurring in that or another

season, must be based upon federal regulations (currently 40 CFR 131.10(f)).

(2) After receiving a UAA, the department will respond within sixty days of receipt with a decision on whether to proceed.

(3) The UAA is subject to a public involvement and intergovernmental coordination process, including tribal consultation.

(4) The department will maintain a list of federally recognized tribes in the state of Washington. During all stages of development and review of UAA proposals, the department will provide notice and consult with representatives of the interested affected Indian tribes on a government-to-government basis, and carefully consider their recommendations.

**NEW SECTION**

**WAC 173-201A-450 Water quality offsets.** (1) A water quality offset occurs where a project proponent implements or finances the implementation of controls for point or nonpoint sources to reduce the levels of pollution for the purpose of creating sufficient assimilative capacity to allow new or expanded discharges. The goal of water quality offsets is to reduce the pollution levels of a waterbody sufficiently so that a proponent's actions do not cause or further contribute to a violation of the requirements of this chapter and so that they result in a net environmental benefit. Water quality offsets may be used to assist an entity in meeting load allocations targeted under a pollution reduction analysis (such as a total maximum daily load) as established by the department. Water quality offsets may be used to reduce the water quality effect of a discharge to levels that are unmeasurable and in compliance with the water quality antidegradation Tier II analysis (WAC 173-201A-320).

(2) Water quality offsets may be allowed by the department when it meets all of the following conditions:

(a) Water quality offsets must target specific water quality parameters that would not meet the water quality standards within that water body.

(b) The improvements in water quality associated with creating water quality offsets for any proposed new or expanded actions must be demonstrated to have occurred in advance of the proposed action.

(c) The technical basis and methodology for the water quality offsets is documented through a technical analysis of pollutant loading, and that analysis is made available for review by the department. The methodology must incorporate the uncertainties associated with any proposed point or nonpoint source controls as well as variability in effluent quality for sources, and must demonstrate that an appropriate margin of safety is included. The approach must clearly account for the attenuation of the benefits of pollution controls as the water moves to the location where the offset is needed.

(d) Point or nonpoint source pollution controls must be secured using binding legal instruments between any involved parties for the life of the project that is being offset. The proponent remains solely responsible for ensuring the success of offsetting activities for both compliance and enforcement purposes.

(e) Only the proportion of the pollution controls which occurs beyond existing requirements for those sources can be included in the offset allowance.

(f) Water quality offsets must meet antidegradation requirements in WAC 173-201A-300 through 173-201A-330 and federal antibacksliding requirements in CFR 122.44(l).

**PART V - IMPLEMENTATION OF STANDARDS**

**PART VI - USE DESIGNATIONS FOR WATERS OF THE STATE**

NEW SECTION

**WAC 173-201A-600 Specific use designations—Fresh waters.** Table 602 in WAC 173-201A-602 assigns uses according to the following:

(1) Aquatic life: Char; salmon spawning and rearing; salmon rearing-only; redband trout; indigenous warm water species. (WAC 173-201A-200(1).)

(2) Water contact: Primary; secondary. (WAC 173-201A-200(2).)

(3) Water supply: Domestic; industrial; agricultural; stock watering. (WAC 173-201A-200(3).)

(4) Miscellaneous uses: Wildlife habitat; commerce and navigation; fish harvesting. (WAC 173-201A-200(4).)

Key to Table 602:

Table Term	Description
<b>Char</b>	Native Char Spawning and Rearing. This category applies to waterbodies for the protection of spawning, or tributary rearing for the first years of life, by any species of native char (bull trout and Dolly Varden).
<b>Salmon Spawning and Rearing</b>	Salmon, Steelhead, and Trout Spawning and Rearing. This category applies to waterbodies that are protected for both spawning and rearing by species of salmon, steelhead and trout.
<b>Salmon Rearing-Only</b>	Salmon, Steelhead, and Trout Rearing-Only. This category applies to waterbodies that are protected for only rearing by species of salmon, steelhead and trout.
<b>Redband Trout</b>	Non-anadromous Interior Redband Trout. This category applies to waterbodies where a non-anadromous form of self-reproducing interior redband trout is present ( <i>O. mykiss</i> ).

PROPOSED

Table Term	Description
<b>Indigenous Warm Water Species</b>	Indigenous Warm Water Species. This category applies to waterbodies where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redbside shiner, chisel-mouth, sucker, and northern pikeminnow.
<b>Primary</b>	Primary water contact uses.
<b>Secondary</b>	Secondary water contact uses.
<b>Domestic</b>	Domestic water supply.
<b>Industrial</b>	Industrial water supply.
<b>Agricultural</b>	Agricultural water supply.
<b>Wildlife</b>	Wildlife habitat.

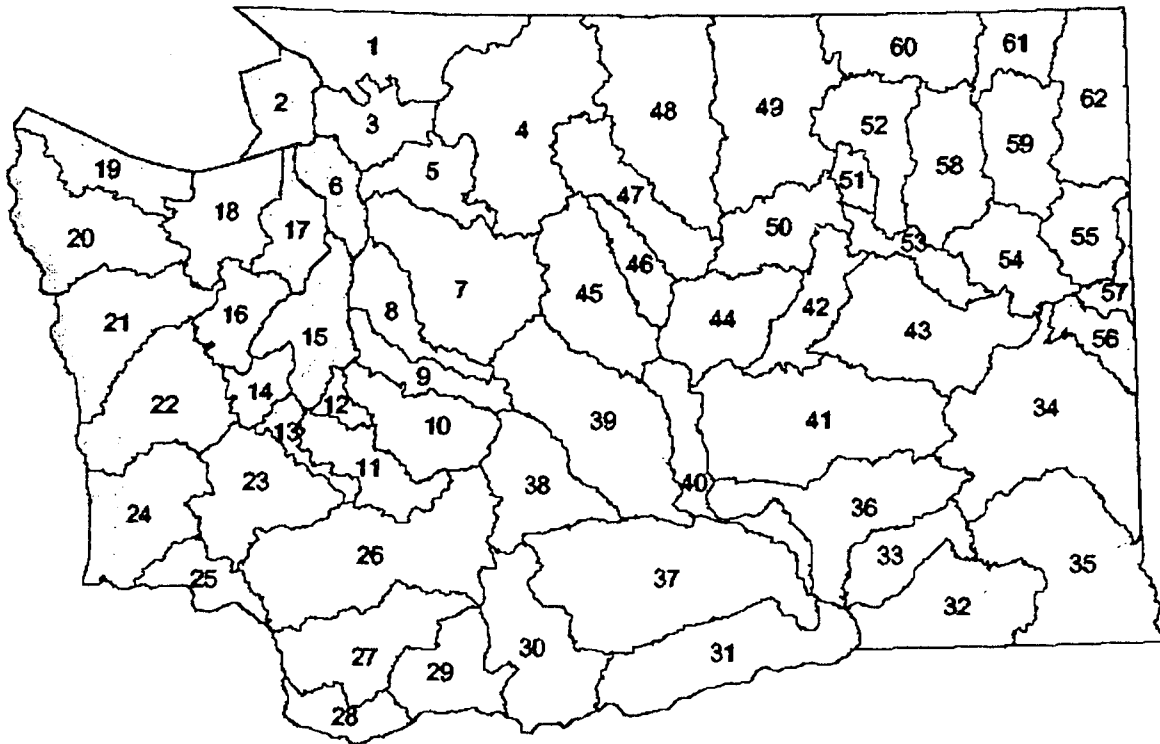
Table Term	Description
<b>Commerce</b>	Commerce and navigation.
<b>Fish Harvesting</b>	Fish harvesting.

NEW SECTION

**WAC 173-201A-602 Table 602—Use designations for fresh waters by water resource inventory area (WRIA).** Table 602 lists uses for fresh waters. The Columbia River is listed first, followed by other waterbodies listed by WRIA. It is possible to remove, or add, a use to a waterbody through a use attainability analysis. In order to do this, follow the process described in WAC 173-201A-440. For "Aquatic Life Uses," only the use with the most stringent criteria is listed. For each entry, all of the other uses with less stringent criteria (appearing lower on the list) are also designated uses. The criteria notes in Table 602 take precedence over the criteria in WAC 173-201A-200 for same parameter.

**PROPOSED**

Illustration 1: Water Resources Inventory Area Map



Key:			
1. Nooksack	21. Queets/Quinault	41. Lower Crab	61. Upper Lake Roosevelt
2. San Juan	22. Lower Chehalis	42. Grand Coulee	62. Pend Oreille
3. Lower Skagit/Samish	23. Upper Chehalis	43. Upper Crab/Wilson	
4. Upper Skagit	24. Willapa	44. Moses Coulee	
5. Stillaguamish	25. Grays/Elochoman	45. Wenatchee	
6. Island	26. Cowlitz	46. Entiat	
7. Snohomish	27. Lewis	47. Chelan	

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Key:			
8. Cedar/Sammamish	28. Salmon/Washougal	48. Methow	
9. Duwamish/Green	29. Wind/White Salmon	49. Okanogan	
10. Puyallup/White	30. Klickitat	50. Foster	
11. Nisqually	31. Rock/Glade	51. Nespelem	
12. Chambers/Clover	32. Walla Walla	52. Sanpoil	
13. Deschutes	33. Lower Snake	53. Lower Lake Roosevelt	
14. Kennedy/Goldsborough	34. Palouse	54. Lower Spokane	
15. Kitsap	35. Middle Snake	55. Little Spokane	
16. Skokomish/ Dosewallips	36. Esquatzel Coulee	56. Hangman	
17. Quilcene/Snow	37. Lower Yakima	57. Middle Spokane	
18. Elwha/Dungeness	38. Naches	58. Middle Lake Roosevelt	
19. Lyre/Hoko	39. Upper Yakima	59. Colville	
20. Soleduc	40. Alkaki/Squilchuck	60. Kettle	

<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting

**COLUMBIA RIVER**

<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Columbia River from mouth to the Washington-Oregon border (river mile 309.3). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). <sup>2</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).	Salmon Spawning and Rearing	Primary	ALL	ALL

**Notes for Columbia River:**

1. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f).

2. From Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed  $t = 34/(T + 9)$ . Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).



<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 1 - Nooksack</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Chilliwack River and Little Chilliwack River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Middle Fork Nooksack River and all tributaries.	Char	Primary	ALL	ALL
North Fork Nooksack River and all tributaries above unnamed creek at longitude - 122.0508 and latitude 48.9222 (near Boulder Creek).	Char	Primary	ALL	ALL
Silesia Creek and all tributaries south of Canadian border.	Char	Primary	ALL	ALL
Skookum Creek and all tributaries.	Char	Primary	ALL	ALL
South Fork Nooksack River and all tributaries above the junction with Fobes Creek.	Char	Primary	ALL	ALL
<b>No notes for WRIA 1 Waters.</b>				
<b>WRIA 2 San Juan</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 3 Lower Skagit-Samish</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
East Fork Nookachamps Creek and unnamed creek at longitude -122.1657 and latitude 48.4103: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Skagit River and tributaries, except the other waters listed for this WRIA. <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Walker Creek and unnamed creek at longitude -122.1639 and latitude 48.3813: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

PROPOSED

PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting

**Notes for WRIA 3:**

1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed 21°C due to human activities. When natural conditions exceed 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed  $t = 34/(T + 9)$ .

**WRIA 4 Upper Skagit**

<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Bacon Creek and all tributaries.	Char	Primary	ALL	ALL
Baker Lake and all tributaries.	Char	Primary	ALL	ALL
Bear Creek and the unnamed outlet creek of Blue Lake: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Big Beaver Creek and all tributaries.	Char	Primary	ALL	ALL
Big Creek and all tributaries.	Char	Primary	ALL	ALL
Buck Creek and all tributaries.	Char	Primary	ALL	ALL
Cascade River and Boulder Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Circle Creek and all tributaries.	Char	Primary	ALL	ALL
Clear Creek and all tributaries.	Char	Primary	ALL	ALL
Diobsud Creek and the unnamed tributary at longitude -121.4414 and latitude 48.5850: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Dutch Creek and all tributaries.	Char	Primary	ALL	ALL
Goodell Creek and all tributaries.	Char	Primary	ALL	ALL
Hozomeen Creek and all tributaries.	Char	Primary	ALL	ALL
Illabot Creek and all tributaries.	Char	Primary	ALL	ALL
Jordan Creek and all tributaries.	Char	Primary	ALL	ALL
Lightning Creek and all tributaries.	Char	Primary	ALL	ALL
Little Beaver Creek and all tributaries.	Char	Primary	ALL	ALL

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Murphy Creek and all tributaries.	Char	Primary	ALL	ALL
Rocky Creek and all tributaries.	Char	Primary	ALL	ALL
Ruby Creek and all tributaries.	Char	Primary	ALL	ALL
Sauk River and Falls Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Silver Creek and all tributaries.	Char	Primary	ALL	ALL
Skagit River and tributaries, except the other waters listed for this WRIA. <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Stetattle Creek and all tributaries.	Char	Primary	ALL	ALL
Straight Creek and all tributaries.	Char	Primary	ALL	ALL
Suiattle River all tributaries above Harriet Creek.	Char	Primary	ALL	ALL
Sulfur Creek and all tributaries.	Char	Primary	ALL	ALL
Tenas Creek and all tributaries.	Char	Primary	ALL	ALL
Thunder Creek and all tributaries.	Char	Primary	ALL	ALL
White Chuck River and all tributaries.	Char	Primary	ALL	ALL

**Notes for WRIA 4:**

1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed 21°C due to human action. When natural conditions exceed 21°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed  $t = 34/(T + 9)$ .

**WRIA 5 Stillaguamish**

<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Brooks Creek and the unnamed tributary at longitude - 121.9031 and latitude 48.2967: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Cane Creek and the unnamed tributary at longitude - 122.1030 and latitude 48.3315: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
Cane Creek's unnamed tributaries at longitude -122.0988 and latitude 48.3332.	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Canyon Creek's unnamed tributaries at longitude -121.9635 and latitude 48.1461.	Char	Primary	ALL	ALL
Cub Creek and the unnamed tributary at longitude -121.9376 and latitude 48.1655: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Deer Creek and the unnamed tributary at longitude -121.9565 and latitude 48.3195: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Dicks Creek and unnamed outlet of Myrtle Lake at longitude -121.8129 and 48.3187: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Jim Creek and Little Jim Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Canyon Creek and South Fork Canyon Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Stillaguamish River and Boulder River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Pilchuck Creek and Bear Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Pilchuck Creek's unnamed tributaries at longitude -122.1305 and latitude 48.3104.	Char	Primary	ALL	ALL
South Fork Stillaguamish River and the unnamed tributary at longitude -121.8797 and latitude 48.0921 (near Cranberry Creek) : All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>No notes for WRIA 5.</b>				
<b>WRIA 6 Island</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 7 Snohomish</b>				
<b>USES for all waters not spe- cifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Beckler River and Rapid River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Cripple Creek and all tributaries.	Char	Primary	ALL	ALL
East Fork Miller River and West Fork Miller River: All waters (including tributaries) above the junction	Char	Primary	ALL	ALL
Kelly Creek and all tributaries.	Char	Primary	ALL	ALL
Middle Fork Snoqualmie River and Dingford Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Middle Fork Snoqualmie River's unnamed tributaries at longitude -121.5629 and lati- tude 47.5389.	Char	Primary	ALL	ALL
North Fork Creek and unnamed creek at longitude - 121.8231 and latitude 47.7409: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Skykomish River and Salmon Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Snoqualmie River and Sunday Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Tolt River and unnamed creek at longitude - 121.7775 and latitude 47.7183: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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TABLE 6002 Use Designations for Fresh Waters by Water Resource Inventory Areas (WRIA)	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
Eolith Creek River and Boulder Creek: All waters (including tributaries) above the junction.	C/Bhar Salmon Spawning and Rearing Salmon Rearing Only Recreation Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Pact River and Little Butte Falls.	C/Bhar	Primary	A/CIL	A/CIL
South Fork River from mouth and east of longitude 122°13'34" W up stream to latitude 47°56'30" N (southern tip of Hwy 13 Island at river mile 88.1).	Salmon Spawning and Rearing	Primary	A/CIL	A/CIL
Salmon River upstream from latitude 47°56'30" N (southern tip of Hwy 13 Island river mile 88.1) to confluence with Skykomish and Snoqualmie River (river mile 2005).	Salmon Spawning and Rearing	Primary	A/CIL	A/CIL
South Fork Tolt River and tributaries from mouth to west boundary of Sec. 31 122°06'N-122°04'W (river mile 669).	Salmon Spawning and Rearing	Primary	A/CIL	A/CIL
South Fork Tolt River and tributaries from west boundary of Sec. 31 122°06'N-122°04'W (river mile 669) to headwaters, except for the following: • South Fork Tolt River and unnamed creek at longitude - 122 17 39 22 and latitude 47 69 25: All waters (including tributaries) above the junction; and • South Fork Tolt River's unnamed tributaries at longitude - 122 17 38 56 and latitude 47 68 89.	Salmon Spawning and Rearing	Primary	A/CIL	A/CIL
South Fork Tolt River and unnamed creek at longitude - 122 17 39 22 and latitude 47 69 25: All waters (including tributaries) above the junction.	C/Bhar	Primary	A/CIL	A/CIL
South Fork Tolt River's unnamed tributaries at longitude - 122 17 38 56 and latitude 47 68 89.	C/Bhar	Primary	A/CIL	A/CIL

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Use	Water Contact Use	Water Supply Use	Watershed Use
Silliman River from mouth to Chapman Creek (river mile 559).	C/Bhar Salmon Spawning and Rearing Salmon Rearing Only Recreational Float Indigenous Wild Winter Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Watershed Commerce Fresh Harvesting
Silliman River and tributaries from Chapman Creek (river mile 559) to headwaters. <sup>13</sup>	Salmon Spawning and Rearing	Primary	AQUIL	AQUIL
Thydon River and tributaries.	C/Bhar	Primary	AQUIL	AQUIL
Trent Creek and tributaries.	C/Bhar	Primary	AQUIL	AQUIL
Tye River and Deepston Creek: All waters (including tributaries) above the junction.	C/Bhar	Primary	AQUIL	AQUIL
West Fork Foss River and East Fork Foss River: All waters (including tributaries) above the junction.	C/Bhar	Primary	AQUIL	AQUIL
<p><b>Notes for WRIA 7:</b></p> <p>11. Freshwater salmonids will be held in cold water to exceed a concentration of 2000 cod biomass/1000 m<sup>3</sup> and not have more than 100 percent of the samples of the same fish or cold water fish exceed a concentration of 4000 cod biomass/1000 m<sup>3</sup>.</p> <p>22. No wastewater discharge will be permitted for the South Fork Tolt River and tributaries from west boundary off Sec. 331-1236N090E (river mile 669) to headwaters.</p> <p>33. No wastewater discharge will be permitted above city of Everett Diversion Dam (river mile 944).</p>				
<b>WRIA 89 C/Bhar-Salmon</b>				
USESS for all waters not specifically listed below.	Salmon Spawning and Rearing	Primary	AQUIL	AQUIL
Cedar River from Lake Washington to Jandsburg Dam (river mile 216).	Salmon Spawning and Rearing	Primary	AQUIL	AQUIL
Cedar River and tributaries from Jandsburg Dam (river mile 216) to Chester Moose Lake. <sup>1</sup>	Salmon Spawning and Rearing	Primary	AQUIL	AQUIL
Cedar River at Chester Moose Lake and tributaries. <sup>2</sup>	C/Bhar	Primary	AQUIL	AQUIL
Hobbs Creek and unnamed tributaries and dog in the - 12198496 and 474581: All waters (including tributaries) above the junction.	C/Bhar	Primary	AQUIL	AQUIL
Lake Washington Ship Canal from Government Locks (river mile 10) to Lake Washington (river mile 88). <sup>13</sup>	Salmon Spawning and Rearing	Primary	AQUIL	AQUIL

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TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting

**Notes for WRIA 8:**

1. No waste discharge will be permitted.
2. No waste discharge will be permitted.
3. Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1).

**WRIA 9 Duwamish-Green**

USES for all waters not specifically listed below.	Salmon Spawning and Rearing	Primary	ALL	ALL
Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River).	Salmon Rearing - Only	Secondary	Industrial Agriculture Stock Water	ALL
Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 13-T21N-R7E (river mile 59.1).	Salmon Spawning and Rearing	Primary	ALL	ALL
Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters, except the following: • Green River and Sunday Creek: All waters (including tributaries) above the junction; and • Smay Creek and West Fork Smay Creek: All waters (including tributaries) above the junction. <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Green River and Sunday Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Smay Creek and West Fork Smay Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL



<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting

**Notes for WRIA 9:**

1. No waste discharge will be permitted for the Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters.

**WRIA 10 Puyallup-White**

<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Carbon River and Evans Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Clearwater River and Milky Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Mowich River and all tributaries.	Char	Primary	ALL	ALL
Puyallup River from mouth to river mile 1.0.	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL
Puyallup River and tributaries from river mile 1.0 to headwaters, excluding all other waters listed for this WRIA except Puyallup River from mouth to river mile 1.0.	Salmon Spawning and Rearing	Primary	ALL	ALL
Puyallup River and Deer Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Puyallup River's unnamed tributaries at longitude -121.9903 and latitude 46.8790 (upstream of Niesson Creek).	Char	Primary	ALL	ALL
South Prairie Creek and all tributaries above the Kepka Fishing Pond.	Char	Primary	ALL	ALL
Voight Creek and Bear Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
West Fork White River and Viola Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
White River and Huckleberry Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Wilkeson Creek and Gale Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 10.</b>				
<b>WRIA 11 Nisqually</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Big Creek and all tributaries.	Char	Primary	ALL	ALL
Copper Creek and all tributaries.	Char	Primary	ALL	ALL
East Creek and all tributaries.	Char	Primary	ALL	ALL
Little Nisqually River and all tributaries.	Char	Primary	ALL	ALL
Mashel River and Little Mashel River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Mineral Creek and all tributaries.	Char	Primary	ALL	ALL
Puyallup River and Tahoma Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 11.</b>				
<b>WRIA 12 Chambers-Clover</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 13 Deschutes</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 14 Kennedy-Goldsborough</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 15 Kitsap</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>Notes for WRIA 15:</b>				
1. No waste discharge will be permitted.				

<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 16 Skokomish-Dosewallips</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Brown Creek and the unnamed tributary at longitude - 123.2857 and latitude 47.4264: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Lebar Creek and the unnamed tributary at longitude - 123.3087 and latitude 47.4416: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Skokomish River and all tributaries above Lake Cushman Upper Dam.	Char	Primary	ALL	ALL
Rock Creek and the unnamed tributary at longitude - 123.3496 and latitude 47.3894: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
South Fork Skokomish River and Cedar Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Vance Creek and Cabin Creek all waters above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 16.</b>				
<b>WRIA 17 Quilcene-Snow</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 18 Elwha-Dungeness</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Boulder Creek and Deep Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Cat Creek and the unnamed tributary at longitude - 123.6423 and latitude 47.9461: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Dungeness River and Gray Wolf River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Elwha River and Godkin Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Goldie River and all tributaries.	Char	Primary	ALL	ALL
Griff Creek and the unnamed tributary at longitude - 123.5440 and latitude 48.0135: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Hayes River and all tributaries.	Char	Primary	ALL	ALL
Hughes Creek and the unnamed tributary at longitude -123.6322 and latitude 48.0298: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Lillian River and all tributaries.	Char	Primary	ALL	ALL
Little River and South Branch Little River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Long Creek and all tributaries.	Char	Primary	ALL	ALL
Lost River and all tributaries.	Char	Primary	ALL	ALL
Wolf Creek and the unnamed tributary at longitude - 123.5374 and latitude 47.9654: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 18.</b>				
<b>WRIA 19 Lyre-Hoko</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 20 Soleduc</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Hoh River and all tributaries above Mineral Creek.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Mount Tom Creek and the unnamed tributary at longitude -123.8389 and latitude 47.8259: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Soleduc River and all tributaries above Canyon Creek.	Char	Primary	ALL	ALL
South Fork Hoh River and the unnamed tributary at longitude -123.9420 and latitude 47.7916: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 20.</b>				
<b>WRIA 21 Queets-Quinault</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Clearwater Creek and the unnamed tributary at longitude -124.0361 and latitude 47.7270: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Graves Creek and Litchy Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Kunamakst Creek and the unnamed tributary at longitude -124.0771 and latitude 17.7285: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Matheny Creek and the unnamed tributary at longitude -123.9538 and latitude 47.5592: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Middle Fork Salmon River and the unnamed tributary at longitude -123.9899 and latitude 47.5208: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Quinault River and Rustler Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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TABLE 6002	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
Use Designations for Fresh Waters by Water Resource Inventory Areas (WRIA)	Char Salmon Spawning and Rearing Salmon Rearing Only Recreational Indigenous Wetland Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Quesets River and the unnamed tributary at longitude -123.78834 and latitude 47.69511: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Qinnah River and the unnamed tributary at longitude -123.59490 and latitude 47.59860: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Sams River and the unnamed tributary at longitude -123.89941 and latitude 47.60599: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Solbates River and the unnamed tributary at longitude -124.00133 and latitude 47.69271: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Sequah Creek and the unnamed tributary at longitude -124.04236 and latitude 47.66630: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
TSHashy Creek and the unnamed tributary at longitude -123.83668 and latitude 47.66885: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Not used for WRIA 21.				
WRIA 22 Lower Chehalis				
USFS for all waters not specified by listed below.	Salmon Spawning and Rearing	Primary	AQU	AQU
Baker Creek and the unnamed tributary at longitude -123.40142 and latitude 47.33011: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU
Hig Creek and Middle Fork Hig Creek: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU

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TACHEE 6002	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
Use Designations for Fresh Waters by Water Resource Inventory Areas (WRIA)	Clear SStream Spawning and Rearing SStream Rearing Only Reef and Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Canyon River and the unnamed tributary at longitude -12344936 and latitude 4733473. All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
Challis River from upper tributary off Grays Harbor at Cassapolis (river mile 3.1, longitude 12346545 W) to Sossomon Creek (river mile 6588).	SStream Spawning and Rearing	Primary	AUI	AUI
Chester Creek and the unnamed tributary at longitude -1237841 and latitude 4744986. All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
East Fork Homptulps River and the unnamed tributary at longitude -12371668 and latitude 4738211. All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
Gardner Creek and the unnamed tributary at longitude -1237825 and latitude 4738660. All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
Hupiam River (continues as west fork above east fork) from mouth to river mile 9.3 (DeKay Road Bridge) (upper limit of tidal influence).	SStream Rearing Only	Secondary	Industrial Agriculture Stock Water	AUI
Middle Fork Satsop River and the unnamed tributary at longitude -12344651 and latitude 473840. All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
West Fork Homptulps River and Petes Creek: All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI
West Fork Satsop River and Richstem Creek: All waters (including tributaries) above the junction.	Clear	Primary	AUI	AUI

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL
Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to south boundary of Sec. 33-T21N-R8W (river mile 32.0).	Salmon Spawning and Rearing	Primary	ALL	ALL
Wishkah River and tributaries from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters. <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Wynoochee River and all tributaries above Wynoochee Dam.	Char	Primary	ALL	ALL
<b>Notes for WRIA 22:</b> 1. No waste discharge will be permitted.				
<b>WRIA 23 Upper Chehalis</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to Scammon Creek (river mile 65.8)	Salmon Spawning and Rearing	Primary	ALL	ALL
Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Chehalis River and tributaries from Newaukum River (river mile 75.2) to headwaters, except waters listed in note 2 for WRIA 23.	Salmon Spawning and Rearing	Primary	ALL	ALL
Eight Creek and the unnamed tributary at longitude - 123.4127 and latitude 46.6211: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Hanaford Creek and the unnamed tributary at longitude -122.6812 and latitude 46.7295: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL



<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
Hanaford Creek from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1). <sup>3</sup>	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Hanaford Creek and all tributaries from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to headwaters, except Hanaford Creek and the unnamed tributary at longitude -122.6812 and latitude 46.7295: All waters (including tributaries) above the junction.	Salmon Spawning and Rearing	Primary	ALL	ALL
Kearney Creek and the unnamed tributary at longitude -122.5683 and latitude 46.6256: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Laramie Creek and the unnamed tributary at longitude -122.5901 and latitude 46.7901: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Newaukum River and the unnamed tributary at longitude -122.6677 and latitude 46.6793: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Pheeny Creek and the unnamed tributary at longitude -122.6276 and latitude 46.7836: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Rock Creek and the unnamed tributary at longitude -123.3782 and latitude 46.5279: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Seven Creek and the unnamed tributary at longitude -123.3723 and latitude 46.6192: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Stillman Creek and Little Mill Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Skookumchuck Reservoir's unnamed southern tributaries at longitude -122.6728 and latitude 46.7671.	Char	Primary	ALL	ALL
Skookumchuck River and Hospital Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
South Fork Chehalis River and the unnamed tributary at longitude -123.4127 and latitude 49.179: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
South Fork Newaukum River and Frase Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Thrash Creek and all tributaries.	Char	Primary	ALL	ALL
West Fork Chehalis River and East Fork Chehalis River: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<p><b>Notes for WRIA 23:</b></p> <p>1. Dissolved oxygen shall exceed 5.0 mg/L from June 1 to September 15. For the remainder of the year, the dissolved oxygen shall meet standard criteria.</p> <p>2. a. Eight Creek and the unnamed tributary at longitude - 123.4127 and latitude 46.6211: All waters (including tributaries) above the junction.</p> <p>b. Rock Creek and the unnamed tributary at longitude - 123.3782 and latitude 46.5279: All waters (including tributaries) above the junction.</p> <p>c. Seven Creek and the unnamed tributary at longitude - 123.3723 and latitude 46.6192: All waters (including tributaries) above the junction.</p> <p>d. Stillman Creek and Little Mill Creek: All waters (including tributaries) above the junction.</p> <p>e. Thrash Creek and all tributaries.</p> <p>f. West Fork Chehalis River and East Fork Chehalis River: All waters (including tributaries) above the junction.</p> <p>3. Dissolved oxygen shall exceed 6.5 mg/L.</p>				

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 24 Willapa</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>No notes for WRIA 24.</b>				
<b>WRIA 25 Grays-Elokoman</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 26 Cowlitz</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 27 Lewis</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Alec Creek and all tributaries.	Char	Primary	ALL	ALL
Big Creek and all tributaries.	Char	Primary	ALL	ALL
Chickoon Creek and all tributaries.	Char	Primary	ALL	ALL
Clear Creek and all tributaries.	Char	Primary	ALL	ALL
Curly Creek and all tributaries.	Char	Primary	ALL	ALL
Cussed Hollow Creek and all tributaries.	Char	Primary	ALL	ALL
Lewis River and Pass Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Lewis River's unnamed tributaries at longitude -121.9174 and latitude 46.1122.	Char	Primary	ALL	ALL
Little Creek and all tributaries.	Char	Primary	ALL	ALL
Muddy River and Clearwater Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Panamaker Creek and all tributaries.	Char	Primary	ALL	ALL
Pin Creek and all tributaries.	Char	Primary	ALL	ALL
Pine Creek and all tributaries.	Char	Primary	ALL	ALL
Quartz Creek and all tributaries.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Rush Creek and all tributaries.	Char	Primary	ALL	ALL
Spencer Creek and all tributaries.	Char	Primary	ALL	ALL
Steamboat Creek and all tributaries.	Char	Primary	ALL	ALL
Tillicum Creek and all tributaries.	Char	Primary	ALL	ALL
<b>No notes for WRIA 27.</b>				
<b>WRIA 28 Salmon-Washougal</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 29 Wind-White Salmon</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Buck Creek and all tributaries.	Char	Primary	ALL	ALL
Gilmer Creek and all tributaries.	Char	Primary	ALL	ALL
Gotchen Creek and all tributaries.	Char	Primary	ALL	ALL
Green Canyon Creek and all tributaries.	Char	Primary	ALL	ALL
Morrison Creek and all tributaries.	Char	Primary	ALL	ALL
Rattlesnake Creek and the unnamed tributary at longitude -121.4081 and latitude 45.8512: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Trout Lake Creek and all tributaries.	Char	Primary	ALL	ALL
White Salmon Creek and Cascade Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
White Salmon River's unnamed tributaries at longitude -121.4991 and latitude 46.0055.	Char	Primary	ALL	ALL
<b>No notes for WRIA 29.</b>				

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 30 Klickitat</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Clearwater Creek and Trappers Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Cougar Creek and Big Muddy Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Diamond Creek and Caitin Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Diamond Fork's unnamed tributaries at longitude -121.1562 and latitude 46.4205.	Char	Primary	ALL	ALL
Diamond Fork's unnamed tributaries at longitude -121.1590 and latitude 46.4355 (outlet of Maiden Springs).	Char	Primary	ALL	ALL
Fish Lake Stream and all tributaries.	Char	Primary	ALL	ALL
Frasier Creek and Outlet Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Klickitat River and all tributaries above the junction with Diamond Fork.	Char	Primary	ALL	ALL
Little Muddy Creek and all tributaries.	Char	Primary	ALL	ALL
McCreedy Creek and all tributaries.	Char	Primary	ALL	ALL
<b>No notes for WRIA 30.</b>				
<b>WRIA 31 Rock-Glade</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 32 Walla Walla</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Blue Creek and the unnamed tributary at longitude -118.0956 and latitude 46.0579: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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TABLE 602: Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
Mill Creek and Railroad Can- yon: All waters (including tributaries) above the junction (including upstream and down- stream of where Mill Creek flows in Oregon).	Char: Salmon Spawning and Rearing Salmon Rearing Only Redband Trout: Indigenous Warm- Water Species:	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Mill Creek from mouth to 13th Street Bridge in Walla Walla (five mile 664). <sup>1</sup>	Salmon Rearing Only	Secondary	Industrial/Agricult- ure Stock Water	AQU
Mill Creek from 13th Street Bridge in Walla Walla (five mile 664) to Walla Walla Water- works Dam (five mile 11.5).	Salmon Spawning and Rearing	Primary	AQU	AQU
Mill Creek and tributaries from city of Walla Walla Water- works Dam (five mile 21.6) to headwaters, except for the fol- lowing: • Blue Creek and the unnamed tributary at longitude-- 118:0956 and latitude 46:0579: All waters (including tributar- ies) above the junction	Salmon Spawning and Rearing	Primary	AQU	AQU
• Mill Creek and Railroad Can- yon: All waters (including tributaries) above the junction (including upstream and down- stream of where Mill Creek flows in Oregon). <sup>27</sup>				
North Fork Touchet River and Gates Gulch: All waters (including tributaries) above the junction.	Char:	Primary	AQU	AQU
Rodgers Gulch and the unnamed tributary at longitude -117:8667 and latitude 46:2705: All waters (including tributaries) above the junction.	Char:	Primary	AQU	AQU
South Fork Touchet River and the unnamed tributary at longi- tude -117:9897 and latitude 46:2307: All waters (including tributaries) above the junction.	Char	Primary	AQU	AQU

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TABLE 602	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
<b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	Cold Salmon Spawning and Rearing Salmon Rearing Only Feedlot/Font Inappropriate Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Willapa River from mouth to Lower (Dry Creek at river mile 2772).	Salmon Rearing Only	Secondary	Industrial Agriculture Stock Water	ALL
Willapa River from Lower (Dry Creek at river mile 2772) to Oregan border (river mile 40). <sup>3</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Wolf Creek and its unnamed tributary at 117900 B and at 117911. All waters (including tributaries) above the junction.	Cold	Primary	ALL	ALL
<b>Notes for WRIA 32:</b> 1. Dissolved oxygen concentrations shall not exceed 5.0 mg/l. 2. No wastewater discharge will be permitted for the Willapa Creek and tributaries from city of Willapa Waterworks Dam (river mile 216) to headwaters. 3. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
<b>WRIA 33 Lower Snake</b>				
<b>USES for all waters not specifically listed below.</b>	Salmon Spawning and Rearing	Primary	ALL	ALL
Snake River from mouth to Washington/Oregon border (river mile 1761). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>Notes for WRIA 33:</b> 1. Below Clearwater River (river mile 1393), Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C, nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ . Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).				
<b>WRIA 34 Palouse</b>				
<b>USES for all waters not specifically listed below.</b>	Salmon Spawning and Rearing	Primary	ALL	ALL
Palouse River from mouth to south fork (Cofflaw, river mile 896).	Salmon Rearing Only	Secondary	Industrial Agriculture Stock Water	ALL
Palouse River from south fork (Cofflaw, river mile 896) to Idaho border (river mile 1234). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL

<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>Notes on WRIA 34:</b>				
1. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
<b>WRIA 35 Middle Snake</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
All streams flowing into Oregon from North Fork Wenaha River east to Fairview Creek.	Char	Primary	ALL	ALL
Charley Creek and the unnamed tributary at longitude -117.3216 and latitude 46.2851: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Crooked Creek and First Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Cummings Creek and all tributaries.	Char	Primary	ALL	ALL
Grande Ronde River from mouth to Oregon border (river mile 37). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Grub Canyon and all tributaries.	Char	Primary	ALL	ALL
Hixon Canyon and all tributaries.	Char	Primary	ALL	ALL
Little Tucannon River and all tributaries.	Char	Primary	ALL	ALL
Menatchee Creek and West Fork Menatchee Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Asotin River and all tributaries above Lick Creek.	Char	Primary	ALL	ALL
Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). <sup>2</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL



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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Tucannon River and Panjab Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Tucannon River's unnamed tributaries at above longitude - 117.7756, latitude 46.3877 and longitude -117.7449, latitude 46.3769.	Char	Primary	ALL	ALL
Tumalum Creek and the unnamed tributary at longitude -117.6488 and latitude 46.3594: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Willow Creek and the unnamed tributary at longitude - 117.8314 and latitude 46.4182: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>Notes for WRIA 35:</b>				
1. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
2. The following two notes apply:				
(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ . Special condition - special fish passage exemption as described in WAC 173-201A-200 (1) (f).				
(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.				
<b>WRIA 36 Esquatzel Coulee</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 37 Lower Yakima</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Carpenter Gulch and all tributaries.	Char	Primary	ALL	ALL
Foundation Creek and all tributaries.	Char	Primary	ALL	ALL
Nasty Creek and all tributaries.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
North Fork Ahtanum Creek and Middle Fork Ahtanum Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Ahtanum Creek's unnamed tributaries at longitude -120.8857 and latitude 46.5465.	Char	Primary	ALL	ALL
North Fork Ahtanum Creek's unnamed tributaries at longitude -120.9851 and latitude 46.5395.	Char	Primary	ALL	ALL
South Fork Ahtanum Creek and all tributaries.	Char	Primary	ALL	ALL
Sulphur Creek.	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL
Yakima River from mouth to Cle Elum River (river mile 185.6). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>Notes for WRIA 37:</b>				
1. Temperature shall not exceed 21.0°C due to human activities. When natural conditions exceed 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
<b>WRIA 38 Naches</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
American River and all tributaries.	Char	Primary	ALL	ALL
Barton Creek and all tributaries.	Char	Primary	ALL	ALL
Bumping Lake's unnamed tributaries at longitude -121.3095 and latitude 46.8464.	Char	Primary	ALL	ALL
Bumping River and Cougar Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Bumping River's unnamed tributaries at longitude -121.2067 and latitude 46.9317 (outlet of Flat Iron Lake).	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Bumping River's unnamed tributaries at longitude - 121.2766 and latitude 46.8852.	Char	Primary	ALL	ALL
Cedar Creek and all tributaries.	Char	Primary	ALL	ALL
Crow Creek and all tributaries.	Char	Primary	ALL	ALL
Deep Creek and all tributaries.	Char	Primary	ALL	ALL
Goat Creek and all tributaries.	Char	Primary	ALL	ALL
Granite Creek and all tributaries.	Char	Primary	ALL	ALL
Indian Creek and all tributaries.	Char	Primary	ALL	ALL
Little Naches River and Bear Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Tieton River and Clear Creek: All waters (including tributaries) above the junction at Clear Lake.	Char	Primary	ALL	ALL
Pileup Creek and all tributaries.	Char	Primary	ALL	ALL
Quartz Creek and all tributaries.	Char	Primary	ALL	ALL
Rattlesnake Creek and all tributaries above Three Creeks.	Char	Primary	ALL	ALL
Sand Creek and all tributaries.	Char	Primary	ALL	ALL
South Fork Little Naches River and all tributaries.	Char	Primary	ALL	ALL
South Fork Tieton River and Short and Dirty Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Sunrise Creek and all tributaries.	Char	Primary	ALL	ALL
<b>No notes for WRIA 38.</b>				
<b>WRIA 39 Upper Yakima</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Big Boulder Creek and all tributaries.	Char	Primary	ALL	ALL
Cle Elum River and Fortune Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

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<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Cooper River and all tributaries.	Char	Primary	ALL	ALL
Little Kachess Lake and all tributaries.	Char	Primary	ALL	ALL
North Fork Teanaway River and all tributaries above Stafford Creek.	Char	Primary	ALL	ALL
Paris Creek and all tributaries.	Char	Primary	ALL	ALL
Waptus River and all tributaries.	Char	Primary	ALL	ALL
Yakima River and all tributaries above Stampede Creek.	Char	Primary	ALL	ALL
Yakima River from mouth to Cle Elum River (river mile 185.6). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Yakima River and tributaries from Cle Elum River (river mile 185.6) to headwaters except waters listed in note 2 for WRIA 39. <sup>2</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL

**Notes for WRIA 39:**

1. Temperature shall not exceed 21.0°C due to human activities. When natural conditions exceed 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed  $t = 34/(T + 9)$ .

- 2. a. Big Boulder Creek and all tributaries.
- b. Cle Elum River and Fortune Creek: All waters (including tributaries) above the junction.
- c. Cooper River and all tributaries.
- d. Little Kachess Lake and all tributaries.
- e. Paris Creek and all tributaries.
- f. Waptus River and all tributaries.
- g. Yakima River and all tributaries above Stampede Creek.

**WRIA 40 Alkaki-Squilchuck**

<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
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**WRIA 41 Lower Crab**

<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Crab Creek and tributaries	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL

**No notes for WRIA 41.**

PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic-Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 42 Grand Coulee</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Crab Creek and tributaries	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL
<b>No notes for WRIA 42.</b>				
<b>WRIA 43 Upper Crab-Wilson</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Crab Creek and tributaries	Salmon Rearing-Only	Secondary	Industrial Agriculture Stock Water	ALL
<b>No notes for WRIA 43.</b>				
<b>WRIA 44 Moses Coulee</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 45 Wenatchee</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Chikamin Creek and all tributaries.	Char	Primary	ALL	ALL
Chiwaukum Creek and South Fork Chiwaukum Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Chiwawa River and all tributaries above unnamed creek at longitude -120.8409 and latitude 48.0595 (near Phelps Creek).	Char	Primary	ALL	ALL
Dry Creek and Chumstick Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Eagle Creek and the unnamed tributary at longitude -120.5165 and latitude 47.6544: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

PROPOSED

<b>TABLE 602</b> <b>Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Loote Creek and all tributaries above unnamed creek at longitude - 120:5547 and latitude 47:6206 (near French Creek).	Char	Primary	AQIL	AQIL
Little Giant Creek and all tributaries.	Char	Primary	AQIL	AQIL
Rock Creek and all tributaries.	Char	Primary	AQIL	AQIL
Second Creek and the unnamed tributary at longitude - 120:5935 and latitude 47:7384. All waters (including tributaries) above the junction.	Char	Primary	AQIL	AQIL
Nan Creek and the unnamed tributary at longitude - 120:5373 and latitude 47:6722. All waters (including tributaries) above the junction.	Char	Primary	AQIL	AQIL
Wenatchee River and all tributaries upstream of Chwaswa River.	Char	Primary	AQIL	AQIL
<b>No notes for WRIA 445.</b>				
<b>WRIA 446 Data</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>AQIL</b>	<b>AQIL</b>
Bremigan Creek and the unnamed tributary at longitude - 120:4185 and latitude 47:9098. All waters (including tributaries) above the junction.	Char	Primary	AQIL	AQIL
Entiat River and Silver Creek. All waters (including tributaries) above the junction.	Char	Primary	AQIL	AQIL
Entiat River's unnamed tributaries at longitude - 120:4998 and latitude 47:9107.	Char	Primary	AQIL	AQIL
Entiat River's unnamed tributaries at longitude - 120:5179 and latitude 47:9174.	Char	Primary	AQIL	AQIL
Gene Creek and Potato Creek. All waters above the junction.	Char	Primary	AQIL	AQIL
Hornet Creek and all tributaries.	Char	Primary	AQIL	AQIL
Lake Creek and all tributaries.	Char	Primary	AQIL	AQIL

TABLE 602	Aquatic Life Uses	Water Contact Use	Water Supply Use	Miscellaneous Use
Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Char Salmon Spawning and Rearing Salmon Rearing Only Recreational Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Mud River and all tributaries above Youngs Creek.	Char	Primary	ALL	ALL
Mud Creek and Switchback Canyon: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
North Fork Gray Canyon and South Fork Gray Canyon: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Peston Creek and South Fork Peston Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Stromy Creek and the unnamed tributaries and drainage - 1203386 and drainage 475887: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Titan Creek and Indian Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Tommy Creek and all tributaries.	Char	Primary	ALL	ALL
<b>Notes for WRIA 466.</b>				
<b>WRIA 47 Chinook</b>				
USFS for all waters.	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>WRIA 48 Methow</b>				
USFS for all waters not specifically listed below.	Salmon Spawning and Rearing	Primary	ALL	ALL
Beaver Creek and South Fork Beaver Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Big Indian Lake and all tributaries and the outlet stream that flows into the East Fork Paayten River.	Char	Primary	ALL	ALL
Boulder Creek and Pebble Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Buttermilk Creek and all tributaries.	Char	Primary	ALL	ALL

PROPOSED

PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Cedar Creek and all tributaries.	Char	Primary	ALL	ALL
Eagle Creek and all tributaries.	Char	Primary	ALL	ALL
Early Winters Creek and Varden Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Eureka Creek and all tributaries.	Char	Primary	ALL	ALL
Goat Creek and Cougar Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Gold Creek and all tributaries.	Char	Primary	ALL	ALL
Lake Creek and all tributaries above Black Lake.	Char	Primary	ALL	ALL
Libby Creek and Hornel Draw: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Lost River Gorge and all tributaries above Sunset Creek.	Char	Primary	ALL	ALL
Pipestone Canyon Creek and all tributaries.	Char	Primary	ALL	ALL
Rattlesnake Creek and all tributaries.	Char	Primary	ALL	ALL
Robinson Creek and all tributaries.	Char	Primary	ALL	ALL
Smith Canyon Creek and Elderberry Canyon: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Twisp River and War Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
West Fork Methow River and South Fork Trout Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Wolf Creek and North Fork Wolf Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
<b>No notes for WRIA 48.</b>				



PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 49 Okanogon</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 50 Foster</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 51 Nespelem</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 52 Sanpoil</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 53 Lower Lake Roosevelt</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 54 Lower Spokane</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Spokane River from mouth to Long Lake Dam (river mile 33.9). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). <sup>2</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>Notes for WRIA 54:</b>				
1. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
2. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31.				
b. Temperature shall not exceed 20.0°C, due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
<b>WRIA 55 Little Spokane</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 56 Hangman</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>

PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
<b>WRIA 57 Middle Spokane</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
Lake Creek and all tributaries.	Char	Primary	ALL	ALL
Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
<b>Notes on WRIA 57:</b>				
1. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31.				
b. Temperature shall not exceed 20.0°C, due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t = 34/(T + 9)$ .				
<b>WRIA 58 Middle Lake Roosevelt</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 59 Colville</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 60 Kettle</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 61 Upper Lake Roosevelt</b>				
<b>USES for all waters.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
<b>WRIA 62 Pend Oreille</b>				
<b>USES for all waters not specifically listed below.</b>	<b>Salmon Spawning and Rearing</b>	<b>Primary</b>	<b>ALL</b>	<b>ALL</b>
All streams flowing into Idaho from Kalispell Creek to the Canadian border.	Char	Primary	ALL	ALL
East Branch Le Clerc Creek and West Branch Le Clerc Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Harvey Creek and Paupac Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

PROPOSED

<b>TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)</b>	<b>Aquatic Life Uses</b>	<b>Water Contact Use</b>	<b>Water Supply Use</b>	<b>Miscellaneous Use</b>
	Char Salmon Spawning and Rearing Salmon Rearing-Only Redband Trout Indigenous Warm Water Species	Primary Secondary	Domestic Industrial Agriculture Stock Water	Wildlife Commerce Fish Harvesting
Kalispell Creek and Small Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL
Pass Creek and all tributaries.	Char	Primary	ALL	ALL
Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). <sup>1</sup>	Salmon Spawning and Rearing	Primary	ALL	ALL
South Salmon River and all tributaries.	Char	Primary	ALL	ALL
Sullivan Creek and Gypsy Creek: All waters (including tributaries) above the junction.	Char	Primary	ALL	ALL

**Notes for WRIA 62:**

1. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed  $t = 34/(T + 9)$

**NEW SECTION**

**WAC 173-201A-610 Specific use designations—**

**Marine waters.** All marine surface waters that have not been assigned specific uses for protection under WAC 173-201A-612 are to be assigned the following minimum set of uses:

(1) Aquatic life uses (WAC 173-201A-210(1)) which are the following categories: Extraordinary quality, excellent quality, good quality, and fair quality;

(2) Water contact (WAC 173-201A-210(2)) which are the following categories: Primary and secondary water contact;

(3) Miscellaneous uses (WAC 173-201A-210(3)) which are the following categories: Wildlife habitat and commerce and navigation.

Key to Table 612:

<b>Extraordinary quality</b>	<i>Extraordinary quality</i> salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing, spawning, and harvesting; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.
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<b>Excellent quality</b>	<i>Excellent quality</i> salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing, spawning, and harvesting; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.
<b>Good quality</b>	<i>Good quality</i> salmonid and other fish migration, rearing, spawning, and harvesting; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.
<b>Fair quality</b>	<i>Fair quality</i> salmonid and other fish migration and harvesting.
<b>Primary</b>	Primary water contact uses.
<b>Secondary</b>	Secondary water contact uses.
<b>Wildlife</b>	Wildlife habitat.
<b>Commerce</b>	Commerce and navigations.

## NEW SECTION

**WAC 173-201A-612 Table 612—Use designations for marine waters.** Table 612 lists uses for marine waters. It is possible to remove, or add, a use to a waterbody through a use attainability analysis. In order to do this, follow the process described in WAC 173-201A-440. For "aquatic life uses," only the use with the most stringent criteria is listed. For each entry, all of the other uses with less-stringent criteria (appearing lower on the list) are also designated uses. The criteria noted in Table 612 take precedence over the criteria in WAC 173-201A-210 for the same parameter.

Table 612 Use Designations for Marine Waters	Aquatic Life Uses	Water Contact Use	Miscellaneous Use
	Extraordinary quality Excellent quality Good quality Fair quality	Primary Secondary	Wildlife Commerce
Budd Inlet south of latitude 47°04'N (south of Priest Point Park).	Good quality	Secondary	ALL
Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery.	Extraordinary quality	Primary	ALL
Commencement Bay south and east of a line bearing 258° true from "Brown's Point" and north and west of line bearing 225° true through the Hylebos waterway light.	Excellent quality	Primary	ALL
Commencement Bay, inner, south and east of a line bearing 225° true through Hylebos waterway light except the city waterway south and east of south 11th Street.	Good quality	Secondary	ALL
Commencement Bay, city waterway south and east of south 11th Street.	Fair quality	Secondary	ALL
Drayton Harbor, south of entrance.	Excellent quality	Primary	ALL
Dyes and Sinclair inlets west of longitude 122°37'W.	Excellent quality	Primary	ALL
Elliott Bay east of a line between Pier 91 and Duwamish Head.	Excellent quality	Primary	ALL
Everett Harbor, inner, northeast of a line bearing 121° true from approximately 47°59'5"N and 122°13'44"W (southwest corner of the pier).	Good quality	Secondary	ALL
Grays Harbor west of longitude 123°59'W.	Excellent quality	Primary	ALL
Grays Harbor east of longitude 123°59'W to longitude 123°45'45"W (Cosmopolis Chehalis River, river mile 3.1). Special condition -dissolved oxygen shall exceed 5.0 mg/L.	Good quality	Secondary	ALL

PROPOSED

Table 612 Use Designations for Marine Waters	Aquatic Life Uses	Water Contact Use	Miscellaneous Use
	Extraordinary quality Excellent quality Good quality Fair quality	Primary Secondary	Wildlife Commerce
Guemes Channel, Padilla, Samish and Bellingham bays east of longitude 122°39'W and north of latitude 48°27'20"N.	Excellent quality	Primary	ALL
Hood Canal.	Extraordinary quality	Primary	ALL
Mukilteo and all North Puget Sound west of longitude 122°39'W (Whidbey, Fidalgo, Guemes and Lummi islands and State Highway 20 Bridge at Deception Pass), except as otherwise noted.	Extraordinary quality	Primary	ALL
Oakland Bay west of longitude 123°05'W (inner Shelton harbor).	Good quality	Secondary	ALL
Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.	Excellent quality	Primary	ALL
Port Gamble south of latitude 47°51'20"N.	Excellent quality	Primary	ALL
Port Townsend west of a line between Point Hudson and Kala Point.	Excellent quality	Primary	ALL
Possession Sound, south of latitude 47°57'N.	Extraordinary quality	Primary	ALL
Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and State Highway 20 Bridge at Deception Pass between latitude 47°57'N (Mukilteo) and latitude 48°27'20"N (Similk Bay), except as otherwise noted.	Excellent quality	Primary	ALL
Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island).	Extraordinary quality	Primary	ALL
Sequim Bay southward of entrance.	Extraordinary quality	Primary	ALL
South Puget Sound west of longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island, except as otherwise noted).	Excellent quality	Primary	ALL
Strait of Juan de Fuca.	Extraordinary quality	Primary	ALL

PROPOSED

PROPOSED

Table 612 Use Designations for Marine Waters	Aquatic Life Uses	Water Contact Use	Miscellaneous Use
	Extraordinary quality Excellent quality Good quality Fair quality	Primary Secondary	Wildlife Commerce
Totten Inlet and Little Skookum Inlet, west of longitude 122°56'32" (west side of Steamboat Island).	Extraordinary quality	Primary	ALL
Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).	Excellent quality	Primary	ALL

**NEW SECTION**

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC number	New WAC number
173-201A-040	173-201A-240
173-201A-050	173-201A-250
173-201A-100	173-201A-400
173-201A-110	173-201A-410
173-201A-150	173-201A-500
173-201A-160	173-201A-510
173-201A-170	173-201A-520
173-201A-180	173-201A-530

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 173-201A-030	General water use and criteria classes.
WAC 173-201A-060	General considerations.
WAC 173-201A-070	Antidegradation.
WAC 173-201A-080	Outstanding resource waters.
WAC 173-201A-120	General classifications.
WAC 173-201A-130	Specific classifications— Freshwater.
WAC 173-201A-140	Specific classifications— Marine water.

**WSR 03-01-113**  
**EXPEDITED RULES**  
**DEPARTMENT OF HEALTH**

[Filed December 18, 2002, 2:45 p.m.]

Title of Rule: WAC 246-812-010 Definitions, 246-812-160 Expired license, and 246-812-130 Denturist licensure-training course approval.

Purpose: To implement amendments to chapter 18.30 RCW. The changes are due to 2002 legislation SSB 2309 (chapter 160, Laws of 2002).

Other Identifying Information: These rules implement chapter 18.30 RCW.

Statutory Authority for Adoption: RCW 18.30.065.

Statute Being Implemented: Chapter 18.30 RCW.

Summary: The proposed rules implement amendments to chapter 18.30 RCW changing the name of the Board of Denture Technology to the Board of Denturists; repeal training course requirements and definitions associated with licensure methods and requirements that were statutorily effective until December 8, 1996; and, correcting an inaccurate RCW citation in a rule regarding expired licenses.

Reasons Supporting Proposal: To ensure the rules accurately reflect recent amendments to chapter 18.30 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kirby Putscher, 1112 S.E. Quince Street, Olympia, WA 98504-7867, 236-4868.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules implement amendments to chapter 18.30 RCW changing the name of the Board of Denture Technology to the Board of Denturists; repeal training course requirements and definitions associated with licensure methods and requirements that were statutorily effective until December 8, 1996; and, correcting an inaccurate RCW citation in a rule regarding expired licenses.

Proposal Changes the Following Existing Rules: The Board of Denture Technology is referred to in several existing rules. The proposed rules change the name to the Board of Denturists.

An inaccurate RCW citation exists in the rules regarding expired licenses. The proposed rule will correct that citation.

Proposing repeal of obsolete training course requirements and definitions regarding licensure prior to 1996.

**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 Kirby Putscher, Program Manager, Department of Health, Denturist Program, 1112

S.E. Quince Street, Olympia, WA 98504-7867, AND RECEIVED BY February 19, 2003.

December 10, 2002

Michael Gillispie, Chair  
Board of Denturists

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

**WAC 246-812-010 Definitions.** The following terms are so defined for the purposes of this chapter:

"**Acquired immunodeficiency syndrome**" or "**AIDS**" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"**Approval**" and "**accreditation**" are used interchangeably with reference to sanctioning of courses.

"**Board**" means the Washington state board of (~~(denture technology))~~ denturists, whose address is:

Department of Health  
Health Profession Quality Assurance (~~(Division))~~  
Washington State Board of (~~(Denture Technology))~~  
Denturists  
1112 SE Quince Street, PO Box 47867  
Olympia, WA 98504-7867

~~("Denture technology" for the purposes of application under RCW 18.30.090(3) is defined, at a minimum, as the making, constructing, altering, reproducing or repairing of a denture.~~

~~"Five years employment in denture technology" is defined as working a minimum of twenty hours per week during five of the last ten years.)~~

"**Office on AIDS**" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~("4,000 Hours practical work experience in denture technology" is defined and taken as a whole, which must have occurred within the past five years of date of application.)~~

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

**WAC 246-812-160 Expired license.** (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

(a) Successfully pass the examination as provided in RCW (~~(+8.25.040))~~ 18.30.100;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-812-130 Denturist licensure—Training course approval.

MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY February 18, 2003.

December 18, 2002  
Mary A. Martin Toohey  
Assistant Director

**WSR 03-01-126  
EXPEDITED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed December 19, 2002, 11:13 a.m.]

Title of Rule: Chapter 16-465 WAC, Rules and regulations for the official determination of bacterial ring rot in seed potatoes.

Purpose: This rule specifies the sampling procedure, determination of bacterial ring rot, and disposition of infected planting stock. The department is repealing WAC 16-465-001 and 16-465-060. Neither section is necessary and reflects an outdated style of writing regulations. The rule will be more readable without these sections.

Statutory Authority for Adoption: Chapters 15.08, 17.24, 15.14, 15.17, and 34.05 RCW.

Statute Being Implemented: Chapter 15.14 RCW.

Summary: This proposal repeals WAC 16-465-001 Promulgation and 16-465-060 Effective date. Neither section is necessary and reflects an outdated approach to writing regulations.

Reasons Supporting Proposal: We proposed to repeal these two sections to make the rule more readable. Neither section really serves a purpose.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street S.E., (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street S.E., (360) 902-1984.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule specifies the sampling procedure, determination of bacterial ring rot, and disposition of infected planting stock. This rule proposal repeals WAC 16-465-001 Promulgation and 16-465-060 Effective date. Neither section is necessary and reflects an outdated style of writing regulations. The rule will be more readable without these sections.

Proposal Changes the Following Existing Rules: Repeals two unnecessary sections.

**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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-465-001 Promulgation.  
WAC 16-465-060 Effective date.

EXPEDITED



**WSR 02-23-004**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[General Order No. R-505, Docket No. UT-990146—Filed November 7, 2002, 10:43 a.m., effective January 1, 2003]

In the matter of adopting and repealing WAC 480-120-201 through 480-120-209 and 480-120-211 through 480-120-216, relating to telecommunications companies—Customer information rules.

*1 SYNOPSIS: The commission adopts rules governing how telecommunications companies may use information they possess about the telecommunications services a particular customer uses and how the customer uses them. The rules follow the framework of corresponding rules recently adopted by the Federal Communications Commission, but contain three important differences:*

- *The rules provide increased protection for particularly sensitive personal information, including the phone numbers a customer calls and including highly specific phone calling habits of the customer. A company may not use this information, known as "call detail," without the customer's express ("opt-in") approval, except as necessary for the company to provide service or as required by law.*
- *We narrow the scope of a telecommunications company's "family" of affiliated companies, within which it may share information about a customer if the customer does not "opt-out." The effect is to require express ("opt-in") approval for disclosure to more types of entities than the federal rules require.*
- *We improve the notice that companies must provide to customers, in order to help customers understand what is at stake. Also, by requiring companies to offer their customers more convenient methods for opting-out, we enhance customers' ability to exercise that choice, where applicable.*

*In reaching these conclusions, the commission balances protected rights of telecommunications companies to engage in commercial free speech, with customers' rights to privacy and free speech and association, as reflected in our state and federal laws and constitutions. We have adopted rules that we think appropriately balance these interests under the law.*

**2 STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-08-081, filed with the code reviser on April 3, 2002. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**3 STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**4 DATE OF ADOPTION:** The commission adopts these rules on the date that this order is entered.

**5 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325 requires that the commission

prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments. The commission often includes a discussion of these matters in its rule adoption orders.

**6** In this rule making, in order to avoid unnecessary duplication, the commission designates the discussion in this order, including Appendices A and B, as its concise explanatory statement.

**7 REFERENCE TO AFFECTED RULES:** This order repeals the following sections of the Washington Administrative Code:

- WAC 480-120-144 Use of privacy listings for telephone solicitation.
- WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI).
- WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).
- WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).
- WAC 480-120-154 Definitions.

**8** This order adopts the following sections of the Washington Administrative Code:

- WAC 480-120-201 Definitions.
- WAC 480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.
- WAC 480-120-204 Opt-in approval required for use, disclosure, or access to customer I-CPNI.
- WAC 480-120-205 Using customer proprietary network information (CPNI) in the provision of services.
- WAC 480-120-206 Using individual customer proprietary network information (CPNI) during inbound and outbound telemarketing calls.
- WAC 480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval.
- WAC 480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval.

**PERMANENT**

PERMANENT

- WAC 480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise ("opt-out").
- WAC 480-120-211 Mechanisms for opting out of use of private customer account information (PAI).
- WAC 480-120-212 Notice when express ("opt-in") approval is required and mechanisms for express approval.
- WAC 480-120-213 Confirming changes in customer approval status.
- WAC 480-120-214 Duration of customer approval or disapproval.
- WAC 480-120-215 Safeguards required for CPNI.
- WAC 480-120-216 Disclosing CPNI on request of customer.
- WAC 480-120-217 Using privacy listings for telephone solicitation.
- WAC 480-120-218 Using subscriber list information for purposes other than directory publishing.
- WAC 480-120-219 Severability.

9 This order withdraws the following proposed section of the Washington Administrative Code:

- WAC 480-120-202 Use of customer proprietary network information (CPNI) permitted.

**10 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The commission filed a preproposal statement of inquiry (CR-101) on April 15, 1999, at WSR 99-09-027.

**11 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The statement advised interested persons that the commission was considering a rule making to review rules relating to regulated telephone companies for content and readability pursuant to Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency, clarity, intent, and statutory authority, coordination, cost, and fairness. The statement also advised that the review would include consideration of whether substantive changes or additional rules are required for telecommunications regulation generally, in concert with the Federal Telecommunications Act of 1996 and potential actions by the Washington legislature during its 1999 session. The commission also provided notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and sent notice to all registered telecommunications companies and to the commission's list of telecommunications attorneys. The commission posted the relevant rule-making information on its internet website at [www.wutc.wa.gov](http://www.wutc.wa.gov).

**12 MEETINGS AND WORKSHOPS; ORAL COMMENTS:** The commission held several rule-making workshops on

draft rules in Docket No. UT-990146 concerning chapter 480-120 WAC. At a workshop held on June 5, 6, and 7, 2001, WAC 480-120-144 Use of privacy listings for telephone solicitation, was included on the agenda. That rule has been amended and adopted as WAC 480-120-217.

13 On January 23 and 24, 2002, the commission held evening public meetings on the topic of privacy of customer telephone records. The meeting on January 23 was held in Bothell, Washington, and the January 24 meeting was held in Fife, Washington. The times and locations of the meetings were widely reported in the press in advance, both meetings were attended by members of the public, and both were reported on by the media.

14 The commission held a special open meeting on February 5, 2002, for the purpose of considering adoption of an emergency rule on the topic of customer privacy. At the beginning of the meeting, the commission informed attendees that it would not be taking action on an emergency rule, but invited participation in a discussion of the topic. Representatives of several large telecommunications companies spoke on the topic.

15 On March 14 and 22, 2002, the commission held half-day rule-making workshops on issues related to customer privacy rules. These workshops were attended by representatives of diverse interests, including telecommunications companies, public interest organizations, state agencies, and public counsel.

**16 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on April 3, 2002, at WSR 02-08-081. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 02-08-081 at 9:30 a.m., Friday, July 26, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**17 COMMENTERS (WRITTEN COMMENTS):** The commission received written comments from AARP, AT&T, Allegiance Telecom, Claudia Berry, Elizabeth Clawson, Rep. Mary Lou Dickerson, Electronic Privacy Information Center (EPIC), Elizabeth Fehrenbach, Emeri Hansen, Gail Love, Low Income Telecommunications Project (LITE), Lindsay Olsen, Public Counsel Section of the Office of the Attorney General, Qwest, Senior Services, Sprint, Robert Stein, Matilda Stubbs, Destinee Sutton, Ben Unger, Verizon, WashPIRG, Washington Independent Telephone Association (WITA), and WorldCom.

**18 RULE-MAKING HEARING:** The commission originally scheduled this matter for oral comment and adoption under Notice No. WSR 02-08-081, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on July 26, 2002, at the commission's offices in Olympia, Washington. The commission continued the rule adoption on the record of the July 26 hearing and by written notice to stakeholders who had participated in earlier phases of the rule-making proceeding until August 20, 2002. On August 20, 2002, Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie considered the rule proposal for adoption. The commission

heard oral comments from Qwest, Public Counsel Section of the Office of the Attorney General, Qwest, Seattle Telecommunications Consortium, Spokane Neighborhoods Action Program, Sprint, Verizon, WashPIRG, and WorldCom.

**19 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission repealed and adopted the rules in the CR-102 at WSR 02-08-081 with the changes described in Appendix B.

**20 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 should be repealed.

**21** The commission determines that WAC 480-120-201, 480-120-203, 480-120-204, 480-120-205, 480-120-206, 480-120-207, 480-120-208, 480-120-209, 480-120-211, 480-120-212, 480-120-213, 480-120-214, 480-120-215, and 480-120-216 should be adopted to read as set forth in Appendix C, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2003.

#### COMMISSION ORDER

##### I. BACKGROUND

##### A. Prior WUTC Rules Addressing Telecommunications Company Use of Nonpublic Personal Information

**22** This commission adopted its first rule to protect the privacy of customer proprietary network information (CPNI)<sup>1</sup> in 1997.<sup>2</sup> That rule prohibited the use of CPNI for marketing purposes. In early 1999, we replaced that rule with rules<sup>3</sup> substantively identical to those adopted by the Federal Communications Commission (FCC) in 1998.<sup>4</sup> The FCC rules implemented § 222 ("Section 222")<sup>5</sup> of the Federal Telecommunications Act of 1996 (the "1996 Act"). The FCC rules required carriers to obtain a customer's express approval (or "opt-in") before using or disclosing CPNI identifiable with that customer, for any purpose other than marketing additional communications services within the category of services to which the customer already subscribed. The "categories of service" defined by the rule were local, interexchange, and wireless.

##### B. 10th Circuit Vacation of 1998 FCC Rules

**23** The 10th Circuit U.S. Court of Appeals in *U.S. West v. F.C.C.*, 182 F.3d 1224 (10th Cir. 1999) vacated the portion of the FCC's CPNI rules that required customer opt-in, as an unjustified restriction on carriers' First Amendment commercial speech rights. The 10th Circuit said that the FCC had failed to show that an alternative less restrictive of carriers' free speech rights, such as opt-out, would not sufficiently protect customer privacy. The United States Supreme Court declined to review the 10th Circuit decision.<sup>6</sup>

**24** In response to the 10th Circuit decision, the FCC, in August 2001, issued an order reinterpreting its rules as requiring that customers need only be afforded the ability to "opt-out" of carriers' "use, disclosure or permission of access" to CPNI.<sup>7</sup> At the same time, the FCC initiated a new rule making on the topic of CPNI.

**25** After the FCC's decision to reinterpret its rule in response to the 10th Circuit's *U.S. West* decision, Verizon asked the WUTC either to eliminate our state rules or to con-

form them to the new FCC interpretation. We first considered adopting substantive changes to our CPNI rules as a result of Verizon's request.

**26** Following Verizon's request, Qwest mailed an opt-out notice to its customers that touched off alarm and angry reaction among consumers, consumer and privacy rights advocates, and the media. Based on intensely negative public response to its notice and its limited ability to accommodate customer requests to retain their privacy, Qwest retracted its notice. The Qwest experience served to highlight for the commission the shortcomings of the implied consent or opt-out method of obtaining customer approval with respect to certain uses and certain types of CPNI.

##### C. New FCC Rule

**27** In July of this year, the FCC adopted a new set of rules interpreting the requirements of § 222 of the Federal Telecommunications Act (Section 222), the statute on which the FCC's rules are based.<sup>8</sup> In its adoption order, the FCC expressly left the door open to more stringent state protection for CPNI.<sup>9</sup> It also stated, however, that it would be willing to preempt state rules that needlessly depart from national standards. Under the FCC's rules, *47 C.F.R. Part 64*:

- Use of CPNI that is not identified with an individual is not restricted by the rules.
- Without providing any notice to the customer or securing the customer's permission to do so, carriers may use a customer's individually identifiable CPNI to market telecommunications services within the category of service which the carrier already provides to that customer. The categories of service are local, interexchange, and wireless. Included within the local service category, in addition to basic local service, are services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.
- Only after providing the customer with notice and an opportunity to opt-out may carriers use a customer's individually identifiable CPNI to market communications-related services outside of the category to which the customer already subscribes. The carrier may also disclose the customer's individually identifiable CPNI to its affiliates, agents, independent contractors and joint venture partners for the purpose of marketing communications-related services subject to the customer's right to opt-out of such disclosure. The carrier must enter into confidentiality agreements with its independent contractors and joint venture partners that prohibit additional use or dissemination of the individually identifiable CPNI by the contractor or joint venture partner.
- Carriers must obtain a customer's express, opt-in approval to disclose a customer's individually identifiable CPNI to third parties or to use it to market noncommunications-related services or goods.

##### D. Our Overall Approach

**28** Stakeholders have alternatively urged us to adopt across-the-board opt-in and across-the-board opt-out require-

ments for telecommunications companies' use of customer information. Others have urged us to defer completely to the rules adopted by the FCC, either by not adopting any rules or by adopting rules identical to the FCC.

29 We reject the suggestion that we adopt without change all of the FCC rules. We consider a record different from the FCC. We consider state as well as federal law in our decisions. Washington state stakeholders expressed to us views that were different from those heard by the FCC. And—perhaps because we are closer to our customers than is the FCC—we weigh factors differently from the balance implicit in the FCC rules. Like the FCC, we adopt a combination of opt-in and opt-out protections. Our rules, however, require express (opt-in) approval from customers in more circumstances than do the FCC's rules. We adopt these additional protections based on the extensive record in this docket, and on our consideration of federal as well as state law.<sup>10</sup>

30 The sources of our authority to make rules on this subject are RCW 80.01.040(3) and 80.36.140, which authorize us to regulate, in the public interest, the practices of telecommunications companies on a broad range of matters. Unlike the FCC, we are not bound by the 10th Circuit decision. We nonetheless acknowledge the importance of taking care that our regulations do not unnecessarily restrict companies' protected commercial speech with their customers.

31 Qwest, Verizon, Sprint, and others, have presented arguments that they are entitled, in the exercise of commercial free speech protected by the Constitution, to use information in their possession about their customers to communicate with their customers or others, i.e., to solicit buyers for the services that they provide. In order to address these commercial free speech arguments, we have used the same analytical framework the FCC used in its August 2002 rule adoption order. That analysis is derived from the U.S. Supreme Court's *Central Hudson*<sup>11</sup> decision.

32 We assume, for the purpose of designing our rules, that a telecommunications company has an interest, protected by the First Amendment, in proposing lawful commercial transactions to its customers, in a nonmisleading manner, on the basis of its knowledge about services to which those customers already subscribe from the company. At the same time, we are mindful of customers' interests in their privacy, in their free speech rights, and in their right to associate freely with others. These interests, too, are protected by our state and federal constitutions and underlie the state and federal laws we consider here.

33 In part II, below, we identify the interests we seek to protect and explain why we find they are "substantial" interests to which commercial speech interests may be required to yield. Our conclusions are based on our view of the pertinent law. They are supported by comments we received from consumers in response to the Qwest opt-out notice, on comments received from stakeholders in this rule making, and on privacy values related to telephonic communications that are expressed in the statutory and constitutional law of our state.

34 In part III, below, we explain how our rules directly and materially advance protected privacy and free speech and association interests and why the means we have chosen are

carefully crafted to impinge on any freedoms no more extensively than necessary. We weigh the relative merits of "opt-in" and "opt-out" privacy protections by considering information in comments, including polling data and expert analysis related to consumers' experience with opt-out privacy notices in other industries, as well as consumer and stakeholder comments related to Qwest's recent opt-out notice.

35 While we are cognizant of telecommunications companies' commercial free speech interests, we weigh these interests against very important constitutional values on the customer's side of the equation. One's ability to keep private those communications that one chooses (and in which one has a reasonable expectation of privacy, supported by existing law) serves vital constitutional values of privacy and free speech and freedom of association. Perhaps it is obvious, but the telephone is used for *private communications* with others. It is thus an instrument by which these important and protected interests are achieved. While we recognize that, at some point, an advance in customers' privacy interests may represent a diminution in companies' commercial speech rights, we cannot ignore that the converse is, also true: An increase in commercial usage of customer's CPNI at some point represents a decrease in the protection of the customers' interests.

36 We have sought to develop rules that are consistent with the United States Constitution, with Section 222 and the FCC's rules interpreting that statute, and with our own state laws and constitution. While we respect the FCC's approach to this topic, we nonetheless make our own findings about the kinds of interests we seek to protect and the balance we find it necessary to strike between consumers' interests and companies' interests.

37 On the totality of these considerations, we find that the FCC's rules leave certain substantial privacy, free speech and free association interests inadequately protected in Washington state. As the FCC anticipated and expressly allowed in its order, we conclude that the provisions of law we are entitled and required to consider and the record before us require us to provide safeguards more stringent than those required by the FCC's rules.

## II. MAINTAINING THE STRICTEST CONFIDENTIALITY OF AN INDIVIDUAL'S COMMUNICATIONS OVER THE TELEPHONE IS A SUBSTANTIAL STATE INTEREST.

### A. Because of the nature of services they provide, telecommunications companies are necessarily engaged in full-time monitoring of private communications.

38 As the owners and operators of telecommunications lines, telecommunications companies might be said to be engaged in full-time "wiretapping" of the phones or equipment that connect to their lines.<sup>12</sup> The wiretapping laws plainly extend to carriers insofar as carriers might attempt to listen in on phone calls or otherwise intercept the content of what they carry. But additional personal information is acquired in setting up calls and billing for them. As we will discuss below, the wiretapping laws cannot include any blanket prohibition on the acquisition, storage, and use of such information, because it is not possible to run a phone network without it.

39 Telecommunications carriers possess the capability to track certain information that results when subscribers use their telephones. Some of these tracking methods are commonly used (e.g., tracking long-distance calls for billing), while others may be used less frequently (e.g., tracking local dial-up calling to Internet service providers).

40 The technical capability of telecommunications companies to trace and track calling habits, and specifically to identify where and to whom the calls are being placed, has resided in the software of electronic network equipment for a number of years. Although historically the primary use of the information companies collected was for forecasting growth and engineering the network to handle peak loads, recent federal legislation has required companies both to extend the types and amounts of information gathered, and to make this information available to government entities in certain situations.

41 With the passage of the Communications Assistance for Law Enforcement Act, or CALEA, in 1994, a telecommunications company is required to:

[E]nsure that its equipment, facilities or services that provide a customer or subscriber with the ability to originate, terminate, or direct communications, are capable of:

(1) expeditiously isolating and enabling the government, pursuant to a court order, to intercept...all wire and electronic communications carried by the carrier...[and]

(2) ...to access call identifying information...

(A) before, during, or immediately after the transmission...

CALEA, Sec. 103(a).

42 In Section 102(2) of CALEA, "call identifying information" is defined as information from dialing or signaling that identifies "origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment."

43 Under the requirements of CALEA, a telecommunications company must at least have the capability to take the following actions:

- Track local calls
- Track long distance calls
- Track feature use
- Track answer or no answer
- Track three-way calling
- Track conference call participation
- Track 800 calls
- Track 900 calls
- Track length of local calls
- Track local dial-up Internet by ISP

For billing purposes, local service providers also record information regarding the length of long distance calls (regardless of long distance carrier) that originate and terminate on their switches. They may also track the number of rings before a phone is answered, either to start the billing of the long distance call, or in order to forward an unanswered call.

44 While a telecommunications company might not actually use all of this information on a day-to-day basis, and might not even track a customer's usage regularly, the technical capability to collect the information is certainly available.

Without certain restrictions, the companies potentially could use the information for marketing or other purposes.

**B. The development of a marketing database industry has turned private information in the possession of any business, including telecommunications companies, into a potential source of revenue.**

45 Many believe, with good reason, that we are lately experiencing an erosion of our private sphere—not at the hands of government, but at the hands of private enterprise. Advances in information technology and the search for improved efficiencies in productivity, which we herald in other contexts, are driving the trend.<sup>13</sup> As stated in a research paper prepared under auspices of the Washington State Attorney General and the University of Washington School of Law:

The information revolution, the affiliation of previously unrelated types of businesses, as well as the growth of data mining<sup>14</sup> and target marketing have contributed to a change in data collection. A consumer's personal information has the potential of being bought and sold like any other valuable commodity.

\* \* \*

46 There are currently more than one thousand companies compiling comprehensive databases about individual consumers, a tenfold increase in just five years.<sup>15</sup> Rather than engaging in mass marketing, they focus on gathering as much information as possible about specific people to engage in targeted or "profile" marketing. By compiling layer upon layer of information about specific individuals, they are able to produce a profile based on income, lifestyle, and an enormous variety of other factors.<sup>16</sup>

Using these databases, it is possible to identify people by what many would consider private aspects of their lives, including their medical conditions, their SAT scores, and their ethnicities.<sup>17</sup> Those selected by their personal characteristics can be targeted not only by direct marketers, but also by lawyers, insurance companies, financial institutions, and anyone else who has the funds to pay for the information.<sup>18</sup>

47 In short, there is an emerging market for information that may be used to predict individual consumers' receptiveness to offers of particular products and services. We are concerned that telecommunications companies, in their efforts to find new sources of revenue, may wish to sell or make other financial use of records about customer communications. As described above, because of the nature of the services they provide, telecommunications companies have a window on a large amount of very personal and potentially very telling information about their customers. We find that it is therefore imperative to clarify, in the face of this potential source of revenue, that certain information about customers' communications patterns is off-limits to marketing use and disclosure to third parties, at least without the customers' express approval.

48 Finally, we observe that the ready commercial availability of call detail would make a mockery of protection of that same information from use by government: In the pursuit of compelling state interests such as the prevention and prosecution of crime, individual law enforcement agents and

agencies of government could obtain the information not only by presentation of a search warrant authorized by a judge but also merely by purchasing it from the company or from any of a number of other commercial database suppliers.

**C. The potential harm from use and disclosure, without consent, of individually identifiable call detail information is significant.**

49 We embrace the FCC's objective of giving consumers a realistic opportunity to control the disclosure of information about themselves to parties outside of the telephone company. But to this we add a second objective of our own: That of curbing, even *within* the company, the creation of intrusive new profiles of individuals' communications patterns from what would otherwise be anonymous data. We explain both of these objectives in turn below.

**1. Without express consent, the disclosure of call detail could cause embarrassment, pecuniary loss, or a threat to safety.**

*Fear of disclosure could chill citizens' use of the telephone to freely speak and associate with others.*

50 Washingtonians have long relied on the assumption that records of whom they call and who calls them will be used only as necessary to provide the service to which they subscribe or to bill them for toll service. It is important to consider the exact interests that would be harmed by the disclosure of this type of information, which we define as "call detail."

51 Justice Stewart, in a dissenting opinion to *Smith v. Maryland*, 442 U.S. 735, 748 (1979) stated this interest succinctly:

Most private telephone subscribers may have their own numbers listed in a publicly distributed directory, but I doubt there are any who would be happy to have broadcast to the world a list of the local or long distance numbers they have called. This is not because such a list might in some sense be incriminating, but because it easily could reveal the identities of the persons and places called, and thus reveal the most intimate details of a person's life.

52 The specific kinds of potential harm of such disclosure are limitless, but a few examples are illustrative:

- People who wish to remain anonymous for their own safety—such as people who are subject to abuse or stalking or who might be sought for retaliation—could be endangered if it were possible for others to obtain lists of calls by or received by such person's relatives.
- People could be screened by prospective employers or fired from their jobs based on perfectly lawful communications with people or organizations to which their prospective or current employers object.
- Candidates for political office could face unfair scrutiny based on associations with organizations and people with whom telephone records indicate they or their family members have communicated.
- People wishing to intimidate or harass members of particular political causes, lifestyles or practices, or religions, could obtain organizations' calling records and with the help of a reverse telephone directory,

determine the names and addresses of people connected with such causes, practices, religions, etc.

- Reporters could have sources compromised, despite assurances that the sources would remain anonymous.
- Firms could gain insights into their competitors' trade secrets such as the identity of suppliers, call volumes, and, with the aid of a reverse directory, the identity of a competitor's customers.
- With data about answered/unanswered calls, thieves could find out when an individual is likely or unlikely to be home.

53 Aside from these specific kinds of harm, there would also be a more generalized, but profound, harm to all of us, and to society. The ability of individuals to keep their personal communications private is a bedrock value, protected by our federal and state constitutions in several ways. Privacy interests are protected, as are free speech and association interests. Private free speech and association might be said to be triply protected. The primary purpose of a phone, after all, is to communicate with another person. If citizens fear that their use of the telephone will result in disclosure of very personal information, they will be reluctant to *use* the telephone for its intended purpose: *Speaking to others.*

54 The instances listed above are all examples of harm that could result from disclosure of private call detail outside the telecommunications company. Every party to this rule making appears to concede that protection from these kinds of harm represents a substantial interest.<sup>19</sup> Many telecommunications company commenters stated that they *do not* currently disclose individually identifiable CPNI, which includes what we define as call detail information, to third parties. None stated they do make such disclosures.

55 We conclude that these kinds of potential harm are grave enough that companies should not be allowed to assume consumer consent for disclosure of call detail to third parties without explicit "opt-in" approval from the customer.

**2. Even within a company, call detail is too sensitive to be used for profiling or targeted marketing, without a customer's express consent.**

56 The consumer interests discussed above could be protected, to some degree (though in our view not adequately<sup>20</sup>) by a rule that simply prohibits disclosure of call detail outside the company—or perhaps more broadly, outside the "corporate family."

57 Even if it were possible, however, to devise a reliable system to ensure that call detail information would not be used in a way that results in any of the types of harm mentioned above, but only to develop profiles of individual consumers for direct marketing by the company that serves them, there would still be the potential for a serious and substantial invasion of privacy,<sup>21</sup> with its consequent effects on other interests.

58 To be clear, our goal is not to curb marketing *per se*. We accept the premise that as consumers, we benefit when producers, as a result of knowing something about prior purchases we have made, are better able to inform us of goods and services that might be of use to us, thereby allowing us to make better-informed purchasing decisions. However,

where some kinds of information are concerned, this benefit is outweighed by consumers' unwilling loss of control over what they wish to reveal about themselves and for what purposes.

59 One consumer advocate recently described the types of privacy invasions that could result in the absence of rules prohibiting access to call detail:

A consumer desiring a phone number must give personal information to the phone company. Information thereafter is developed from the consumer's phone patterns, such as whether the individual makes calls during the workday or calls certain phone numbers, like pizza delivery, on certain days and times of the week. Certain repetitive calls, such as regular calls out-of-state, can give clues as to the location and behavior patterns of family members. The frequency and duration of telephone calls to health care or insurance providers can give important clues about a family's health concerns. An observer can run consumers' call patterns through computerized screens to find consumers with "desirable" behavior patterns. Only the observer's ethic will limit the ends and means for using the information. More importantly, a company can secretly target the consumer without revealing how extensively these phone patterns made the consumer's personal life an open book.<sup>22</sup>

60 A group of state attorneys general expressed similar concerns to the FCC in the wake of Qwest's issuance of its poorly received opt-out notice in January of 2002:

While the carriers might not disclose this highly valuable information to their competitors, they would disclose this information to marketing partners for the purpose of jointly marketing products and services unrelated to the customers' current service selection and even unrelated to telecommunications services entirely. For instance, carriers could enter into joint marketing arrangements with providers of certain types of medical products, and send solicitations to the homes of customers who call certain types of doctors or other health care providers. Similarly, carriers could enter into contractual arrangements with telemarketers to sell the telemarketers the names of customers who call certain retailers, or who access the web for a certain period of time or at a certain time of day. The type of information that telemarketers and joint marketing partners would find useful, and therefore be willing to pay for, is limitless. Telemarketers would use this infinite variety of CPNI information in selecting targets for an infinite variety of solicitations, and the carriers would generate new sources of income from this resource. The only party to the transaction that will not have consented, and will not necessarily benefit, is the customer.<sup>23</sup>

61 The FCC's rules attempt to address the threat of this kind of invasive monitoring. They do so by restricting the use of information that is obtained without express, opt-in customer approval to the marketing of *communications-related* services and they require companies to limit their affiliates, independent contractors, and joint venture partners to this use of CPNI by contract. 47 C.F.R. § 64.2007(b). We choose, for the reasons stated above, to require opt-in approval for *any* use of call detail information. Also, as we will explain, we draw the definition of the corporate family

(outside of which the company may not disclose a customer's CPNI without express approval) more narrowly.

62 The technology of telecommunications, and federally-mandated identification and preservation of calling information, give telephone companies access to more intimate information about their customers than most other businesses possess. Telecommunications companies are in a position similar to that of health care providers, insurance companies, some kinds of financial institutions, cable providers, and video stores, in that they are in a position to gain a window on sensitive information about individual customers.<sup>24</sup> Lawmakers have acted in fields such as these,<sup>25</sup> to ensure the confidentiality of particularly sensitive information. As we will discuss below, lawmakers in this state have acted also in the field of telecommunications privacy.

63 Unlike the FCC, we are concerned that a significant privacy interest, recognized by our state law and within the reasonable expectations of Washington consumers, would be compromised by a rule allowing a telecommunications company to engage in data mining and profile-building of its customers' communications patterns, even if only for the company's own targeted marketing purposes. To provide some specific examples, we find that the following practices, described either as a hypothetical possibility or as a current practice by commenters in this rule making, are too invasive of customer privacy to allow unless the company first obtains express customer approval:

- Monitoring customers' hourly, daily, or weekly call volumes and calls answered/unanswered, for use as a tool in approaching the customers and selling particular services to help them better manage their telecommunications. *Qwest's April 12, 2002, comments at page 6.*
- Monitoring customers' called telephone numbers to identify customers who might be receptive to an optional toll plan that offers a flat rate for calls made to other customers of that company. *Verizon's May 22, 2002, comments at page 9.*
- Monitoring the monthly amount a customer spends calling a particular area code to develop a sales lead list of customers who might be receptive to a plan that has special rates for calls made to a particular area code. *Sprint's May 22, 2002, comments at page 2; WITA's May 17, 2002, comments at page 2.*

64 We find that these uses of call detail constitute a privacy invasion for which a company should be required to obtain express, opt-in customer consent. The creation of these profiles without customer consent is, in itself, an invasion of privacy, even if the information never makes it into the hands of a third party. We are also concerned that such practices increase the risk that companies will unintentionally disclose very sensitive information to third parties through dishonest company agents or employees, or through negligence.<sup>26</sup> In other words, part of our objective is to allow customers to control the creation of new points of exposure to their privacy.

65 Also, as we have earlier observed, if customers fear an invasion of privacy when they use the telephone, they are less likely to use the telephone to speak to and associate with

others. We do not want to adopt rules that would chill these activities.

**D. Under existing Washington law, it is well established that telecommunications companies hold telephone calling records for a limited purpose—to deliver service and to bill for it.**

66 Under Washington statutes it is both a criminal offense<sup>27</sup> and a basis for civil liability<sup>28</sup> for anyone to intercept or record private communications transmitted by telephone without obtaining the consent of all the parties to the communication prior to each such interception or recording.<sup>29</sup> Washington's prohibition on violating a person's right to privacy is similar, but not identical to federal statutes pertaining to wiretapping of interstate and foreign communications.<sup>30</sup> Both Washington and federal law plainly extend to phone companies,<sup>31</sup> particularly insofar as a company might attempt to listen in on phone calls or otherwise intercept the content of the calls they carry.<sup>32</sup>

67 As a matter of obvious necessity, however, there are some broad exceptions under state and federal criminal statutes for the activities of telecommunications companies. Most importantly, Washington's statutory prohibition on intercepting or recording such communications does not apply to:

Any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington Utilities and Transportation Commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment.<sup>33</sup>

68 An important way in which the federal wiretap law and Washington's privacy law differ is in how they treat information of the type contained in toll records. Federal courts have held that a phone company's disclosure of a customer's toll records, including numbers called and the length of the conversation (again, what our rule would label "call detail"), is not a violation of the federal wiretap statute.<sup>34</sup> By contrast, as the Washington supreme court has stated:

The state of Washington has a long history of extending strong protections to telephonic and other electronic communications. For example, RCW 9.73.010, which makes it a misdemeanor for anyone to wrongfully obtain knowledge of a telegraphic message, was enacted in 1909 and is based on section 2342 of the Code of 1881. The 1881 Code, adopted before statehood, extensively regulated telegraphic communications. See Code of 1881, §§ 2342-62. Our present statute is broad, detailed and extends considerably greater protections to our citizens in this regard than do comparable federal statutes and rulings thereon.<sup>35</sup>

69 Under Washington statutes, the kind of "communications" that are not to be intercepted include not just the content of the conversation between the parties, but also the simple act of dialing from one telephone number to another.<sup>36</sup>

70 RCW 9.73.260 specifically provides that a court order is required for any person to use a "pen register" (a device that identifies all outgoing local and long distance numbers

dialled, whether the call is completed or not) or a "trap and trace device" (a device to record the number of an incoming call) on someone's phone line, and only law enforcement officers may petition for such orders.<sup>37</sup>

71 Unlike its federal counterpart, Washington's law does not specifically prohibit divulging or disclosing communications; it only prohibits intercepting or recording them. As noted above, to the extent phone companies intercept or record such information in connection with the delivery of telecommunications services, the law does not apply to them. It could plausibly be argued that because there is no specific prohibition on *disclosing* such records, it would not be unlawful for the phone company to *use*, for any purpose that is not otherwise prohibited, call detail information that it has already recorded in the ordinary course of providing telecommunications services. We find that such an interpretation would be contrary to the privacy interests our legislature sought to protect in enacting laws to protect the privacy of telephonic communications. Part of our intention in adopting these rules is to fill the gaps between Washington's statutory protections on the privacy of communications and the FCC's CPNI framework.

72 Article I, Sec. 7, of the Washington Constitution<sup>38</sup> prohibits intrusions of privacy by the government of the sort that our rule prohibits for telephone companies. The Washington supreme court has held that the government may not obtain toll records and may not use a pen register without valid legal process such as a search warrant issued on probable cause. In so holding, the Washington supreme court quoted, as part of its reasoning, the words of the Colorado supreme court in finding a similar right to privacy:

A telephone subscriber... has an actual expectation that the dialing of telephone numbers from a home telephone will be free from governmental intrusion. A telephone is a necessary component of modern life. It is a personal and business necessity indispensable to one's ability to effectively communicate in today's complex society. When a telephone call is made, it is as if two people are having a conversation in the privacy of the home or office, locations entitled to protection under... the Colorado Constitution. The concomitant disclosure to the telephone company, for internal business purposes, of the numbers dialed by the telephone subscriber does not alter the caller's expectation of privacy and transpose it into an assumed risk of disclosure to the government.<sup>39</sup>

73 To be clear, we recognize that search and seizure law is concerned with intrusions of privacy by the government - not by private enterprise. We nonetheless find the courts' analyses and holdings in these cases to be relevant to our analysis. In determining the extent of the Fourth Amendment's protection against warrantless searches, and the Washington Constitution's prohibition against being disturbed in one's private affairs, courts have been called upon to define the sphere within which a citizen has a "reasonable expectation of privacy."<sup>40</sup> We find this "reasonable expectation of privacy" inquiry to be much closer to the mark of what constitutes a substantial interest for First Amendment purposes than the apparently more restrictive test posited in *Qwest's* comments. *Qwest* suggests that we have a substantial interest (within the meaning of the *Central Hudson* test of regulatory



burdens on commercial speech) only in protecting information that, if disclosed, would be "highly offensive" to a reasonable person to whom it pertained. *Qwest comments of March 21, 2002, p. 11.*<sup>41</sup> Qwest notes that this is the standard for the tort of invasion of privacy ("publicity given to private life") under the Restatement (Second) of Torts at 652D. We do not read the 10th Circuit decision as circumscribing the government's authority so narrowly as to allow us to place burdens only on company speech that would otherwise constitute a tort. A tort standard makes sense only when applied to the facts of a particular case.<sup>42</sup> Tort law is aimed at providing remedies for particular wrongs. Our rules necessarily have broader application because they are aimed at preserving customers' privacy and freedom of speech and association by reducing the risk of the occurrence of such wrongs.

**E. Consumer comments following the Qwest opt-out notice reflect an expectation of privacy in telephone records.**

74 During the course of this rule making, Qwest Corporation began sending opt-out notices to its customers in Washington, as well as in the other thirteen states where it is the regional Bell operating company. Qwest's notices required customers to opt-out if they wished to prevent use and disclosure of their personal account information, despite the opt-in requirements of Washington rules. Qwest's tactics were widely reported in the radio, television, and newspaper media, and many customers objected. Specific customer objections will be discussed below, but the general sentiment of telecommunications customers was that personal account information should be protected unless the customer gives express permission for other uses. Customers also objected strenuously to the use of their private information by the telephone company itself to market other services to them.

75 The inescapable conclusion of the recent Qwest experience (consistent with the legal analysis of the preceding section) is that customers believe their telecommunications companies have a duty to protect private information about them. Customers were astonished and angered at the notion that their telecommunications company might be able to disseminate information about them based on the assumption of their consent.

76 Beginning in mid-December 2001, Qwest mailed a bill insert to its customers, purportedly putting them on notice that the company intended to use and disclose CPNI for marketing purposes. Customers who objected to this use of their private account information were told to contact the company to opt out.

77 Customers who understood the company's intended use of their information objected strenuously and loudly. During January 2002, newspapers in this state published many letters from consumers who argued that Qwest was abusing its position as their provider of local telephone service and violating the customers' privacy rights. Newspaper editorials chastised Qwest for failing to respect its customers' privacy and exhorted regulators to act firmly to stop the intended practices.<sup>43</sup> The WUTC received over 600 comments from customers. The customer response was extraordinary for the WUTC. To our knowledge, no policy issue has

generated this many unsolicited comments from members of the public over any period of time, let alone in one month.<sup>44</sup>

78 Most of the customers who commented simply voiced their opposition to the company's requirement that they opt-out in order to avoid commercial use of their private information. Others went further and made statements such as: "This is invasion of privacy and I thought it was illegal." Similar statements were made by nearly every commenter who went beyond "I am opposed to opt-out." However, some commenters went still further and commented on the nature of the relationship between them and their telecommunications company.

79 Those who commented about the relationship were unanimous in what they said. With striking consistency, they stated that they view the relationship as a limited one in which they pay the company to provide telephone service and, to the extent they must provide information to establish service or to complete a call (dial a number), they consider that the relationship does not entitle the company to do anything with that information but use it to provide service.

80 Some examples of what people stated in e-mails to the WUTC:

- When I subscribe to any service, whether it be the utility company, the gas company, or the phone company, I am providing information to them solely because they require it before they will provide a service to me.
- I need a telephone; therefore, I do business with Qwest. I did not ever grant them permission to make money off of me, to solicit from me, to provide information about me to anyone for any reason.
- They are providing us a service that we have contracted for. We are not here to provide them with unlimited information which THEY can sell to the highest bidder.
- We are paying them for phone service. Our phone usage is our private business.
- The individuals supplied the information to the respective company for the singular purpose to contract a business relationship with that company. All information should be held private between the participants of that business relationship.

81 One comment spoke directly to the issue of nondisclosure in business relationships:

My clients are major corporations. Every single one of them requires me to sign a nondisclosure statement prior to my even talking to them about how my services might help them. These nondisclosure statements also forbid me to discuss what the company is doing when using my services and what services I am providing them. If I did not sign those nondisclosure agreements, I would not be able to get any work.

Clearly, customers do not believe that their telecommunications company has, as an assumed or implied extension of the customers' purchase of service, permission to use or disclose the customers' CPNI as the company pleases. Neither do customers believe it is enough, with respect to all possible uses and all types of CPNI, that customers should only

have notice and an opportunity to revoke such implied permission.

**III. OUR RULE IS NARROWLY TAILORED TO PROTECT CONSUMERS' PRIVACY AND FREE SPEECH AND ASSOCIATION INTERESTS WITHOUT UNDULY BURDENING LEGITIMATE COMMERCIAL SPEECH.**

82 Having defined the interests we aim to protect, we now turn to the means. Commenters have proposed two general methods for ensuring that a customer's private account information is not used or disclosed in a manner that is inconsistent with the customers' expectations or wishes: Opt-in and opt-out. Opt-out (implied approval) is shorthand for a method in which companies provide a customer notice of what the company intends to do with information about the customer and the customer is presumed to have assented to the use unless he or she takes some action to revoke that presumed permission. In other words, the customer must "opt out" of the company's proposed plan to use or disclose the customer's information.

83 Opt-in (express approval) refers to a method of determining a customer's preference in which the company must convince the customer to take some affirmative step to register that approval of the use proposed by the company.

**A. The opt-out method places a lesser burden on companies' use of customer account information, but recent experiences with its use demonstrate that it needs improvement.**

84 The companies favor the use of the opt-out method. Qwest claims that of the two methods, opt-out is the only one that results in a large enough percentage of customer "approval" to justify the expense to the company of even trying to obtain such approval for marketing use. We are sympathetic to this problem in those circumstances in which it is unlikely that customers would strongly object, and might actually benefit from, the company's proposed use. The FCC also found this argument compelling with respect to in-company marketing use of CPNI and consequently allowed opt-out for such uses as require any customer approval.

85 A fundamental difficulty to be overcome by opt-out regulations is that the companies responsible for implementing such regulations may have an incentive *not* to provide a notice that customers will actually recognize, take the time to read, understand, and easily register a disapproving response.<sup>45</sup> As a result, previous attempts at making opt-out schemes work have failed to some degree in (1) getting customers' attention,<sup>46</sup> (2) presenting them with their options in language they understand,<sup>47</sup> and (3) providing them with a simple manner of registering their disapproval, if they so choose.<sup>48</sup>

86 In light of comments and information presented by various commenters regarding recent experience under the Gramm-Leach-Bliley Act and our own experience with the Qwest opt-out notice, we are adopting provisions to improve the visibility and content of the notices and to make it easier for customers to register their disapproval.

**B. Opt-in makes it more difficult for companies to obtain approval, but because it is less likely to result in**

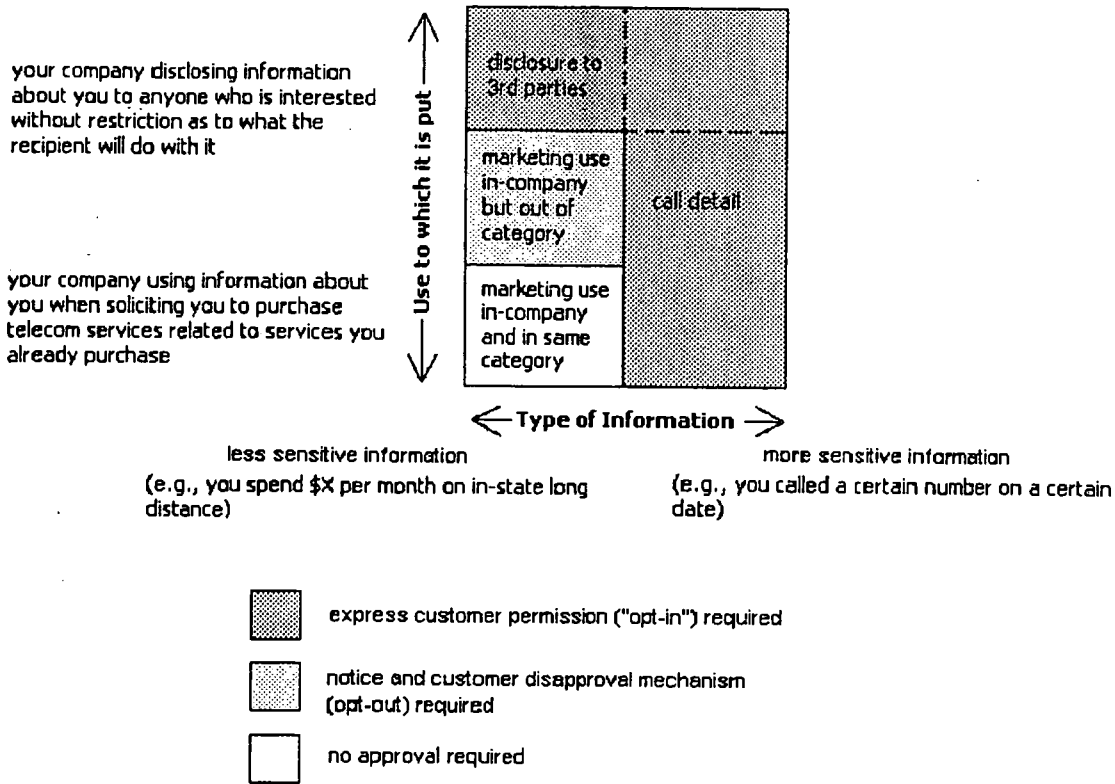
**accidental approval by the customer, it is appropriate for use where customers' privacy expectations are highest.**

87 A number of the telecommunications company commenters objected to an opt-in requirement because it puts the burden on the companies to overcome inertia by enticing customers with promises of specific benefits. We have no reason to doubt Qwest's assertion that it likely will not gain customers' opt-in approval in anything approaching the same numbers as through the opt-out method. We accept for argument's sake that many customers who might not actually object to the proposed use will not take the time to read such a solicitation and register their approval.

88 We find, however, that an opt-in approach is far less likely to result in the customer's accidental approval of the use of his or her private account information. For this reason, where the potential harm of unauthorized disclosure is most serious and where customers' reasonable expectations of privacy are most solidly rooted in existing law, we find it necessary to require companies to obtain customer's opt-in approval.

89 The schematic in Table 1 may be helpful to illustrate the consequences of our decision regarding where we find opt-in approval is necessary to protect customer's reasonable privacy expectation, where opt-out is sufficient in light of companies' commercial speech interests, and where no approval is necessary.

TABLE 1



90 The whole box, in Table 1, represents the universe of individually identifiable customer proprietary network information and every use to which it might be put (aside from delivering service, billing for service, or responding to requirements of other applicable laws). The different degrees of shading in various parts of the box have the meaning set out in the key at the bottom of the illustration.

91 Imagine that the types of information that companies possess about their customers are arrayed on a continuum from the left to the right of the box, with the least "private" or sensitive at left edge and the most private at the right edge of the box. Next imagine that the types of uses to which the companies might put such information are arrayed on a continuum from the bottom to the top of the box. At the very bottom are those uses that are most likely to be within customers' expectations about how a company would use information about them and that are therefore unlikely to upset reasonable privacy expectations. At the top are those uses that a customer would least expect, which would therefore be most upsetting to reasonable privacy expectations, and most chilling to the exercise of customers' free speech and association.

92 Unlike the FCC's rules, our rules acknowledge that some types of information are too sensitive or private for any use other than what is necessary to deliver and bill for service. The FCC's rules acknowledge only the dimension (uses of CPNI) that runs from bottom to top. Because of the breadth of the definition of CPNI,<sup>49</sup> we find it imperative to acknowledge the second dimension (i.e., from left to right of the box in Table 1).

93 We discuss our conclusions with respect to each of the shaded areas of this schematic in the sections that follow.

**C. We require opt-in for any use of call detail information.**

94 Unlike the FCC, we require express, opt-in customer approval before a company may garner information about individual customers' *communications* patterns (as distinct from more generic information about their *purchasing* patterns) except as technologically necessary to provide service and billing. This requirement is represented by the dark-shaded portion on the right side of the box in Table 1. We apply this protection even if the company's sole purpose is to compile information for use in targeted marketing of its own services. To protect customers from this kind of intrusion without their consent we define a category of information known as "call detail." This is the information that commentators universally acknowledge to be the most sensitive or private information that companies possess about their customers.

95 Call detail includes any information about particular telephone calls, including the number from which a call is made, any part of the number to which it was made, when it was made, and for how long. It also includes aggregated information about telephone calls made to or from identifiable individuals or entities, and information about unanswered calls that is specific to a particular period of time. We carve out call detail for special protection because we find that the compilation of usage profiles from this information constitutes a significant intrusion into the private affairs of

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the person who is the subject to the profiling. Expanding the permissible uses of this information to include marketing (as opposed to just technical processing and billing) would create new points of exposure and erode consumers' ability to control what information is revealed about them, and potentially chill their use of the telephone to speak to and associate with others.

96 We believe our protection of call detail is necessary for the protection of values that have long been established in Washington statutes and constitutional law. We find that Washington citizens have a right to expect greater protection of information about their communications over the telephone than the FCC's rules afford. By carefully tailoring our strongest protections for this sensitive information, we believe we have also met the requirement of federal statutes and the constitution.

**D. We adopt opt-in for disclosure of individually identifiable CPNI outside the company.**

97 Like the FCC, we are adopting rules that require telecommunications companies to obtain express (opt-in) approval before the companies may disclose any nonpublic information about customers to unrelated third parties. This requirement is represented by the dark-shaded, upper portion of the box in Table 1. We have chosen, however, to define "third parties" more broadly (and thus the corporate "family" more narrowly) than the FCC. In our view, the FCC's inclusion of "affiliates," "independent contractors" and "joint venture partners" as part of the corporate family is overly broad, and the definition of joint venture partners is vague as well as broad. Also, we are not confident that companies will have adequate incentive to enforce the contracts that the FCC's rules require for the protection of CPNI in the hands of those affiliates and joint venture partners. The effect of our rule is to make disclosure to more kinds of companies subject to opt-in.

98 Although we emphasize in this order the special sensitivity of call detail information, we do not mean to suggest that individually identifiable CPNI other than call detail information does not need protection. For example, we think most customers would consider it a potentially serious invasion of their privacy for the phone company to sell a list of the telecommunications services the customer purchases, including the amount the customer spends each month on those services, to any third party that would be willing to pay for the information. For many business customers, for example, this is commercially sensitive information. We therefore require opt-in approval before companies may disclose individually identifiable CPNI (including noncall-detail CPNI) to outside parties.

99 Consequently, our rules limit disclosure of private account information under the opt-out scheme to entities under common control with the telecommunications company that holds the information. We did not follow the FCC and permit access by "joint venture partners" to information that is subject only to the opt-out scheme, because that is a category that can fit any entity that uses information to market communications-related services. As a category, "joint venturers" is useless because it permits inclusion of every firm and excludes no firm. We find that such potentially

broad disclosure, without express consent, is inconsistent with reasonable customer privacy expectations and we find little support in the *U.S. West* decision, or elsewhere, for the proposition that companies have a core commercial speech interest in selling such information to third parties.<sup>50</sup>

**E. We adopt opt-out for in-company use of (noncall-detail) private account information for the purpose of marketing services that are not within the same category of service to which the customer already subscribes.**

100 In our rules we define "private account information" as the subset of CPNI that does not include call detail but is associated with an identifiable individual. A company may rely on an opt-out notice when it proposes to use the customer's private account information for its own marketing purposes (as opposed to selling the information or disclosing it outside of the company, which requires opt-in approval). This category is represented by the medium-shaded middle-left part of the box in Table 1.

101 Because the opt-out method, even with the improvements we are adopting, is still likely to be misunderstood or go unnoticed by at least some customers, we reserve its application to circumstances in which a failure to obtain informed consent is less serious and in which we find that most customers do not have a strong objection. For example, a company need only provide notice and an opportunity to opt-out before it may compile a targeted marketing list, for its own use, of its interexchange customers whose toll charges exceed a given amount per month.<sup>51</sup>

102 Aside from our opt-in restriction on call detail, our requirement of notice and an opportunity to opt-out for in-company use of private account information parallels the FCC's opt-out requirements, which the FCC arrived at based on section 222 and the record before it. As such, we see value in adhering to the general framework of the FCC's CPNI rules, when consistent with our own findings and record.<sup>52</sup>

103 Additionally, it is clear that in overturning the FCC's prior rules, the 10th Circuit was specifically concerned with restrictions on carrier speech that solicits a commercial transaction with the carrier's own customers and on speech within a company (including among affiliates) that facilitates that commercial solicitation. *U.S. West, 182 F.3d at 1233, fn. 4*. In such instances, *and* where concerns for the customers' privacy are less grave, it follows that our rules should have a lighter touch, though still preserving customers' opportunity to control the use of their private information.

**F. We do not require notice to customers before a company may use (noncall-detail) private account information to market services within the same category to which the customer already subscribes.**

104 Although we restrict access to call detail information for any purpose absent the customer's opt-in approval, we otherwise mirror the FCC rules in that no notice is required for a carrier to use private account information (which is defined to exclude call detail) to market new services within the same category of service to which the customer already subscribes.<sup>53</sup> This allowance is reflected by the white, lower left-hand corner of the box in Table 1, and was present in the prior federal rules, and in our state's rules. We do not, for

example, place any restriction on a company's ability to use private account information to market call-waiting services to customers who subscribe to local exchange service but who do not already purchase call-waiting. We find that consumers would not consider it an invasion of their privacy if their own telecommunications provider observes the services they purchase (as distinct from observing, on anything more than a general level, what use they make of those services) and from that observation makes offers of related services. With the added protection our rules afford call detail information, we are confident that a company's use of information about its customers' prior purchases to target its promotion of related services does not upset customers' privacy expectations. Indeed, this is the type of use that is not restricted in other industries, and is typical of a customer-company relationship. We follow the FCC on this point.

#### CONCLUSION

*105* We have sought to develop rules that are consistent with Section 222 and the FCC's rules interpreting that statute as well as with the U.S. Constitution and our laws and constitution. While we respect the FCC's approach we nonetheless reach a different conclusion on how to harmonize these laws and the interests they protect.<sup>44</sup>

*106* We find that the FCC's rules leave certain substantial privacy, speech, and association interests inadequately protected in our state. As the FCC expressly allowed for in its order, we are adopting rules that are more stringent, in certain respects, than those of the FCC. While our rules follow the framework of the FCC rules, our record supports our adoption of more stringent protections in three important respects: (1) We provide increased protection for particularly sensitive personal information, including the phone numbers a customer calls and including highly specific phone calling habits of the customer. A company may not use this information, known as "call detail," without the customer's express ("opt-in") approval, except as necessary for the company to provide service or as required by law. (2) We narrow the scope of a telecommunications company's "family" of affiliated companies, within which it may share information about a customer if the customer does not "opt-out." The effect is to require express ("opt-in") approval for disclosure to more types of entities than the federal rules require. (3) We improve the requirements for the notice that companies must provide customers, to help customers understand what is at stake. Also, by requiring companies to offer their customers more convenient methods for opting-out, we enhance customers' ability to exercise that choice, where applicable.

<sup>1</sup> Under 47 U.S.C § 222, customer proprietary network information means: "information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and information contained in the bills of pertaining to telephone exchange service or telephone toll service received by a customer of a carrier . . ."

<sup>2</sup> 97-18-056 Wash. St. Reg., § 480-120-139(5) (General Order No. R-442, Docket No. UT-960942) filed August 27, 1997.

<sup>3</sup> 99-05-015 Wash. St. Reg., § 480-120-151 et seq. (General Order No. R-459, Docket No. UT-971514) filed February 25, 1999.

<sup>4</sup> *In the Matter of Implementation of Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Informa-*

*tion and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket Nos. 96-115 and 96-149, Second Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 8061 (1988).*

<sup>5</sup> Section 222 (c)(1) of the 1996 Act, provides: "PRIVACY REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS.—Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories."

<sup>6</sup> *Petition for cert. denied, Competition Policy Institute v. US WEST, Inc., 530 U.S. 1213 (June 2000).*

<sup>7</sup> *In the Matter of Implementation of Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket Nos. 96-115, 96-149, and 00-257, Clarification Order and Second Further Notice of Proposed Rulemaking, 16 FCC Rcd 16506 (August 28, 2001).*

<sup>8</sup> *In the Matter of Implementation of Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended, 2000 Biennial Regulatory Review - Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, Third Report and Order and Third Further Notice of Proposed Rulemaking (Released: July 25, 2002).*

<sup>9</sup> *Id.* at ¶¶ 69-74. The FCC stated:

"We conclude that carriers can use opt-out for their own marketing of communications-related services, as described above, which is less burdensome than opt-in. We reach this conclusion based on the record before us, but must acknowledge that states may develop different records should they choose to examine the use of CPNI for intrastate services. They may find further evidence of harm, or less evidence of burden on protected speech interests. Accordingly, applying the same standards, they may nevertheless find that more stringent approval requirements survive constitutional scrutiny, and thus adopt requirements that 'go beyond those adopted by the Commission.' While the Commission might still decide that such requirements could be preempted, it would not be appropriate for us to apply an automatic presumption that they will be preempted. We do not take lightly the potential impact that varying state regulations could have on carriers' ability to operate on a multi-state or nationwide basis. Nevertheless, our state counterparts do bring particular expertise to the table regarding competitive conditions and consumer protection issues in their jurisdictions, and privacy regulation, as part of general consumer protection, is not a uniquely federal matter. We decline, therefore, to apply any presumption that we will necessarily preempt more restrictive requirements.

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We note that we would be willing to preempt state requirements in the event that numerous different approval schemes make it impracticable for carriers to obtain customer approval for the use of CPNI. Carriers can always establish that burdens from state and federal CPNI regulation are unworkable. By reviewing requests for preemption on a case-by-case basis, we will be able to make preemption decisions based on the factual circumstances as they exist at the time on a full and complete record."

<sup>10</sup> 47 U.S.C. § 222; *U.S. Const. Amend. 1; U.S. West v. F.C.C., 182 F.3d 1224 (10th Cir. 1999); RCW 80.01.040; ch. 9.73 RCW; Wash. Const. Art. 1, §§ 5, 7; In the Matter of Implementation of Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended, 2000 Biennial Regulatory Review - Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, Third Report and Order and Third Further Notice of Proposed Rulemaking (Released: July 25, 2002).*

<sup>11</sup> *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n of N.Y.*, 447 U.S. 557, 564-65 (1980) (setting out the test to be applied in determining whether restrictions on commercial speech survive "intermediate scrutiny").

<sup>12</sup> *Huber, Kellog, and Thorne, Federal Telecommunications Law*, §14.5.2, 2d Ed. (1999).

<sup>13</sup> Scholars have foreseen the threat that database technology poses to personal privacy for some time. "[M]any people have voiced concern that the computer, with its insatiable appetite for information, its image of infallibility, and its inability to forget anything that has been stored in it, may become the heart of a surveillance system that will turn society into a transparent world in which our homes, our finances, and our associations will be bared to a wide range of casual observers, including the morbidly curious and the maliciously or commercially intrusive." A. Miller, *The Assault on Privacy: Computers, Data Banks, and Dossiers* 3 (1971).

<sup>14</sup> A standard definition for data mining is the nontrivial extraction of implicit, previously unknown, and potentially useful knowledge from data. Another definition is that data mining is a variety of techniques used to identify nuggets of information or decision-making knowledge in bodies of data, and extracting these in such a way that they can be put to use in areas such as decision support, prediction, forecasting, and estimation. See <http://www.dacs.dtic.mil/databases/url/key.htm?keycode=222> (this explanation and citation is contained in the original research paper).

<sup>15</sup> *Mike Hatch, Electronic Commerce in the 21st Century: the Privatization of Big Brother: Protecting Sensitive Information from Commercial Interests in the 21st Century*, 27 *Wm. Mitchell L. Rev.* 1457, 1471 (2001) citing *Robert O'Harrow Jr., Data Firms Getting Too Personal?*, (Wash. Post) March 8, 1998 at A-1 (this citation is contained in the original research paper).

<sup>16</sup> *Id.* at 1471 (citation is contained in the original research paper).

<sup>17</sup> *Id.* at 1471 (citation is contained in the original research paper).

<sup>18</sup> *Sellis, Ramasastry, Kim, and Smith, Consumer Privacy and Data Protection: Protecting Personal Information Through Commercial Best Practices*, pp. 9-10 (2002).

<sup>19</sup> The court in *U.S. West* expressed some concern about the FCC's articulation of this interest, but ultimately assumed that the government had asserted a substantial interest in protecting people from the disclosure of such information. 182 F.3d at 1235-36.

<sup>20</sup> We are concerned that the risk of harmful disclosure we describe in the preceding section would increase if call detail information were permitted to flow to additional company personnel or company agents or contractors for the purpose of developing profiles of individuals for targeted marketing purposes.

<sup>21</sup> By privacy, we mean the interest in controlling disclosures of private information about oneself. We do not use the word to refer to the interest in not being bothered in one's home by sales calls. Consumers have other legal tools at their disposal to deal with the latter kind of privacy invasion. See *RCW 19.158.110(2)*, which provides that if recipient of a telemarketing call indicates she does not want to be called again, the marketer must not call again for at least one year and may not sell or give the person's name and number to other marketers.

<sup>22</sup> *Letter dated May 29, 2002, to the Utilities Division of the Arizona Corporation Commission from Lindy Funkouser, Director of Arizona's Residential Utility Consumer Office*, quoted at p. 15 of *Comments of Public Counsel, Attorney General of Washington* (May 22, 2002) in this proceeding.

<sup>23</sup> *Letter dated December 21, 2001, from 39 Attorneys General, to Federal Communications Commission, In matter of Telecommunications Carrier's Use of Customer Proprietary Network Information*, CC Docket No. 96-115 and 96-149. For many years, Judge Greene invoked concerns about misuse of customer information as a reason to bar phone companies from providing online information services of any kind. Although Judge Green was concerned about competitive issues, his concerns also have a strong privacy dimension. Through "control of its customers' lines of communication," a local phone company would "also have access to their lines of credit, travel plans, credit card expenditures, medical information, and the like. On the basis of a subscriber's telephone calling patterns with respect to information, an RBOC [Regional Bell Operating Company] could easily pinpoint that subscriber for the sale of RBOC-generated information and the sale of other products and services connected therewith, to the point where that company would have a 'Big Brother' type relationship with all those residing in its region." *United States v. Western Elec. Co.*, 6763 F. Supp. 525, 567 n. 190 (D.D.C. 1987), *rev'd in part, aff'd in part*, 900 F.2d 283 (D.C. Cir. 1990); see

also *United States v. Western Elec. Co.*, 714 F. Supp. 1, 12 n. 40 (D.D.C. 1988) (*Bell companies barred from offering "user profile" services*).

<sup>24</sup> Incumbent local exchange carriers ("ILECs")—the most outspoken opponents of rules requiring express customer approval for the use of private information—are different from these other kinds of businesses in a significant way: Their customers do not, in most cases, have the ability to choose another provider who will respect their privacy wishes.

<sup>25</sup> *Cable Communications Policy Act of 1984* (47 U.S.C. §521 *et seq.*, §611); *Video Privacy Protection Act of 1988* (18 U.S.C. §2710, §2711); *Privacy of Consumer Financial and Health Information, Chapter 284-04 WAC*; *Fair Credit Reporting Act* (15 U.S.C. §1681 *et seq.*); See also, *Gramm-Leach-Bliley Financial Modernization Act* (15 U.S.C. § 6801); *Electronic Communications Privacy Act of 1986* (18 U.S.C. §1367, § 2232, §2510 *et seq.*, §2701 *et seq.*, §3117, §3121 *et seq.*); *Electronic Fund Transfer Act* (15 U.S.C. § 1693); *Communications Assistance for Law Enforcement Act of 1994* (47 U.S.C. §§1001-1-10; §1021; 18 U.S.C. §2522); *Driver Privacy Protection Act of 1994, and as amended in 1999* (18 U.S.C. §§2721-2725); *Family Education Rights and Privacy Act of 1974* (20 U.S.C. §1232g); *Federal Privacy Act* (5 U.S.C. §552a); *Right to Financial Privacy Act of 1978* (12 U.S.C. §3401 *et seq.*).

<sup>26</sup> Our record includes numerous complaints that opt-out directives to Qwest in January and February of this year were not recorded by company staff. At issue was protecting customer information from disclosure to third parties, according to Qwest's opt-out notice, "when it is commercially reasonable to do so."

<sup>27</sup> Under RCW 9.73.080, anyone who violates RCW 9.73.030 is guilty of a gross misdemeanor.

<sup>28</sup> RCW 9.73.060 provides: "Any person who, directly or by means of a detective agency or any other agent, violates the provisions of this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him on account of violation of the provisions of this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation."

<sup>29</sup> RCW 9.73.030 provides: "(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication"

<sup>30</sup> See 47 U.S.C. § 605(a) ("no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels . . .")

<sup>31</sup> For example, in *State v. Riley*, 121 Wn.2d 22 (1993), a criminal defendant alleged that US WEST had violated the statute by using a trace device to identify the number from which someone was repeatedly placing calls to the access number of a long distance provider in an apparent attempt to discover the access codes of the long distance provider's customers. US West gave the information to police and the police used it to obtain a search warrant, but the court analyzed whether US WEST had violated the law. The court found it had not because either (1) a tracer device does not intercept a "private communication" within the meaning of the act, or assuming it does (2) it was nonetheless permissible for the phone company to establish a line trap to trace hacking activity as part of its "operations" under RCW 9.73.070. The legislature later amended chapter 9.73 RCW to extend the protections of the statute to "the originating number of an instrument or device from which a wire or electronic communications was transmitted"—the information recorded by a trap and trace device like the one at issue in *Riley*. RCW 9.73.260; 1998 Wash. Laws ch. 217, sec. 1.

<sup>32</sup> *Huber, Kellogg, Thorne, Federal Telecommunications Law*, 2nd Ed., § 14.5.2 (1999).

<sup>33</sup> RCW 9.73.070(1).

<sup>34</sup> See, e.g. *U.S. v. Baxter*, 492 F.2d 150 (9th Cir. 1973).

<sup>35</sup> *State v. Gunwall*, 106 Wn.2d 54, 66.

<sup>36</sup> Private communication under RCW 9.73 includes "the dialing from one telephone number to another." *State v. Riley*, 121 Wn.2d 22, 34 (1993); *State v. Gunwall*, 106 Wn.2d 54, 69 (1986).

<sup>37</sup> Again, telecommunications companies' equipment is necessarily exempted from the definition of pen register:

Such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

RCW 9.73.260 (1)(d). What is noteworthy about this exemption, like the more general exemption discussed above, is that it is not a blanket exception for phone companies, but an exception the companies are allowed for a limited purpose—specifically, billing and accounting.

<sup>38</sup> Article I, Sec. 7, Wash. Const. reads as follows: "Invasion of private affairs or home prohibited. No person shall be disturbed in his private affairs, or his home invaded, without authority of law."

<sup>39</sup> *State v. Gunwall*, 106 Wn.2d 54, 67 (1986), citing *People v. Sporleder*, 666 P.2d 135, 141 (Colo. 1983).

<sup>40</sup> See *Katz v. U.S.*, 389 U.S. 347 (1967).

<sup>41</sup> Qwest also points out that this is the statutory standard for determining whether someone has a right to privacy in a particular piece of information, held by the government, that is sought for disclosure under Washington's Public Disclosure Act (PDA), RCW 42.17.250, et seq. The RCW 42.17.255 standard for determining whether there is a right to privacy in information sought for disclosure is "if disclosure of information about the person: (1) would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public." We find this too narrow a standard for our "substantial interest" analysis. The Public Records provisions of the PDA are suffused with the policy that citizens have a right to know what the governmental agencies they have created are doing. RCW 42.17.251. This "government in the sunshine" policy is so important that the drafters of the citizen's initiative, Initiative 276, chose to draw narrowly the individual's countervailing interest in the privacy of public records that pertain to himself or herself. We note, however, that when the purpose of a disclosure request under the PDA is merely commercial—as opposed to serving the central policy of open government—the privacy protections of the Public Disclosure Act are far broader. In fact, agencies are expressly not authorized to disclose lists of individuals when such lists are requested for a commercial purpose. RCW 42.17.260(9). Moreover, the more specific disclosure exemptions/privacy protections of the PDA include information similar to what we seek to protect with our rules. See e.g. RCW 42.17.310 (a) (Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients), (l) (Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user), (nn) (The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards).

<sup>42</sup> See e.g., *Hill v. MCI WorldCom*, 141 F.Supp.2d 1205 (2001) (Under Iowa law, telecommunications carrier's alleged disclosure of phone numbers and addresses of customer's friends to customer's ex-husband, who had previously stalked, threatened, and harassed customer, gave rise to claim for invasion of privacy based on the theory of publicizing private facts, where the facts disclosed would have been extremely embarrassing, highly offensive, and potentially dangerous to a reasonable person in customer's situation, and the information disclosed was not of a legitimate concern to ex-husband).

<sup>43</sup> See, e.g., *Elizabeth Hovde, Phone Company Rings Customers' Bells: Will Qwest Ever Get the Voice Mail?*, *The (Vancouver, Washington) Columbian*, January 8, 2002; *Editorial, Make "Opt Out" Easier for Qwest Consumers*, *The (Tacoma, Washington) News Tribune*, January 9, 2002; *Opinion, Qwest's Train Wreck*, *The Seattle Times*, January 19, 2002.

<sup>44</sup> The only instance in which customer comments exceeded these in the space of a month was during a strike by the Communications Workers of America against U S WEST. The strike lasted a month and tens of thousands of orders went unfilled, with the result that 750 people without dial tone contacted the WUTC to complain.

<sup>45</sup> *Comments of the Electronic Privacy Information Center (EPIC) of May 22, 2002*, p. 4-5, 9-11. However, as the Qwest experience shows, there is also good reason to avoid making customers so upset as to generate significant ill will.

<sup>46</sup> *Comments of EPIC of May 22, 2002*, p. 9; *Comments of Attorneys General to FCC of December 21, 2001 (attachment to Public Counsel Comments of January 31, 2002)*, p. 8 (referring to two surveys concerning Gramm-Leach-Bliley Act opt-out notices: American Banker's Association survey which found that 41% of customers did not recall receiving their opt-out notices, 22% recalled receiving them but did not read them, and only 36% reported reading the notice; and Harris Interactive for the Privacy Leadership Initiative survey, which indicated that only 12% of consumers carefully read the notices most of the time, whereas 58% did not read the notices at all or only glanced at them).

<sup>47</sup> *Comments of Attorneys General*, p. 8 (referring to conclusions of readability expert Mark Hochhauser, Ph.D. that Gramm-Leach-Bliley opt-out notices, which are required under the law to be written in a "clear and conspicuous" manner have been unintelligible and couched in language several grade levels above the reading capacity of the majority of Americans).

<sup>48</sup> We note that those telecommunications companies that have sent opt-out notices have registered opt-out totals that are substantially lower than one would expect from polling data concerning Americans' attitudes about privacy. For example Verizon reports that only 2% of its customers, nationally, have opted-out. *Comments of Verizon of May 22, 2002*. Sprint reports that only 5.6% of its Washington customers have opted-out. *Comments of Sprint of March 26, 2002*, p. 9. By comparison, a survey that Qwest views as favorable to its advocacy for opt-out places the number of "privacy fundamentalists" in the U.S.—who presumably would opt-out of any kind of data sharing if they only knew how—at 24% of the population. More dramatically, a January 2002 Rocky Mountain Poll in Arizona revealed that only 3.7% of polled adults believed that Qwest was on the right track when it announced it would sell customer records unless customers took the initiative to contact the company and object within a specific period of time. *Comments of Public Counsel of May 22, 2002*, p. 14. The findings of this latter poll are consistent with our own observation of consumer reaction to the Qwest opt-out notice in our state. Similarly, in a statewide referendum in North Dakota in June, 2002, 72% of voters favored repealing a 2001 state law that let financial institutions share or sell customer information unless customers opted out. The repeal reinstated previous state law barring such sharing unless customers opted in. *Adam Clymer, North Dakota Tightens Law on Bank Data and Privacy*, *New York Times*, June 13, 2002.

<sup>49</sup> The definition we adopt for CPNI inserts the words "including call detail" into congress's definition, which already encompasses call detail. We insert the phrase so our rules are easier to follow where we treat only that subset of CPNI that is call detail - as distinct from "private account information," which makes up the other component of personally identifiable CPNI.

<sup>50</sup> See *Trans Union Corp. v. Federal Trade Comm'n.*, 245 F.3d 809 (U.S. App. D.C. 2001), cert den. 122 S.Ct. 2386 (June 2002) (upholding rules adopted by Federal Trade Commission banning the sale of mailing lists by credit reporting agencies containing the names of consumers who met certain criteria, such as possession of an auto loan, a department store credit card, or two or more mortgages).

<sup>51</sup> This example assumes the company's purpose in collecting such information would be to market, to its customers, services that are outside the category of service to which the customer subscribes. As with the FCC's rules, if the purpose of the list were to enable the company to market additional services in the same category to which the customer already subscribes, no opt-out "approval" would be required. See section F, *infra*.

<sup>52</sup> Our rule for inbound and outbound telemarketing is very similar to the FCC's. Carriers may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call. Because it is oral notice, it requires an express (opt-in) response during the telemarketing call, and as a result a company that uses only private account information in telemarketing will nevertheless have secured opt-in approval for that use.

<sup>53</sup> The FCC reasoned that a company's use of CPNI to market services closely related to the those the customer already purchases is an area in which there truly is implied consent on the part of the customer, and that, in section 222 "Congress intended that a carrier could use CPNI without customer approval, but could only do so depending on the service(s) to which the customer subscribes."

<sup>54</sup> Our dissenting colleague has reached a third conclusion—that no CPNI may be disclosed without express consent. We note that his interpretation is even stricter than what was required under our old rules, or under the earlier federal rules, which did not, as the dissent would, require express consent to use CPNI to market even within the same category of services. Also, we feel an obligation to try to harmonize the federal statute with other laws, decisions, and principles, as has the FCC, albeit with a different result. Finally, it is true that the approach Commissioner Hemstad proposes would not be as complex as the one we adopt. Complexity, however, is the price we pay for the complex balancing of the interests at issue.

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 14, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

#### ORDER

##### 107 THE COMMISSION ORDERS:

108 WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 are repealed.

WAC 480-120-201, 480-120-203, 480-120-204, 480-120-205, 480-120-206, 480-120-207, 480-120-208, 480-120-209, 480-120-211, 480-120-212, 480-120-213, 480-120-214, 480-120-215, 480-120-216, 480-120-217, 480-120-218, and 480-120-219 are adopted to read as set forth in Appendix C, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2003.

109 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 7th day of November, 2002.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Patrick J. Oshie, Commissioner

Commissioner Richard Hemstad, dissenting:

110 With this order, my colleagues have done a commendable job of constructing rules that attempt a balance between customer privacy interests and the commercial interests of telecommunications companies. However, the end result is a remarkably complex set of rules which classify customer consent for the use of individually identifiable customer proprietary information in some circumstances by affirmative approval (opt-in), in other circumstances by silence (opt-out), or in still other circumstances by assumed approval with no opportunity even to opt out.

111 While these dense rules will be daunting for the affected companies to internalize and implement, they will surely be incomprehensible to even well-informed customers. In contrast, the directive from congress to this commission in 47 U.S.C. Sec. 222 is simple and easily understood: Customer approval is required before a telecommunications company may use, disclose or access individually identifiable customer proprietary information except to the extent necessary to operate the public switched telephone network and related activities (e.g., billing). The statute, I believe, can only be fairly read to require the *affirmative* consent of the customer. Consequently, I cannot join in the adoption of these rules concerning customer privacy.

**The constitutionality of 47 U.S.C. § 222 has never been challenged and we cannot act as if it is unconstitutional.**

112 No one has challenged the constitutionality of 47 U.S.C. § 222. It was not challenged in the 10th Circuit, and none of the comments we have received have contended it is unconstitutional. A statute is presumed constitutional until it has been determined to be otherwise. We cannot act as if the federal law is unconstitutional and give ourselves permission to invent other ways of treating customer proprietary network information that are inconsistent with the statute. What is adopted today in the sections that do not permit any customer control, and those that permit so-called approval through an opt-out scheme, are, in my opinion, in conflict with the clear, unambiguous grant by congress to customers of control of the confidentiality of their proprietary network information.

**Congress made a clear statement that individually identifiable customer proprietary network information may not be used without first obtaining approval of the customer.**

113 The language of the statute is unambiguous:

(c) CONFIDENTIALITY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.—

(1) PRIVACY REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS.—Except as required by law or *with the approval of the customer*, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

47 U.S.C. 222 (c)(1) (Italics added).

**Use of customer information without notice to customers and without even the possibility of disapproval is directly contrary to the statute.**

114 As stated above, Section 222 requires "approval of the customer" before any use, disclosure, or access to individually identifiable customer proprietary network information. The rules adopted today in some circumstances allow telecommunications companies, and any company that controls, is controlled by, or is under common control with a telecommunications company, to use certain customer information



without notice to customers and without their approval, not even so-called opt out approval. This is an effort, as I understand it, to make the rules acceptable under a *Central Hudson*<sup>55</sup> analysis. Accepting *Central Hudson* as the correct precedent to follow is, in my opinion, a mistake on at least three counts.

115 First, *Central Hudson* is a case that did not interpret an explicit federal statutory directive. We should not ignore the fact that congress has spoken and, in adopting Section 222, must be presumed to have weighed the competing values of commercial speech and personal privacy.

116 Second, *Central Hudson's* facts did not involve the use or disclosure of personal information. Rather, it involved an entirely different fact-situation: A utility stuffing, with its monthly bill, a generic advertisement to promote energy consumption in a time of shortage.

117 Third, *Central Hudson* addressed only one constitutional issue, the commercial speech rights of a utility to advertise its product free from interference by a regulatory agency. Nothing in the case even remotely touched on what I believe to be constitutionally implicated privacy interests<sup>56</sup> of customers in the confidentiality of their discrete customer information.

118 While the FCC may be required to respond to the remand directives of the 10th Circuit's majority opinion,<sup>57</sup> which arrived at its procedural conclusion based upon *Central Hudson*, this commission is not bound by the 10th Circuit's decision or by its reliance on a case that did not concern a congressional act, had completely inapposite facts, and did not address the constitutionally implicated interests that motivated the commission's departure from the FCC in the first place.<sup>58</sup>

**Approval is not the absence of disapproval, which is all that is represented by opt-out schemes.**

119 Other portions of the rules adopted today permit company use of confidential customer information unless the customer opts not to permit such usage. Only the self-interested commenters in this rule making promote the view that congress meant approval to mean the absence of disapproval. It is not a reasonable conclusion; and it is not a conclusion that is permitted in the absence of ambiguity. The proponents of the view that "approval" means an opportunity to opt out rely on wishful thinking, not ambiguity, when they claim it is a reasonable interpretation of the statute.

120 Congress constructed a section of law that has as its unmistakable aim the protection of the confidentiality of customer information and it placed the customer in charge of that confidentiality, not telecommunications companies and not regulatory agencies.

121 Congress could have been silent on the topic of customer proprietary network information. Then at least an arguable conclusion might be that the information obtained by telecommunications carriers could be treated the same as the information obtained by any other business not the subject of a particular federal statute respecting customer information. Because congress was not silent, we cannot act as if it were.

122 Or, congress could have constructed a statute like those that are particular to certain activities (e.g., educational

and financial institutions, video rental companies) and provided some specific scheme for how the use and disclosure of customer information would be treated. With respect to financial institutions and disclosure of customer information, congress explicitly used the term "opt out." 15 U.S.C. § 6802(b). When congress wants to prescribe an opt-out scheme related to customer information, it does so explicitly. But congress did not prescribe in Section 222 the schemes used in other statutes; we cannot act as if it did. Customer information obtained by telecommunications carriers must be treated differently from information obtained by other businesses subject to other, specific statutes adopted by congress to regulate the use and disclosure of customer information.

123 We can only treat telecommunications customer proprietary information as prescribed in 47 U.S.C. § 222. There is no ambiguity. Congress could have said nothing, or prescribed some other means of safeguarding this information if that is what it had wanted to do. Specifically, it could have created an opt out scheme, but it clearly and unambiguously did not. Instead of silence, an opt out scheme, or something else, it said "with approval of the customer." A fair reading of the statute compels the conclusion that "approval" can mean only an affirmative statement by a customer, not an assumption of approval based on the absence of disapproval.

**Proponents claim opt out schemes are more efficient and that those who wish to keep their proprietary information private can do so.**

124 If the value sought to be served is efficiency rather than protection of privacy, then proponents probably are correct that use of an opt out scheme would require less effort from telecommunications carriers and only some effort from customers that choose to opt out. However, congress was in a position to give relative weight to these values - efficiency and personal privacy - and it did so in the language of Section 222. It chose efficiency when it did not require customer approval for use of personal information in order to conduct everyday operations of the network, but it also chose to value personal privacy by requiring customer approval of any other use of personal information.

**Washington state policy on privacy is consistent with and reinforces Section 222.**

125 Congress has made a determination that telecommunications carriers must protect the confidentiality of customer proprietary network information and must have customer approval to use that information. That is consistent with and reinforced by the strong statement in favor of personal privacy found at Article I, Section 7, of our own Washington constitution. The adoption of rules that permit use of protected information either without notice or with an opt out scheme is inconsistent with state policy on personal privacy.

**Concluding comments.**

126 In footnote 54 of the commission's order, my colleagues respond to this dissent by asserting that "Complexity...is the price we pay for the complex balancing of interests at issue." But congress in the unambiguous directive of Section 222 did not choose complexity. It chose simplicity. In doing so it mirrored the emphatic views of a broad spectrum of consumers as demonstrated in the enormous outpouring of surprise, anger and distress of Qwest's customers when

they became aware of Qwest's intentions to access without their approval what they had assumed to be private information.<sup>59</sup> The commission's order, with its complexities, neither responds to these legitimate consumer concerns nor to Section 222.

127 My colleagues are motivated by considerable concern for customer privacy, which I applaud. That concern is amply demonstrated by their elaborate and scholarly order. But I nonetheless believe the commission has followed the wrong case to the wrong result and, in doing so, has ignored the explicit directive of congress. In an age when huge amounts of personal information can be collected and manipulated, it is my hope that these rules will some day be reviewed by a court that recognizes that the concerns of individuals for their privacy pose new fact-situations that require a fresh analysis. A new precedent for a new environment is in order, one that recognizes the vast changes in technology and its impact on our private lives in the twenty-two years since *Central Hudson*.

128 Accordingly, I cannot join in adoption of rules that ignore a customer's statutory right to confidentiality unless the customer gives affirmative approval to a telecommunications company to use, disclose, or access individually identifiable customer proprietary network information.

129 For these reasons, I respectfully dissent.

Richard Hemstad, Commissioner

<sup>55</sup> *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n of N.Y.*, 447 U.S. 557, 564-65 (1980) (setting out the test to be applied in determining whether restrictions on commercial speech survive "intermediate scrutiny").

<sup>56</sup> In discussing privacy, I am referencing customers' rights to privacy, free speech and free association.

<sup>57</sup> The minority opinion, I believe, is the correct view and is true to the language and purpose of Section 222.

<sup>58</sup> Access to information permitted to companies without either customer notice or approval also raises troubling issues of unfair competitive advantage for those companies vis-a-vis their competitors.

<sup>59</sup> See the description beginning at ¶ 76 of the Order.

#### APPENDIX A

#### Docket No. UT-990146

#### Response to Specific Comments

1 In this appendix the commission responds to comments made on the proposed rules. We received hundreds of pages of comments, most concerning the choice between opt-in approval and opt-out approval. The appropriate approval mechanism and the legal basis for our choices are addressed at length in the body of the adoption order. In this appendix the commission responds to the other substantive comments.

2 The commission received comments from several telecommunications companies, consumer advocates, and others, including AARP, AT&T, Allegiance Telecom, Claudia Berry, Elizabeth Clawson, Rep. Mary Lou Dickerson, Electronic Privacy Information Center (EPIC), Elizabeth Fehrenback, Emeri Hansen, Gail Love, Low Income Telecommunications Project (LITE), Lindsay Olsen, Public Counsel Section of the Office of Attorney General, Qwest, Senior Services, Sprint, Robert Stein, Matilda Stubbs, Desinee Sutton, Ben Unger, Verizon, WashPIRG, Washington Independent Telephone Association (WITA), and WorldCom.

3 The material is organized by subject and by rule number, which is noted at the end of each response. In each response we indicate whether we made a change in the adopted rules based upon the comment, or whether we adhered to the language in the proposed rule.

4 **Definition of customer network proprietary network information (CPNI):** The definition of CPNI in the proposed rules contained the phrase "which includes information obtained by the company for the provision of telecommunications service." The consumer advocates considered the phrase to be ambiguous and perhaps providing permission for companies to use, disclose, or permit access to such information as medical status submitted by a customer in compliance with proposed WAC 480-120-173 with no more than opt-out approval. In order to remove the ambiguity, we removed the phrase from the adopted rules. The remaining definition of CPNI in subsections (a) and (b) came directly from the federal statute. However, because the commission proposes specific, more stringent protections for those portions of CPNI that are individually identifiable, we have added to the definition of CPNI a description of the subsets of data contained within that broader category of data. See WAC 480-120-201.

5 **Interference with Marketing "Friends and Family" Type Plans:** Some companies provide reduced toll rates to customers who call other customers who use the company's service. Company comments suggest that our definition of call detail would restrict marketing these programs. It is true that under our rules a company may not examine numbers called to determine if a particular customer routinely calls another customer and use that information to suggest to the customer a change of long-distance plans. The examination of such information for that purpose would stray into a practice that we have determined could result in revealing sensitive communications habits and personal habits. Once a customer elects "Friends and Family" service, the company can of course use specific call detail information in order to initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested. See WAC 480-120-201 and 480-120-205.

6 **Suggested Changes to Definition of Call Detail:** Companies suggested elimination of subsections (b) and (c) in the definition of call detail, and asked for clarification of the scope of (d). Subsection (b) defines as call detail information associating individual customers with specific area codes, prefixes, or complete telephone numbers correlated with the time of day, length of call and cost of call. Elimination of this subsection would mean that companies could, without opt-in approval, examine customers' communications habits and know or deduce a great deal about customers' personal habits or circumstances (e.g., determine a customer makes routine calls to Alcoholics Anonymous). Elimination of this subsection would undo one of the most important protections we seek to achieve with these rules.

7 Elimination of subsection (c) would permit companies and others into whose hands the information falls to discern calling patterns that may also reveal sensitive personal habits. While we exclude from call detail general calling patterns and expenses when expressed in terms of one month or more

of activity or expense, we consider that information to be call detail when viewed for shorter periods.

8 We revised subsection (d) so it is clear that it refers only to information that is associated with a specific individual. *See WAC 480-120-201.*

9 **Prohibit Use of CPNI Except as Permitted by 47 U.S.C. § 222 or by These Rules:** Our proposed rules permit the use of CPNI in accordance with federal law except when these rules require otherwise. Consumers suggested that this should be changed so that no use is permitted unless authorized by federal law or these rules. The purpose would be to emphasize that CPNI is the property of customers and that it can only be used when there is specific permission granted. We reviewed the rule with these comments in mind and determined the rule is unnecessary and it has been withdrawn.

10 **Oral Approval for Use of CPNI:** Companies expressed concern that our rules permitting oral opt-in approval for use of CPNI and call detail are inconsistent with federal requirements. The concern is that our rule permitting third-party verification similar to that used to verify customer changes from one long-distance provider to another cannot be used while the customer is on the line with the company representative. The underlying concern appears to be that a competitor could not look at certain account information in the process of completing a new service order for a customer who is switching from another carrier.

11 Our adopted rules address these concerns in a variety of ways. First, no approval is required to use CPNI to initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested. This has not changed from the proposed rules.

12 Second, we permit the use of CPNI for the duration of inbound and outbound telemarketing calls without third-party verification of approval. We do not require a safeguard in these circumstances because the customer may simply hang up.

13 Third, where we do require third-party verification, we have added an option in the adopted rules that was not in the proposed rules. If a company requests opt-in approval for use of call detail beyond the duration of the call, it may use third-party verification process that is similar to that used for third-party verification when customers switch long-distance providers, or it may make a sound recording of the oral approval sufficient to establish knowing approval. The inclusion of making a sound recording as an option is a change from the proposed rules. (Note that Washington is a two-party consent state with respect to recording conversations, so a company using this method to obtain oral approval will have to inform the customer that the call will be recorded.) *See WAC 480-120-205, 480-120-206, and 480-120-212.*

14 **Use of CPNI During Inbound and Outbound Telemarketing Calls:** In our proposed draft we permitted use of private account information after oral notice and oral approval during an inbound telemarketing call. After consideration of company comments concerning customers' desires to receive a quick response when discussing telecommunications services with a company that is already providing service, we determined that a rule concerning inbound telemar-

keting alone was insufficient to lead to responsive service. In the adopted rules we permit use of CPNI during outbound as well as inbound telemarketing calls, provided there is notice and the customer approves of the use of CPNI. In both instances, the approval and use are permitted only for the duration of the call, which provides a privacy safeguard for customers that balances company access to CPNI during outbound telemarketing calls. *See WAC 480-120-206.*

15 **Restriction on the Use of Call Detail Will Require Companies to Stop Some Marketing Practices:** Some companies stated that certain of their current marketing practices would be prohibited by the proposed rule. For example, using CPNI to market caller identification, Digital Subscriber Line (DSL) service, voice mail, and second residential lines. Most of the examples given are related to services already provided to a customer, because they only work with local service. We addressed this concern in the adopted rules with an additional rule that permits use of private account information without either notice or approval to market services related to those already provided by a company.

16 Other services, such as DSL, could be marketed to customers that are not local service customers, in which case a company would either have no CPNI related to the person because the person is not a customer, or would have to have opt-out or opt-in approval, depending on whether the company planned to use private account information or call detail to market the service. (Note that advertising and marketing based on information that does not come from CPNI may be used without any approval.) *See WAC 480-120-208.*

17 **Notice Issues:** We received many comments on notice, some general in nature and others specific to various subsections.

- **Notice Generally:** In general, companies suggested the amount and types of notice would be confusing, and consumer advocates did not question the amount and type of notice. Our response to the general concern that there is too much notice required is that we have a record that demonstrates that customers have expressed more interest in privacy of telecommunications records than any other policy issue to come before the commission. We believe that customers genuinely care about their privacy, that privacy is an interest that should be protected, and that customers will not be confused by information that enables them to make an informed decision. We have tried to develop notice requirements that will enable customers to make informed choices and that do not contain unnecessary provisions. *WAC 480-120-209.*
- **Annual Notice:** We received several company comments suggesting we follow the Federal Communications Commission (FCC) and reduce the required frequency of opt-out notice from one year to every two years. The issue is whether customers need notice more or less often in order to be sure they understand their options and how to exercise them. We are persuaded that with the substantial notice required and the multiple mechanisms for opting out, customers will receive notices that can

be read and understood and that the process of opting out will be easy. For these reasons, we believe that less frequent notice will not reduce customer understanding or the opportunity to opt out. We also see a value in reducing the cost to notify customers. We have changed opt-out notice requirement to once every two years. *See WAC 480-120-209(2).*

- **Inclusion of Notice with Other Advertising or Promotional Material:** Our proposed rule contained a prohibition against providing the opt-out notice with any other advertising or promotional material; it did permit inclusion of the notice with customer bills. Companies commented that it would be beneficial to companies to be permitted to place both advertising and opt-out notices together in bills because placing advertising in bill envelopes is cost-effective. We do not doubt that it would be cost-effective for companies to include advertising with the notice, but the efficiency in advertising costs may come at the expense of the effectiveness of the notice because it could be lost in the advertising and other material. We have not changed this requirement in our adopted rules. *WAC 480-120-209(3).*
- **A Mix of Opt-In and Opt-Out Approval Will Cause Customer Confusion:** Companies and consumers are united in believing that customers will be confused if call detail is made available only after opt-in approval is given, and private account information is available to companies after notice and an opportunity to opt-out. The argument appears to be that two possibilities is one too many. We disagree. First, not all companies will send both types of notice. Some may elect not to ask for opt-in or opt-out approval. Others may request one or the other, or use a single opt-in notice for all CPNI. Second, if both notices are sent, we think customers and companies alike can understand two sets of information and two types of approval. We believe that confusion is unlikely if companies provide accurate notices to customers. It is not difficult to understand the difference between using, disclosing, and permitting access to information about services purchased (e.g., a second line) and call detail (e.g., whom you call and who calls you). Companies have an incentive to provide correct notice that informs rather than confuses. Commenters also suggested customers will be confused by the contradictions between our notice requirements and FCC notice requirements. If companies send two different notices to customers under the opt-out mechanism, no doubt confusion will be the result. Confusion can be avoided if companies send customers only the correct notice based on these rules. To the extent our rules are more protective of sensitive call detail information than the FCC's rules, companies will be required to send opt-in notices. Following the rule that provides the greater privacy protection is not a confusing concept. *See WAC 480-120-209, 480-120-211, and 480-120-212.*

- **Informing Customers of Rights and Duties:** Companies commented that notice requirements that inform customers of their rights with respect to confidentiality of CPNI, and the requirement also to inform customers that companies have a duty to protect the confidentiality of CPNI, may be confusing. No commenter explained just how this information may confuse customers, so lacking any specific concern, we reject the unsupported assertion. *See WAC 480-120-209 (5)(c) and 480-120-212 (3)(a) and (b).*
- **Required Use of 12-Point Type for Notices:** Our proposed rule requires the use of 12-point type in opt-out notices, and companies have commented that it is unnecessary to state the required size of type. Our experience is that many notices use type sizes that are small and difficult to read. Prior to including the type size in the proposed rules, our staff produced a notice that contains all the required notice contents in twelve-point type. The sample notice fits on one side of a standard size sheet of paper. The example has standard margins and contains considerable separation between notice elements. No commenter stated that the sample notice was deficient or for any reason could not be used. Because we have not been informed that there is a specific problem we have retained the requirement in the adopted rules. *See WAC 480-120-209(7).*
- **Notice That Not All Call Detail Will Be Used, Disclosed, or Accessed:** Another company comment is that limited notice is not permitted when limited use or disclosure of call detail is planned. There is nothing in the notice requirements for obtaining opt-in approval to use call detail that prevents a company from informing a customer of the limits to which call detail will be put to use. Because we require that notice be comprehensible and not misleading, companies must adhere to self-imposed limits. We were not asked to make a specific change, and we believe the rules permit companies to tailor notices to self-imposed limits on use, disclosure, and access, and therefore we make no change to the rules on this topic. *See WAC 480-120-209 and 480-120-212.*
- **Notice Concerning Entities to Which Call Detail May Be Disclosed:** Another suggestion in the comments is that it is unnecessary to provide the names of affiliates and subsidiaries in the opt-in notice because they are often unknown to customers who are accustomed to brand names. We think customers may be interested in the names of the firms that may receive call detail information, but nevertheless make a change in this subsection. After reflection, we think disclosure of all affiliates, subsidiaries, and companies under common control would be an impractical requirement to place on companies because they form an ever-changing group. We also think that companies, in order to convince customers to opt-in to the use of their most sensitive personal telecommunications information, will have to find some level of revelation of who may receive the information that satisfies customers' curiosity about

who will have access to their information. Accordingly, we have reduced the disclosure requirement to whether the information will be used, disclosed, or access permitted to an entity or person other than the company. *See WAC 480-120-212 (3)(d)*.

- **Notice Concerning Availability of Name, Address, and Telephone Number to Telemarketers:** One commenter raised a concern that the notice requirements in the proposed rule concerning availability of name, address, and telephone number (subscriber list information) suggested companies must provide this information to all types of telemarketers. In the adopted rule we have made a change so that the notice must inform customers that name, address and telephone number are not private information and may be used by telemarketers even if the customer opts-out. The revised notice requirement more correctly informs customers that choosing to opt-out is not the same as eliminating telemarketing. *See WAC 480-120-209 (5)(a)*.
- **Notice That No Action Is Necessary to Protect Call Detail Disclosure to Third Parties:** A concern was expressed that this requirement could lead to confusion. We think it is important for customers to know that they need not take any action to protect the most sensitive information (call detail) about them. No commenter suggested precisely how this would confuse customers, and we do not think it will. *See WAC 480-120-212 (3)(f)*.
- **Include a Copy of the Chart That Shows the Application of the Rules to Certain Types of Information:** In the proposed rules we included a chart labeled "Customer Approval Method Depends on the Type of Information." Consumer advocates suggested that a copy of this chart (which is revised in the adopted rules) be required to be included with opt-out notices. Because the chart would not necessarily be correct when a company chooses self-imposed limits on the use, disclosure, and access that it will permit and its notice reflects those self-imposed limits, we do not think we should require inclusion of the chart. Companies may find that inclusion of a chart is a good idea and may include a comprehensible and not misleading chart with a notice.
- **Some Notice Requirements are Incompatible with Notice and Approval for the Duration of a Telemarketing Call:** Company criticism of the proposed rules is correct on this point. The adopted rules provide exemptions from the notice rule when the notice and approval extend only for the duration of a telemarketing call. *See WAC 480-120-213(2)*.
- **Opt-out Approval Will Burden Consumer Organizations Rather Than Companies:** Consumer advocates suggested that the use of an opt-out approval mechanism for some information will burden consumer organizations that will be asked to assist customers in understanding their options, while companies will not bear this burden. In essence, this is another suggestion that customers will be easily confused and was presented as an

argument for an all opt-in approach. We believe our notice requirements are sufficiently strong to require companies to send notices that will inform rather than confuse, so we make no change in the adopted rules based on this comment. *See WAC 480-120-209 and 480-120-212*.

- **Rules Will Require Costly New Processes:** Companies commented that the administrative aspects of the new rule (notice and opt-out mechanisms) will increase costs for companies. This may be, but the purpose of these rules is to strike a balance between company concerns and customers' interests in privacy, speech, and association. There is a threshold of privacy protection below which we will not go, even if that protection means increased costs will result. With respect to imposing costs on customers or companies, these rules are not different from any other rules, any of which may cause an increase in cost to customers or to companies. *See WAC 480-120-209, 480-120-211, and 480-120-212*.

**18 Multiple Opt-Out Mechanisms:** Companies commented in opposition to multiple opt-out mechanisms while consumer advocates commented in support of the rules on this subject. Most comments in opposition state, in essence, that the multiple methods we require for exercising an opt-out opportunity are too many and unnecessarily costly. Some commenters relied upon the FCC record to support the position that fewer methods are needed. We respond that our experience, borne out in our record, is different from the FCC's.

19 Our experience, and the record on which we act, demonstrate that multiple methods are needed to ensure ease of opting out. Many customers report that they attempted to opt-out in a situation in which a company sent an opt-out notice, but found they were thwarted in doing so when calls went unanswered and when they were told there was no address to which a written opt-out directive could be sent. A particularly troublesome example of the difficulties customers encountered concerned a company that did not accept opt-out requests by telephone on Saturdays, but mailed notices that arrived on Saturdays. The same company did not accept opt-out calls in the evening, thwarting the efforts of those who open mail in the evening after work and would like to take immediate action to opt out.

20 As we discuss in the order, in one sense companies have an incentive to make it difficult for customers to opt-out. (In another sense, as Qwest learned, their long-term incentive is to maintain cordial relations with their customers.) The order and this response discuss some of the problems. We have provided in this rule the methods that we consider appropriate to guard against these problems occurring again. While they may be multiple, their multiplicity does not necessarily make them expensive. We decline to make changes based on the comments on this subject. *See WAC 480-120-211*.

**21 Opting-Out by Marking a Box or Blank on the Monthly Bill:** In some draft version of these rules we included marking a box or blank on the monthly bill as a means for a customer to opt-out. We did not include this as a

method for opting out in our proposed rules because we were persuaded that it would be difficult to inform customers that they did not need to check the box every month and because we were persuaded by companies that it could interfere with bill processing, an important business function. In consumer comments on the proposed rules we were encouraged to once again include this option. We adhere to the position we took when we eliminated it from draft rules and excluded it from our proposed rules. *See WAC 480-120-211.*

**22 Limited Requirements for Companies With Fewer Than 50,000 Access Lines:** Comments from smaller companies suggest that it is inefficient to have a 1-800 line with access to a live or automated operator at all times when it may only be called a few times per year. They do not recommend an alternative. This comment misreads the rule to mean that toll-free must be a 1-800 number. Companies can meet this requirement by having a local telephone number for which a toll is not charged. If a message (voice, voice activated, or touch-tone) can be left by a caller when not answered, and if that opt-out request is confirmed as required by our rules, then a company will have met the requirements of this rule. For those reasons, we decline to provide fewer opportunities for opting-out to customers of small companies as those of larger companies. A customer's interests in privacy, speech, and association are not reduced by the size of the company providing telecommunications service. *See WAC 480-120-211.*

**23 The Opt-In Notice Should Not Require a Description of Each Purpose for Which Information May Be Used, Disclosed or Accessed:** We receive oral comments prior to publishing the proposed rules recommending that we not require a description in the notice of each purpose for which call detail might be used. The same comment was made in response to the proposed rule. Because it is not reasonable to expect every possible purpose to be listed, we have altered the adopted rules and now require that opt-in notices provide a description of the general purposes for which the information may be used, disclosed, or for which access may be permitted. *See WAC 480-120-212 (3)(e).*

**24 Written Confirmation:** We received company comments opposed to our requirement for written confirmation when a company receives a customer's opt-out or opt-in directive (other than a directive received during a telemarketing call). Our experience is that companies cannot be depended on to follow the instructions accurately at all times. Our record includes statements from customers that their opt-out directives were not implemented. Accordingly, we think it is important that customers receive confirmation of their opt-out approval so errors can be detected before personal customer data is disclosed.

25 Written confirmation of opt-in approval is also important to prevent errors. The reason for confirmation of opt-in approval is that an error by a company in perceiving it has opt-in approval when it does not would expose customers' most sensitive information (e.g., whom they call and who calls them) to, among other things, disclosure to third parties. We believe the confirmation requirement is an important safeguard, and our record supports this conclusion. *See WAC 480-120-213(1).*

**26 Oral Confirmation of Opt-Out or Opt-In Approval:** Companies commented that oral confirmation should be permitted as well as written approval. No reason was given for this suggestion but we infer that it might be less expensive and easier to provide oral confirmation. Because our confirmation requirement is aimed at detecting errors and providing customers an opportunity to correct them, we are concerned that oral confirmation, even with instructions about correcting an error, would be less effective than written confirmation. An automatically-dialed announcement that includes confirmation and instructions on what to do if the customers believe there has been an error places the burden on customers to be ready to receive the instructions and make notes at the company's convenience. A written confirmation provides a customer with information on how to correct an error without requiring the customer to attend to the circumstances immediately by taking notes. We believe written confirmation assists customers and that oral confirmation would place a burden on customers. Accordingly we make no change in the adopted rules on this subject. *See WAC 480-120-213.*

**27 Twenty-One Day Delay Before Acting on Opt-In Directives:** Company comments opposed the proposed rule's requirement that carriers must delay taking action approved by a customer's opt-in directive until twenty-one days after a confirmation has been sent to the customer. We have not changed the proposed rule.

28 In essence, commenters suggested that the waiting period required for acting on opt-in approval is unnecessary and that customers who opt-in often want the company to act immediately. The waiting period applies when the company wants to use, disclose, or permit access to call detail information (e.g., whom the customer calls and who calls the customer) unrelated to direct contact between the company and the customer through a telemarketing call. The purpose of the waiting period is to give the customer time to receive the confirmation of opt-in approval and, if an error has been made, time to contact the company and correct the error. Company concerns that they would not be able to respond to a customer's immediate need are not correct because an immediate response can be provided if the company is in direct contact with its customer. We provide for immediate use of call detail information (the subject of opt-in approval) during inbound and outbound telemarketing calls.

29 Commenters also suggest that the twenty-one-day waiting period prior to acting on a customer's opt-in approval is inconsistent with the requirement that a company must provide a customer with the customer's CPNI upon written request. When a company asks customers to opt-in so the company can use, disclose, or permit access to customers' CPNI, the waiting period is to protect customers against the possibility of erroneous disclosure of very sensitive personal information. Companies confuse their desire to have customer approval to use CPNI for a commercial purpose with customer requests. A request by a customer for the customer's own information does not carry with it the same concern for an erroneous disclosure that exists with a company's request.

30 We have made a change in the adopted rules that relieves companies of the obligation to provide written confirmation and wait twenty-one days to respond to customers when they are in direct contact with the customer during inbound and outbound telemarketing calls. See WAC 480-120-213(1).

31 **Training for Customer Service Personnel with Access to CPNI:** Consumer comments were made evidencing a concern that training for customer service personnel may not be sufficient to protect the privacy of customers. These comments were made in support of an all opt-in regime. We did not adopt an all opt-in regime, but our proposed rules, and now our adopted rules, require companies to use training and other safeguards to protect customer privacy. We believe that the adopted rules address the concern. See WAC 480-120-215(1).

32 **Commission Lacks Authority to Require Companies Serving Fewer than 2% of the States Access Lines to File an Annual Certificate of Compliance and Statement Regarding Compliance:** Smaller companies object to the requirement for a company officer to file a compliance certificate on an annual basis stating the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with rules concerning CPNI, and to file a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules on this topic. Companies claim an exemption to this requirement based on RCW 80.04.530(2). The commission has added a new subdivision (4) to the rule that provides that Class B companies need not report to the commission as required by subsection (3) of WAC 480-120-215.

33 **Notice Related to Privacy Listings for Telephone Solicitation:** One of our proposed rules concerns telephone solicitation calls to customers with nonpublished and unlisted telephone numbers. The rule requires that customers must be

informed that inclusion in a solicitation list may be declined, and if declined, the company must not make any additional solicitation. This rule implements RCW 80.36.390, which permits people to indicate they would not like to receive any more solicitations. The commenter's concern is that the notice requirement is confusing, but no commenter stated how this notice requirement would be confusing. Because there is no clear statement of how the notice requirement might be confusing, and because we do not think it will cause confusion, we decline to make any change. See WAC 480-120-217.

34 **CPNI is a National Issue Best Left to the FCC:** Companies commented that control of CPNI is a national issue that should be left to the FCC to provide uniform regulations. We respond that control of CPNI is an issue of direct and substantive concern to customers and that it is appropriate for state commissions to adopt rules to balance customer privacy, speech, and association interests with the commercial speech interests of companies in a manner that is consistent with state law. Further, the FCC acknowledged in its rule that some state variation might be appropriate.

35 **Customers Should Have the Opportunity to Correct Inaccurate Information:** Consumers suggest that customers should have the opportunity to correct inaccurate information collected by a company. Unlike credit bureaus that collect information from others, the information with which we are concerned here is information in the possession of the telecommunications companies. Because the information at issue here would be collected directly from company sources, we are not concerned that it will be inaccurate. (Indeed, the concern for customer privacy, speech, and association interests arises precisely because of its accuracy in revealing sensitive personal communications and living habits.) We made no changes to the proposed rules as a result of this comment.

APPENDIX B  
Docket No. UT-990146

	PROPOSED RULE SECTIONS	DIFFERENCE BETWEEN PROPOSED AND ADOPTED RULE	EXPLANATION OF CHANGE	INDEX TO COMMENTS IN APPENDIX A
1.	480-120-201 Definitions.	Sec. 201 - Definitions. The definition section has changed by: 1) Addition of definition of "Associated company;" 2) change to call detail definition; 3) change to CPNI definition; 4) adds definition for data base management system (DBMS); 5) addition of definition for individually identifiable CPNI; 6) Change to private account information definition; and 7) elimination of definition of "Telecommunications related products and services."	Proposed rule contains a definition of associated company that replaces the use of the phrase "any entity under common control of or with the telecommunications company." The definition of call detail has been changed to clarify that subsection (d) applies to information associated with a specific individual.	See Appendix A, pages 1 and 2.

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	PROPOSED RULE SECTIONS	DIFFERENCE BETWEEN PROPOSED AND ADOPTED RULE	EXPLANATION OF CHANGE	INDEX TO COMMENTS IN APPENDIX A
			<p>The definition of CPNI was changed by the elimination of the phrase "which includes information obtained by the company for the provision of telecommunications service." Subsection (c) was added and lists the three components of CPNI.</p> <p>A definition for data base management system (DBMS) is included. It defines the type of DBMS used in enhanced 9-1-1.</p> <p>A definition of individually identifiable CPNI was added (I-CPNI). The definition of "private account information" was changed by removing call detail.</p> <p>The definition of "Telecommunications related products and services" is deleted because the phrase no longer appears in the remaining rules.</p>	
2.	480-120-202 Use of customer proprietary network information permitted.	Withdrawn.		See Appendix A, page 3.
3.	480-120-203 Using a customer's call detail information.	Section 203 in the proposed rules required opt-in approval before use, disclosure or access to call detail. It provided for circumstances when approval was not required, e.g., to bill and collect.	In the adopted rule, opt-in approval for call detail is addressed in Section 204.	Opt-in and opt-out approval are addressed in the order.
4.	Not in proposed rules.	Not in proposed rules	Section 203 in the adopted rules is taken from the FCC rules on CPNI and it prohibits one company from using CPNI to identify or track customers that call a competing company.	No comments.
5.	480-120-204 Using private account information in the provision of services.	This section in the proposed rules concerned those circumstances when no approval is necessary in order to undertake those actions normally required to operate a telephone network, or actions required by law. In the adopted rules, this material is expanded and is in Section 205.	The changes are found in Section 205 of the adopted rules, and include permission to provide customer premise equipment (CPE) and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion, and permission to provide call location information concerning the user of a commercial mobile service, as the term is defined in 47 U.S.C. § 222(d).	See Appendix A, pages 2 and 3-4.
6.	480-120-205 Using private account information during an inbound call.	This section in the proposed rules permitted use, disclosure, and access to private account information during inbound telemarketing call after express approval from the customer.	This topic is covered in Section 206 of the adopted rules. It permits only use of PAI and I-CPNI during both inbound and outbound telemarketing calls. Notice is required for outbound telemarketing calls. Express approval is required for in and outbound telemarketing calls unless approval secured prior to the call. If needed, approval must be recorded during outbound calls.	See Appendix A, pages 3-4.



PERMANENT

	PROPOSED RULE SECTIONS	DIFFERENCE BETWEEN PROPOSED AND ADOPTED RULE	EXPLANATION OF CHANGE	INDEX TO COMMENTS IN APPENDIX A
7.	480-120-206 Using private account information for marketing telecommunications-related products and services and other products and services.	In proposed rule this section permitted use, but not disclosure or access, of private account information after notice and an opportunity to opt out.	In the adopted rules, use of private account information is addressed in Section 207. Use, but not disclosure or access, is permitted after notice and an opportunity to opt out.	No comments.
8.	Not in proposed rules.	Not in proposed rules.	Section 208 of the adopted rules permits companies to use, but not disclose or permit access, to private account information without notice or customer approval to market telecommunications products or services related to service already provided to a customer. The information may also be shared with associated companies that also provide service to the customer.	See Appendix A, pages 4-5.
9.	480-120-207 Notice when use of private account information is permitted unless a customer directs otherwise ("opt-out").		This topic is covered in Section 209 of the adopted rules. The requirement for annual opt-out notices has been changed to once every two years. The requirement to inform customers that telemarketers may have access to name and address and telephone number has been revised so that it does not imply that companies necessarily provide the information to telemarketers. The adopted rule also requires companies that seek opt-out approval to inform customers, if true, that the company has been using some private account information without having provided notice or seeking approval (see adopted WAC 480-120-208).	See Appendix A, pages 5-10.
10.	480-120-208 Mechanisms for opting out of use of private customer account information.	The proposed rule required multiple methods for opting out.	Section 211 of the adopted rule addresses opt-out mechanism. No change was made.	See Appendix A, pages 6-7, 10-11.
11.	480-120-209 Notice when explicit ("opt-in") approval is required and mechanisms for explicit approval.	In the proposed rules, this section prescribed the notice necessary when a company seeks opt-in approval. It included a chart that described the various approval requirements based upon the type of information and use to which it would be put.	In the adopted rules, this is addressed in Section 212. One substantive change is the adopted rule permits a description of the general, rather than all, purposes for which I-CPNI information may be used. The adopted rules also requires companies that seek opt-out approval to inform customers, if true, that the company has been using some private account information without having provided notice or seeking approval (see adopted WAC 480-120-208). The chart has been revised to reflect the adopted rules.	See Appendix A, pages 6-10.

PERMANENT

	PROPOSED RULE SECTIONS	DIFFERENCE BETWEEN PROPOSED AND ADOPTED RULE	EXPLANATION OF CHANGE	INDEX TO COMMENTS IN APPENDIX A
12.	NOTE: WAC 480-120-210 has been used and repealed previously. It was not available for use in either the proposed or adopted rules.			
13.	480-120-211 Confirming change in approval status.	The proposed rule required written confirmation of a change in opt-in or opt-out approval status and required companies to not act on an opt-in approval status change until twenty-one days after the confirmation is sent.	The adopted rule on this topic is Section 213. Included is an exception to the confirmation requirement when the notice is given during telemarketing call. There is also an exception to the confirmation and waiting period requirement when the customer requests the customer's own CPNI from the company.	See Appendix A, pages 9, and 12-14.
14.	480-120-212 Duration of customer approval or disapproval.	The rule states that a customer directive remains in effect until the customer revokes, modifies, or limits the directive.	The adopted rule is Section 214, and there is no change.	See Appendix A, pages 6-10, and 12.
15.	480-120-213 Safeguards required for using private account information.	The proposed rule requires companies to have in place certain safeguards to insure the confidentiality of CPNI is maintained in accordance with the rules. Included are a staff training requirement, a supervisory review process, and filing a compliance certificate.	The adopted rule is in Section 215, and there is no substantive change.	See Appendix A, page 14.
16.	480-120-214 Disclosing customer proprietary network information.	Companies must disclose customer CPNI upon written request of a customer.	The adopted rule is in Section 216, and there is no substantive change.	No comments.
17.	480-120-215 Using privacy listings for telephone solicitation.	The proposed rule limits company solicitation of customers with nonpublished or unlisted numbers. Companies must provide a means to request that they not be solicited, and inform customers that they may decline a telephone solicitation.	The adopted rule is in Section 217, and there is no substantive change.	See Appendix A, page 15.
18.	480-120-216 Using subscriber list information for purposes other than directory publishing.	The proposed rule restricted the use or disclosure of subscriber line information of customers who have nonpublished and unlisted numbers.	The adopted rule is Section 218, and there is no substantive change.	No comment.

**APPENDIX C**

**NEW SECTION**

**WAC 480-120-201 Definitions.** The definitions in this section apply to WAC 480-120-202 through 218:

**"Associated company"** means any company that controls, is controlled by, or is under common control with, another company.

**"Call detail"** Except as provided in subsection (e), "call detail" means: (a) Any information that identifies or reveals for any specific call, the name of the caller (including name of a company, entity, or organization), the name of any person called, the location from which a call was made, the area code, prefix, any part of the telephone number of any participant, the time of day of a call, the duration of a call, or the cost of a call;

(b) The aggregation of information in subsection (a) of this subsection up to and including the level where a specific individual is associated with information on calls made to a

given area code, prefix, or complete telephone number, whether that information is expressed through amount spent, number of calls, or number of minutes used and whether that information is expressed in monthly, less-than-monthly or greater-than-monthly units of time;

(c) The aggregation of the information in subsection (a) of this subsection up to and including the level where, expressed on a less-than-per-month basis, a specific individual is associated with general calling patterns (e.g. peak, off-peak, weekends) or amounts spent.

(d) Information associating a specific customer or telephone number with the number of calls that are answered or unanswered, correlated with a time of the day, day of the week, week or weeks, or by any time period shorter than one month.

(e) Call detail does not include information, other than information described in subsections (a), (b), (c), and (d) of this definition, compiled on a monthly basis. For example, call detail does not include the amount spent monthly by a specific customer on long distance calls, including the amount spent monthly on intra-LATA toll, intra-state toll,

and interstate toll; the amount spent monthly on ancillary services; or the number of unanswered calls per month for a specific telephone number. Call detail does include, for example, the amount spent monthly calling area code XXX; that a particular telephone number was called X times in a month; the number of unanswered calls between the hours of 8:00 A.M. and 5:00 P.M. each month and the number of unanswered calls on Tuesdays each month.

**"Customer proprietary network information (CPNI)"** means: (a) Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service, including call detail, and that is made available to the company by the customer solely by virtue of the customer-company relationship; and

(b) Information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a company; except that CPNI does not include subscriber list information.

(c) CPNI includes

(i) call detail,

(ii) private account information, and

(iii) information that is not individually identifiable to any particular customer.

**"Company"** means any telecommunications company as defined in RCW 80.04.010.

**"Data base management system (DBMS)"** means a data base used by local exchange company to provide automatic location information (ALI) to public safety answering points (PSAPs).

**"Individually identifiable customer proprietary information (I-CPNI)"** means call detail and private account information.

**"Private account information (PAI)"** means the subset of CPNI that does not include call detail but is associated with an identifiable individual.

**"Subscriber list information"** means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published caused to be published, or accepted for publication in any directory format.

**"Telecommunications service"** means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

**"Telemarketing"** means contacting a person by telephone in an attempt to sell one or more products or services.

#### NEW SECTION

**WAC 480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers.** A company may not use, disclose or permit access to CPNI to identify or track customers that call competing service pro-

viders. For example, a local exchange company may not use local service CPNI to track all customers that call local service competitors.

#### NEW SECTION

**WAC 480-120-204 Opt-in approval required for use, disclosure, or access to customer I-CPNI.** A company may not use, disclose, or permit access to a customer's I-CPNI, unless the customer has given opt-in approval.

#### NEW SECTION

**WAC 480-120-205 Using customer proprietary network information (CPNI) in the provision of services.** Notwithstanding WAC 480-120-204, a company may use, disclose, or permit access to CPNI to the extent necessary to:

(1) Initiate, render, coordinate, facilitate, bill, and collect for telecommunications services the customer has purchased or requested;

(2) Provide customer premise equipment and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

(3) Provide inside wiring installation, maintenance, and repair services.

(4) Protect the rights or property of the company, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, such services;

(5) Resolve formal and informal complaints communicated to the company or commission by an applicant or customer;

(6) Provide records to a data base management system, or to any other database used in the provision of enhanced 9-1-1 or 9-1-1 service, or perform any other service for enhanced 9-1-1 or 9-1-1 purposes;

(7) Provide call location information concerning the user of a commercial mobile service, as the term is defined in 47 U.S.C. § 222(d) to,

(i) a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

(ii) inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

(iii) provide information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.

(8) Comply with any applicable law, or any governmental rule, regulation or order, or any subpoena or other demand of apparently lawful authority.

#### NEW SECTION

**WAC 480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound**

**and outbound telemarketing calls.** Notwithstanding 480-120-204:

(1) A company may use an individual's I-CPNI to the extent necessary to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call, if:

(a) Such call was initiated by the customer; and

(b) During the call and prior to the company's use of the information, the customer expresses approval for the company to use the information during the call.

(2) A company may use an individual's I-CPNI to the extent necessary to provide telemarketing referral, or administrative services to the customer for the duration of an outbound telemarketing call, if:

(a) The company provides oral notice during the call that complies with 480-120-212, except the oral notice is not required to comply with subsection (3)(i), (l), (m), (n), and (o), and subsection (4)(a) of 480-120-212; and

(b) During the call and prior to the company's use of the I-CPNI, the customer expresses approval for the company to use the information during the call in the manner required in 480-120-212 (4)(b).

(3) This section does not apply if:

(a) A company is permitted to use PAI because it has opt-out approval under WAC 480-120-209 and 211.

(b) A company is allowed to use PAI without approval by WAC 480-120-208; or

(c) A company is permitted to use I-CPNI because it has obtained opt-in approval under WAC 480-120-212.

#### NEW SECTION

**WAC 480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval.** Notwithstanding WAC 480-120-204:

(1) Unless the customer directs otherwise, a telecommunications company and its associated companies may use a customer's PAI to market the company's or its associated companies' own products and services.

(2) A company may not use a customer's PAI information as provided in subsection (1) of this section unless it has provided notice to each customer pursuant to WAC 480-120-209, and provided the customer with a reasonable opportunity to direct the company not to use the information (opt-out) pursuant to WAC 480-120-211.

#### NEW SECTION

**WAC 480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval.** Notwithstanding WAC 480-120-207(2):

(1) A company and its associated companies may use PAI without customer approval for the purpose of marketing their service offerings among the categories of service (*i.e.*, local, interexchange, and commercial mobile radio service (CMRS)) to which the customer already subscribes from the same company.

(a) If a company provides different categories of service, and a customer subscribes to more than one category of service offered by the company, the company is permitted to share the customer's private account information with its associated companies that provide a service to the customer.

(b) If a company provides different categories of service, but a customer does not subscribe to more than one category of service offered by the company, the company is not permitted to share the customer's PAI with its associated companies. This subsection does not preclude a company from meeting the requirements of, and taking action under, WAC 480-120-209 and 211 or 212.

(2) A company may use customers' PAI related to that company's provision of local exchange service to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex-type features without customer approval.

#### NEW SECTION

**WAC 480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out).** (1) This section applies when a company, pursuant to WAC 480-120-207(1), is permitted to use a customer's PAI unless the customer directs otherwise (opts-out). If a company that is permitted to use the opt-out method voluntarily uses the opt-in method, then the requirements of WAC 480-120-212 apply.

(2) A company may not use a customer's private account information pursuant to WAC 480-120-207(1) unless, at least once in the past two years, the company has provided a written notice to the customer, as provided for in this section, and provides the customer with a reasonable opportunity to opt-out at any time. The written notice may be provided by electronic mail to customers with whom the company ordinarily conducts business through electronic mail. A notice provided by electronic mail must comply with this section, but the company is not required to provide the means for response to an opt-out notice required in 480-120-211 (2)(c) and (d) to customers that receive the required notice by electronic mail.

(3) The written notice must be mailed separately from any advertising or promotional material. It may be included with the customer's bill.

(4) The written notice must be posted on the company's web site and must be readily accessible from the company's home page.

(5) Any opt-out notice must include the following items:

(a) A statement that the name, address, and telephone number, if published in the telephone directory, are not private information and may be used by telemarketers even if the customer opts-out;

(b) A statement that private account information may be used to market (i) telecommunications-related products and services, or (ii) other products and services, or both (i) and (ii), whichever applies;

(c) A statement that the customer has a right to direct the company not to use the customer's private account information and that doing so will not affect the provision of any services to which the customer subscribes;

(d) A disclaimer that an opt-out directive for private account information does not prevent the company from making telephone solicitation or telemarketing calls to the customer and does not prevent the company from including the customer's listed name, address, and telephone number in lists sold, leased or provided to other firms. This disclaimer is not required if the company's practice is to exclude customers who opt-out of private account information use from use or disclosure for telemarketing purposes or if the company does not sell, lease, or directly provide such lists to other firms;

(e) A statement that the customer should expect to receive written confirmation within thirty days of the directive, with a suggestion that the customer call the company if the confirmation is not received by this time;

(f) A prominent statement of specific instructions by which the customer can direct the company not to use the customer's private account information. The dedicated opt-out telephone number required by WAC 480-120-211 (2)(a) must be printed in bold type and in a size larger than the body of the notice.

(g) A statement substantially equivalent to one or more of the following, if true:

(i) "Without customer approval, the company uses your [the customer's] private account information for the purpose of marketing service offerings among the categories of service (*i.e.*, local, interexchange, and CMRS) to which the customer already subscribes from the company;" or

(ii) "Without customer approval, the company shares your [the customer's] private account information with its associated companies"; or

(iii) "Without customer approval, the company uses your [the customer's] private account information to market adjuncts to basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features."

(6) The notice must be comprehensible and not misleading.

(7) The notice must be clearly legible, in twelve-point or larger typeface.

(8) A company may state in the notice that the use of PAI may enhance the company's ability to offer products and services tailored to the customer's needs, if such a statement is accurate.

(9) A company may state in the notice that the customer, upon affirmative written request, may compel the company to provide PAI to any person.

**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 480-120-211 Mechanisms for opting out of use of private customer account information (PAI).** (1) This section applies when a company, pursuant to WAC 480-120-207(1), is permitted to use a customer's PAI unless the customer directs otherwise (opt-out).

(2) At a minimum, companies must allow customers to opt-out using the following mechanisms, which must be provided by the company:

(a) Calling a dedicated, toll-free telephone number that provides access to a live or automated operator at all times. The telephone number must be accessible from all areas of the state where the company provides service. Without receiving unrelated information from the company before giving their directive, customers must have the option to opt-out;

(b) Calling any telephone number that the company provides for billing or customer service inquiries. This subsection permits companies to transfer customers directly to the number required in (a) of this subsection;

(c) Marking a box or blank on the notice and returning it to a stated address;

(d) Returning a postage-paid card included with the notice;

(e) Electronic mail, if the company otherwise receives or sends electronic mail messages to its customers; and

(f) Submitting an opt-out form found on the company's web site. The opt-out form must be directly linked to the written notice required by WAC 480-120-209(2). The web site must be accessible to the public using generally available browser software.

(3) A company may require, as part of any opt-out mechanism, that the customer comply with reasonable procedures to verify the identity of the customer. Any opt-out verification procedure must be no more burdensome on the customer than any verification procedure used by the company when a customer provides express (opt-in) approval or orders additional services on an existing account.

## NEW SECTION

**WAC 480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval.** (1) This section applies when opt-in approval of the customer is required before a company is permitted to use, disclose, or permit access to a customer's I-CPNI.

(2) A company must maintain records of customer notification and approval.

(3) Any solicitation for express customer approval must be accompanied by a written notice to the customer of the customer's right to restrict use, disclosure, and access to that customer's I-CPNI. The notice must state that I-CPNI includes all information related to specific calls initiated or received by a customer.

(a) The notice must state that the customer has a right under federal and state law to protect the confidentiality and limit use, disclosure, and access to the customer's I-CPNI.

(b) The notice must state that the company has a duty under federal and state law to protect the confidentiality of I-

CPNI and to comply with the customer's limitations on use, disclosure, and access to the information.

(c) The notice must state the types of information that constitute I-CPNI. If a company is seeking express approval to use, disclose, or permit access to call detail information, the notice must specify that call detail includes the telephone numbers of all calls made or received by the customer.

(d) The notice must specify whether the I-CPNI can be used, disclosed, or accessed by any entity or person other than the company providing the notice.

(e) The notice must describe general purposes for which I-CPNI can be used, disclosed, or accessed and specifically disclose whether the I-CPNI can be used to market services to the customer.

(f) The notice must inform the customer that approval by the customer is voluntary and that no action is required to protect the customer's I-CPNI from disclosure to third parties.

(g) The notice must inform the customer that deciding not to opt-in will not affect the provision of any services to which the customer subscribes.

(h) The notice must be comprehensible and must not be misleading.

(i) The notice must be clearly legible, in twelve-point or larger type, and be placed so as to be readily apparent to a customer.

(j) If any portion of a notice is translated into another language, then all portions of the notice must be translated into that language.

(k) A company may state in the notice that the customer's approval to use, disclose, or permit access to I-CPNI may enhance the company's ability to offer products and services tailored to the customer's needs, if the statement is accurate.

(l) A company may state in the notice that the customer, upon affirmative written request, may compel the company to disclose the customer's I-CPNI to any person.

(m) The notice must state that any approval for use, disclosure of, or access to I-CPNI may be revoked at any time.

(n) The notice must state that the customer should expect to receive written confirmation within thirty days and suggest that the customer call the company if the confirmation is not received by this time.

(o) A statement substantially equivalent to one or more of the following, if true,

(i) "Without customer approval, the company uses your [the customer's] private account information for the purpose of marketing service offerings among the categories of service (*i.e.*, local, interexchange, and CMRS) to which the customer already subscribes from the company;" or

(ii) "Without customer approval the company shares your [the customer's] PAI with its associated companies;" or

(iii) "Without customer approval the company uses your [the customer's] PAI to market adjuncts to basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features."

(4) Opt-in approval by the customer must be either:

(a) In writing, including messages by facsimile or electronic mail; or

(b) Orally, if the oral approval is verified by an independent third-party using substantially the same procedures as provided in WAC 480-120-147 (1)(c) or if the company makes a sound recording of the oral approval sufficient to establish knowing approval.

(5) The following table illustrates information identified in WAC 480-120-204 through WAC 480-120-208 and whether it would be considered to require express "opt-in" approval, an "opt-out" directive or is not covered by the rule.

Table Illustrating That Customer Approval Method Depends on the Type of Information

Type of Activity	Type of Information	
	Call Detail (specific calls, etc.)	Private Account Info. (excludes call detail)
Disclosing to third parties	Opt-in. (Sec. 204)	Opt-in (Sec. 204)
Marketing products and services out of category to which customer already subscribes	Opt-in (Sec. 204)	Opt-out (Sec. 207)
Marketing products and services within the category to which customer subscribes	Opt-in (Sec. 204)	No approval (Sec. 208)
In & outbound telemarketing of products and services out of category to which customer already subscribes	Oral opt-in good for duration of call (Sec. 206)	Oral opt-in, good for duration of call (Sec. 206; but no approval during call if company has opt-out approval under 207)
In & outbound telemarketing of products and services within the category to which customer subscribes	Oral opt-in good for duration of call (Sec. 206)	No approval (Sec. 208)

**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 480-120-213 Confirming changes in customer approval status.**

(1) Each time a company receives a customer's opt-out directive or opt-in approval that changes the customer's approval status, the company must confirm in writing the change in approval status within thirty days. The written confirmation must either be mailed to the customer's billing address, or may be sent to the customer's electronic mail address if the directive was sent to the company by electric-mail, and must be separate from any other mail from the company. The confirmation must include a short summary of the effect of the customer's opt-out or opt-in choice, and must provide a reasonable method to notify the company if the company made an error in changing the customer's approval status.

(2) A company may not use, disclose, or permit access to a customer's call detail based on a customer's express opt-in

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approval until three weeks after mailing the confirmation to the customer.

(3) This section does not apply when approval was received for the duration of an inbound or outbound telemarketing call as provided for in WAC 480-120-206.

(4) This section does not apply when a customer requests disclosure of CPNI as provided for in WAC 480-120-216.

**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 480-120-214 Duration of customer approval or disapproval.** A company must continue to follow any opt-out directive or opt-in approval received until the customer revokes the directive or approval.

#### NEW SECTION

**WAC 480-120-215 Safeguards required for I-CPNI.** Every company has a duty to protect the confidentiality of I-CPNI.

(1) Companies must train all personnel who have access to I-CPNI as to when they are and are not authorized to use, disclose, or permit access to CPNI, and companies must implement an express disciplinary process to deal with violations of the requirement.

(2) Companies must establish a supervisory review process regarding company compliance with rules governing use, disclosure of, or access to CPNI for outbound marketing situations and must maintain records of company compliance for at least two years. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) Companies must have an officer, as an agent of the company, sign a compliance certificate on an annual basis stating the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with rules concerning CPNI. The company must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules on this topic. The certificate and the compliance statement must be filed with the company's annual report to the commission.

(4) Class B companies need not report to the commission as required by subsection (3) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance.

#### NEW SECTION

**WAC 480-120-216 Disclosing CPNI on request of customer.** A company must disclose a customer's CPNI, upon affirmative written request by the customer, to any person designated by the customer.

#### NEW SECTION

**WAC 480-120-217 Using privacy listings for telephone solicitation.** (1) A local exchange company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customer with nonpublished or unlisted numbers and that the customer has a right to direct that the company make no such calls.

(2) When the company provides the notice required in subsection (1) of this section in writing, the notice must include a toll-free number and an electronic mail address the customer may use to state that solicitation should not be made.

(3) When the company provides the notice in subsection (1) of this section by phone call, the customer must be informed that inclusion in a solicitation list may be declined and if declined, the company must not make any additional solicitation.

#### NEW SECTION

**WAC 480-120-218 Using subscriber list information for purposes other than directory publishing.** If a company uses or provides subscriber list information for purposes other than directory publishing or compliance with 47 U.S.C. § 251 (b)(3), it must exclude from use or disclosure the subscriber list information of any customer who subscribes to a privacy listing, including a nonpublished or unlisted number, or who directs the company to exclude subscriber list information relating to his or her service.

#### NEW SECTION

**WAC 480-120-219 Severability.** If any provision of sections 201 through 218 of this chapter or their application to any person or circumstance is held invalid, the remainder of sections 201 through 218 or the application of the provision to other persons or circumstances is not affected.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-144	Use of privacy listings for telephone solicitation.
WAC 480-120-151	Telecommunications carriers' use of customer proprietary network information (CPNI)
WAC 480-120-152	Notice and approval required for use of customer proprietary network information (CPNI).
WAC 480-120-153	Safeguards required for use of customer proprietary network information (CPNI).
WAC 480-120-154	Definitions.

**WSR 03-01-005**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 4, 2002, 3:44 p.m., effective February 1, 2003]

Date of Adoption: December 4, 2002.

Purpose: The Division of Employment and Assistance Programs is adopting the rule to notify clients that their food assistance overpayment calculation disallows the earned income disregard for unreported earned income, and that an intentional program violation (IPV) can only be set up when the outcome of an administrative hearing determines that an IPV is appropriate.

Citation of Existing Rules Affected by this Order: Amending WAC 388-410-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 02-21-063 on October 15, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0; Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: February 1, 2003.

December 4, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-06-090, filed 3/1/02, effective 4/1/02)

**WAC 388-410-0030 How does the department calculate and set up my food assistance overpayment?** (1) The department calculates the amount of your food assistance overpayment by counting the difference between:

- (a) The benefits your assistance unit (AU) received; and
- (b) The benefits your AU should have received.

(2) To calculate the benefits your AU should have received, we determine what we would have authorized if we:

- (a) Had correct and complete information; and
- (b) Followed all the necessary procedures to determine your AU's eligibility and benefits.

(3) If you did not report your earned income as required under WAC 388-468-0007, you do not get the earned income

disregard under WAC 388-450-0185 when we calculate your overpayment amount.

(4) If you were underpaid food assistance benefits for a period of time, we will use these benefits to reduce your overpayment if:

(a) We have **not** already issued you benefits to replace what you were underpaid; and

(b) We have **not** used this amount to reduce another overpayment.

~~((4))~~ (5) We set up an inadvertent household error or administrative error overpayment if:

(a) We discovered the overpayment through the quality control process;

(b) You currently get food assistance benefits; or

(c) The overpayment is over one hundred twenty-five dollars and you do not currently get food assistance benefits.

~~((5))~~ (6) We do not set up inadvertent household error or administrative error overpayment if:

(a) We cannot find the responsible AU members; or

(b) We have referred your inadvertent household error for prosecution or an administrative disqualification hearing and collecting the overpayment could negatively impact this process.

~~((6))~~ (7) We set up an intentional program violation overpayment based on the results of an administrative hearing (chapter 388-02 WAC) unless:

(a) Your AU has repaid the overpayment;

(b) We cannot find the responsible AU members; or

(c) We have referred your inadvertent household error for prosecution and collecting the overpayment could negatively impact this process.

**WSR 03-01-008**

**PERMANENT RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed December 5, 2002, 10:18 a.m.]

Date of Adoption: November 6, 2002.

Purpose: This rule amends chapter 132H-450 WAC concerning the Bellevue Community College State Environmental Policy Act implementation to correct a typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 132H-450-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-18-084 on September 3, 2002.

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.  
December 4, 2002  
Elise J. Erickson  
Rules Coordinator

**AMENDATORY SECTION** [(Amending WSR 02-10-068, filed 4/26/02)]

**WAC 132H-450-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of Bellevue Community College District VIII that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and ~~((132-24))~~ 131-24 WAC.

(2) The president of the district or designee shall be responsible for administering and implementing this policy.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## WSR 03-01-009

### PERMANENT RULES

#### BELLEVUE COMMUNITY COLLEGE

[Filed December 5, 2002, 10:19 a.m.]

Date of Adoption: November 6, 2002.

Purpose: Chapter 132H-133 WAC identifies the location and organization for Bellevue Community College and establishes policy for commercial activities held at the college in accordance with chapter 28B.63 RCW. These amendments correct minor references to clarify the chapter and make it more readable.

Citation of Existing Rules Affected by this Order: Amending WAC 132H-133-040 and 132H-133-050.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-18-112 on September 3 [4], 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 4, 2002

Elise J. Erickson

Rules Coordinator

**AMENDATORY SECTION** [(Amending WSR 92-19-049, filed 9/10/92)]

**WAC 132H-133-040 Organization/operation information.** (1) Organization: Bellevue Community College, Community College District VIII is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle S.E., Bellevue, Washington 98007-6484. Educational operations are also located at ~~((the following address: 14844 S.E. 22nd Street, Bellevue, Washington, 98007-6484))~~ other sites throughout the district. The office hours are 8:00 a.m. to 5:00 p.m., Monday, through Friday, except legal holidays. During the summer months the college operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the college public information office and in the quarterly schedule.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007-6484.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**AMENDATORY SECTION** [(Amending WSR 92-19-049, filed 9/10/92)]

**WAC 132H-133-050 Commercial activity policy.** The mission of Community College District VIII, Bellevue Community College, is to provide comprehensive educational programs of the highest quality as provided for in the Community College Act of 1967. These programs will be responsive to the changing needs of the communities and the students served by our district and will be accessible to all those seeking to continue their education.

To promote the mission of Bellevue Community College it is often necessary to engage in commercial activities that provide goods and services that meet special needs of students, faculty, staff and members of the public participating in college activities and events.

~~((Chapter 97 of the Washington Laws of 1987))~~ Chapter 28B.63 RCW establishes standards for institutions of higher education to follow in conducting commercial activities. The purpose of these laws is to require institutions of higher education to define the legitimate purposes under which commercial activities may be approved by a college or university and to establish mechanisms for review of such activities.

PERMANENT

The purpose of the policy statement and standards that follow ~~((are))~~ is to assure that Bellevue Community College pursues commercial activities in compliance with chapter 28B.63 RCW (~~(97, Laws of 1987)~~) and that all commercial activities of the college serve the mission of the college.

(1) **Policy statement.** Bellevue Community College may engage in the providing of goods, services, or facilities for a fee only when such are directly and substantially related to the educational mission of the college. Fees charged for goods, services, and facilities shall reflect their full direct and indirect costs, including overhead. They shall also take into account the price of such items in the private marketplace.

(2) **Approval and review of commercial activities.** The ~~((dean))~~ vice president of administrative services shall be responsible for the approval of new commercial activities and the periodic review of existing ones. It shall be the responsibility of this officer to assure that each commercial activity meets the criteria established for commercial activities of the college. Proposals for new or altered services shall be approved by the ~~((dean))~~ vice president of administrative services prior to implementation.

(3) **Criteria for commercial activities serving members of the campus community.** Each of the following criteria shall be used in assessing the validity of providing goods or services to members of the campus community:

(a) The goods or services are substantially and directly related to the mission of the college.

(b) Provision of the goods, services or facilities on campus represents a special convenience to the campus community or facilitates extracurricular activities.

(c) Fees charged for the goods, services or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the costs of such items in the private marketplace.

(d) Procedures adequate to the circumstances shall be observed to ensure that the goods and services are provided only to persons who are students, faculty, staff, or invited guests.

(4) **Criteria for providing commercial activities to the external community.**

(a) The goods, ~~((or))~~ services or facilities provided relate substantially and directly to the mission of the college and are not commonly available or otherwise easily accessible in the private marketplace and ~~((for which there is a))~~ are in demand from external community.

(b) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the price of such items in the private marketplace.

(5) **Definitions and limitations.** "Commercial activity" means an activity which provides a product or service for a fee which could be obtained from a commercial source. This definition shall be used to determine which activities shall be governed by this policy, except that this policy shall not apply to:

(a) The initiation of or changes in academic or vocational programs of instruction in the college's regular, extension, evening or continuing education programs;

(b) Fees for services provided in the practicum aspects of instruction;

(c) Extracurricular programs, including food services, athletic and recreational programs, and performing arts programs.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## WSR 03-01-022

### PERMANENT RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-990146, General Order No. R-506—Filed December 6, 2002; 1:12 p.m.]

ORDER CORRECTING REPEAL DATE IN GENERAL ORDER NO. R-505

In the matter of adopting and repealing WAC 480-120-201 through 480-120-209 and 480-120-211 through 480-120-216, relating to telecommunications companies—Customer information rules.

1 On November 7, 2002, the Washington Utilities and Transportation Commission (commission) filed with the code reviser an order adopting and repealing rules governing how telecommunications companies may use information they possess about the telecommunications services a particular customer uses. General Order R-505 adopted the rules. The order is filed at WSR 02-23-004.

2 Because telecommunications companies had expressed concerns that rule compliance might take more than thirty-one days past November 7 (the date the rules would become effective unless a later date was specified in the order of adoption) the commission extended the effective date for the rules to January 1, 2003, pursuant to RCW 34.05.380(2).

3 Through a scrivener's error, the repeal date for the currently effective rules was not also extended to January 1, 2003. The commission seeks to correct this mistake by correcting General Order R-505. Without this correction, the current rules regulating use of customer information would be repealed on December 8, 2002, and no rules would be in effect.

4 In order to facilitate a smooth transition from the current rules to the newly adopted rules, the commission corrects General Order No. R-505 to effect a repeal date of January 1, 2003, for WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154. The commission seeks to correct its order by amending paragraphs 108 and 120, as set out below.

PROPOSED REVISIONS TO ADOPTION ORDER:

5 Paragraph 108 is amended to read:

WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 are repealed.

WAC 480-120-201, 480-120-203, 480-120-204, 480-120-205, 480-120-206, 480-120-207, 480-120-208, 480-120-209, 480-120-211, 480-120-212, 480-120-213, 480-120-214, 480-120-215, 480-120-216, 480-120-217, 480-120-218, and 480-120-219 are adopted to read as set forth in Appendix C, as rules of the Washington Utilities and Transportation Commission, ~~to take effect.~~ Pursuant to RCW 34.05.380(2) ~~on January 1, 2003,~~ the effective date of this repeal and adoption is January 1, 2003.

6 Paragraph 20 is amended to read:

In reviewing the entire record, the commission determines that WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 should be repealed. Pursuant to RCW 34.05.380(2), the effective date of this repeal should be January 1, 2003.

ORDER

7 Paragraph 108 of General Order R-505 is amended to read:

WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 are repealed.

WAC 480-120-201, 480-120-203, 480-120-204, 480-120-205, 480-120-206, 480-120-207, 480-120-208, 480-120-209, 480-120-211, 480-120-212, 480-120-213, 480-120-214, 480-120-215, 480-120-216, 480-120-217, 480-120-218, and 480-120-219 are adopted to read as set forth in Appendix C, as rules of the Washington Utilities and Transportation Commission.

Pursuant to RCW 34.05.380(2), the effective date of this repeal and adoption is January 1, 2003.

8 Paragraph 20 of General Order R-505 is amended to read:

In reviewing the entire record, the commission determines that WAC 480-120-144, 480-120-151, 480-120-152, 480-120-153, and 480-120-154 should be repealed. Pursuant to RCW 34.05.380(2), the effective date of this repeal is January 1, 2003.

DATED at Olympia, Washington, this 6th day of December, 2002.

Washington Utilities and Transportation Commission  
 Marilyn Showalter, Chairwoman  
 Richard Hemstad, Commissioner  
 Patrick J. Oshie, Commissioner

**WSR 03-01-031**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 417—Filed December 6, 2002, 2:34 p.m., effective June 30, 2003]

Date of Adoption: November 15, 2002.

Purpose: Staff have determined that a fee increase of approximately 3.29% is needed to cover budget requirements. This increase is in accordance with the limitations set forth in Initiative 601. Furthermore, as a result of the bingo bill, which allows bingo operators to increase operation from three days a week to seven days a week and to share a facility, we anticipate that charitable licensees will have increased

gross receipts. Therefore, the license classes for bingo and punch boards/pull-tabs were expanded to support the higher gross receipts.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-202, 230-04-203, 230-04-204, and 230-08-017.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-17-032 on August 13, 2002.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 30, 2003.

December 4, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

**WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations.** Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ ((53)) 54
Class B	Up to \$10,000	\$ ((53)) 54
Class C	Up to \$25,000	\$ ((285)) 294
Class D	Up to \$50,000	\$ ((457)) 472
Class E	Over \$50,000	\$ ((797)) 822

\* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

PERMANENT

2. BINGO GROUP

		(Fee based on annual gross gambling receipts)	VARIANCE *	
Class A	Up to	\$ ((15,000)) <u>25,000</u>	\$ 1,000	\$ ((53)) <u>54</u>
Class B	Up to	\$ ((50,000)) <u>75,000</u>	\$ 1,000	\$ ((166)) <u>171</u>
Class C	Up to	\$ ((100,000)) <u>150,000</u>	\$ 2,000	\$ ((339)) <u>350</u>
Class D	Up to	\$ ((250,000)) <u>350,000</u>	\$ 4,000	\$ ((945)) <u>944</u>
Class E	Up to	\$ ((500,000)) <u>650,000</u>	\$ 8,000	\$ ((1,541)) <u>1,590</u>
Class F	Up to	\$ ((1,000,000)) <u>1,500,000</u>	\$ 15,000	\$ ((3,095)) <u>3,196</u>
Class G	Up to	\$ ((1,500,000)) <u>2,000,000</u>	\$ 23,000	\$ ((4,467)) <u>4,612</u>
Class H	Up to	\$ ((2,000,000)) <u>3,000,000</u>	\$ 30,000	\$ ((5,967)) <u>6,162</u>
Class I	Up to	\$ ((2,500,000)) <u>4,000,000</u>	\$ 38,000	\$ ((7,455)) <u>7,700</u>
Class J	Up to	\$ ((3,000,000)) <u>5,000,000</u>	\$ 45,000	\$ ((8,945)) <u>9,238</u>
Class K	Up to	\$ ((3,500,000)) <u>6,000,000</u>	\$ 53,000	\$ ((10,034)) <u>10,364</u>
Class L	Up to	\$ ((4,000,000)) <u>7,000,000</u>	\$ 60,000	\$ ((11,470)) <u>11,846</u>
((Class M and above	Over	\$ 4,000,000	Net applicable	<u>12,906)</u>
Class M	Up to	\$ 8,000,000	\$ 65,000	\$ 13,330
Class N	Up to	\$ 9,000,000	\$ 70,000	\$ 14,500
Class O	Up to	\$ 10,000,000	\$ 75,000	\$ 16,000
Class P	Up to	\$ 11,000,000	\$ 80,000	\$ 17,500
Class Q	Up to	\$ 12,000,000	\$ 85,000	\$ 21,000
Class R	Up to	\$ 13,000,000	\$ 90,000	\$ 24,000
Class S	Up to	\$ 14,000,000	\$ 95,000	\$ 27,000

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

3. CARD GAMES

Class A	General (Fee to play charged)	\$ ((574)) <u>589</u>
Class B	Limited card games - hearts, rummy, pitch, pinochle, and cribbage (Fee to play charged)	\$ ((166)) <u>171</u>
Class C	Tournament only - no more than ten consecutive days per tournament	\$ ((53)) <u>54</u>
Class D	General (No fee to play charged)	\$ ((53)) <u>54</u>

4. FUND-RAISING EVENT

Class A	One event - not more than 24 consecutive hours	\$ ((339)) <u>350</u>
	First time applicant	
	*Previously licensed applicant	\$ ((200)) <u>206</u>
Class B	One event - not more than 72 consecutive hours	\$ ((574)) <u>589</u>

4. FUND-RAISING EVENT

	First time applicant	
	*Previously licensed applicant	\$ ((350)) <u>361</u>
Class C	Additional participant in joint event (not lead organization)	\$ ((166)) <u>171</u>
Class D	Limited fund-raising event (one event - not more than six consecutive hours)	
	First time applicant	\$ ((150)) <u>154</u>
	**Previously licensed applicant	\$ ((100)) <u>103</u>
Class E	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year***	\$ ((226)) <u>233</u>
Class F	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ ((571)) <u>589</u>

\* Provides for a reduced fee when charitable and nonprofit organizations apply for an additional Class A or Class B fund-raising event.

\*\* Provides for a fee reduction when charitable and nonprofit organizations apply for an additional Class D limited fund-raising event.

\*\*\* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS

		(Fee based on annual gross gambling receipts)	VARIANCE*
Class A	Up to	\$ 50,000	\$ 5,000 <u>561</u>
Class B	Up to	\$ 100,000	\$ 5,000 <u>1,002</u>
Class C	Up to	\$ 200,000	\$ 10,000 <u>1,892</u>
Class D	Up to	\$ 300,000	\$ 10,000 <u>2,750</u>
Class E	Up to	\$ 400,000	\$ 10,000 <u>3,552</u>
Class F	Up to	\$ 500,000	\$ 10,000 <u>4,288</u>
Class G	Up to	\$ 600,000	\$ 10,000 <u>4,970</u>
Class H	Up to	\$ 700,000	\$ 10,000 <u>5,594</u>
Class I	Up to	\$ 800,000	\$ 10,000 <u>6,162</u>
Class J	Up to	\$ 1,000,000	\$ 20,000 <u>6,986</u>

PERMANENT

5. PUNCH BOARDS/PULL-TABS

	(Fee based on annual gross gambling receipts)		VARIANCE*
Class K	Up to \$ 1,250,000	\$ 25,000	\$ ((7,509)) 7,756
Class L	Up to \$ 1,500,000	\$ 25,000	\$ ((8,204)) 8,470
Class M	Up to \$ 1,750,000	\$ 25,000	\$ ((8,774)) 9,058
Class N	Up to \$ 2,000,000	\$ 25,000	\$ ((9,290)) 9,594
<del>Class O</del>	Over \$ 2,000,000	Non-applicable	\$ -10,208))
Class O	Up to \$ 2,500,000	\$ 30,000	\$ 10,542
Class P	Up to \$ 3,000,000	\$ 35,000	\$ 11,200
Class Q	Up to \$ 4,000,000	\$ 40,000	\$ 13,200
Class R	Up to \$ 5,000,000	\$ 50,000	\$ 15,000
Class S	Up to \$ 6,000,000	\$ 60,000	\$ 17,000
Class T	Up to \$ 7,000,000	\$ 70,000	\$ 19,000
Class U	Up to \$ 8,000,000	\$ 80,000	\$ 21,000
Class V	Over \$ 8,000,000	\$ 80,000	\$ 23,000

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES

	(Fee based on annual gross gambling receipts)		
Class A	Up to \$ 5,000		\$ ((53)) 54
Class B	Up to \$ 10,000		\$ ((166)) 171
Class C	Up to \$ 25,000		\$ ((339)) 350
Class D	Up to \$ 50,000		\$ ((574)) 589
Class E	Up to \$ 75,000		\$ ((945)) 944
Class F	Over \$ 75,000		\$ ((1,370)) 1,414

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$ 25,000 from bingo, \$ 7,500 from raffles, and \$ 7,500 from amusement games, not to exceed \$ 30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.		\$ ((403)) 106
CLASS B	Allows gross gambling receipts of up to \$ 60,000 from bingo, \$ 15,000 from raffles, and \$ 15,000 from amusement games, not to exceed \$ 75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.		\$ ((268)) 276

7. COMBINATION LICENSE

CLASS C	Allows gross gambling receipts of up to \$ 125,000 from bingo, \$ 30,000 from raffles, and \$ 30,000 from amusement games, not to exceed \$ 150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.		\$ ((649)) 639
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8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)		\$ 26
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)		\$ 26
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)		\$ ((53)) 54

10. CHANGES

NAME	(See WAC 230-04-310)		\$ 26
LOCATION	(See WAC 230-04-320)		\$ 26
	(Date or time)		
FRE	(See WAC 230-04-325)		\$ 26
LICENSE CLASS	(See WAC 230-04-260)		\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)		\$ 26

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required	
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-08-017)		\$ 26
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required	
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required	

12. SIX-MONTH PAYMENT

PLAN	(See WAC 230-04-190)		\$ 26
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AMENDATORY SECTION (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

**WAC 230-04-203 Fees—Commercial stimulant and other business organizations.** All persons seeking to operate gambling activities shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

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PERMANENT

LICENSE TYPE	DEFINITION	FEE
<b>1. CARD GAMES</b>		
Class B	Up to five tables of limited card games - hearts, rummy, pitch, pinochle, and/or cribbage (Fee to play charged)	\$ ((170)) <u>175</u>
Class C	Tournament only, no more than ten consecutive days per tournament.	
C-5	Up to five tables	\$ ((170)) <u>175</u>
C-10	Up to ten tables	\$ ((308)) <u>318</u>
C-15	Up to fifteen tables	\$ ((513)) <u>529</u>
Class D	General - Up to five tables (No fee to play charged)	\$ ((54)) <u>55</u>
Class E	*General (Fee to play charged)	
E-1	One table only	\$ ((409)) <u>422</u>
E-2	Up to two tables	\$ ((704)) <u>727</u>
E-3	Up to three tables	\$ ((1,172)) <u>1,210</u>
E-4	Up to four tables	\$ ((2,350)) <u>2,426</u>
E-5	Up to five tables	\$ ((3,534)) <u>3,650</u>
Additional tables up to a maximum of fifteen may be authorized for an additional per table fee of \$ ((1,027)) <u>1,060</u> .		
*In addition to the above initial license fee, the commission will assess all applicants/licensees the actual costs that exceed the license fee for conducting the initial investigation and inspection, any follow-up reviews or investigations involved in the approval of activities and schemes.		
Class F	Enhanced card room activities endorsement - Includes alternative fee collections (per hand; pot rake) and use of player-supported jackpot schemes.	
	Annual license fee	\$ ((1,540)) <u>1,590</u>

<b>2. CARD GAMES - HOUSE-BANKED</b>		
	All tables within a card room operating any house-banked card game shall be licensed under this license class.	
	*Annual license fee	\$ ((6,166)) <u>6,368</u>
	Per table fee (up to fifteen tables)	\$ ((1,540)) <u>1,590</u>
*In addition to the above initial license fee, the commission will assess all applicants the actual costs that exceed the license fee for conducting the initial license investigation and premises inspection. Any post licensing follow-up reviews, inspections, internal control evaluations or subsequent phases of operation shall also be charged actual costs. Licensees will be evaluated and charged for these additional authorizations/phases on an individual case by case basis.		

<b>3. COMMERCIAL AMUSEMENT GAMES</b> (Fee based on annual gross gambling receipts)		
* Class A	Premises only	** \$ ((292/\$ 133)) <u>301/\$137</u>
Class B	Up to \$ 50,000	\$ ((409)) <u>422</u>

LICENSE TYPE	DEFINITION	FEE
Class C	Up to \$ 100,000	\$ ((1,052)) <u>1,086</u>
Class D	Up to \$ 250,000	\$ ((2,350)) <u>2,426</u>
Class E	Up to \$ 500,000	\$ ((4,122)) <u>4,256</u>
Class F	Up to \$ 1,000,000	\$ ((7,074)) <u>7,306</u>
Class G	Over \$ 1,000,000	\$ ((8,850)) <u>9,140</u>
* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.		
** Provides for a fee reduction of \$ ((159)) <u>164</u> when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.		
<b>4. PUNCH BOARDS/ PULL-TABS</b> (Fee based on annual gross gambling receipts)		
		VARIANCE*
Class A	Up to \$ 50,000	\$ 5,000 \$ ((559)) <u>577</u>
Class B	Up to \$ 100,000	\$ 5,000 \$ ((98)) <u>1,030</u>
Class C	Up to \$ 200,000	\$ 10,000 \$ ((1,882)) <u>1,942</u>
Class D	Up to \$ 300,000	\$ 10,000 \$ ((2,736)) <u>2,826</u>
Class E	Up to \$ 400,000	\$ 10,000 \$ ((3,534)) <u>3,650</u>
Class F	Up to \$ 500,000	\$ 10,000 \$ ((4,268)) <u>4,408</u>
Class G	Up to \$ 600,000	\$ 10,000 \$ ((4,946)) <u>5,108</u>
Class H	Up to \$ 700,000	\$ 10,000 \$ ((5,566)) <u>5,748</u>
Class I	Up to \$ 800,000	\$ 10,000 \$ ((6,132)) <u>6,332</u>
Class J	Up to \$ 1,000,000	\$ 20,000 \$ ((6,952)) <u>7,180</u>
Class K	Up to \$ 1,250,000	\$ 25,000 \$ ((7,718)) <u>7,970</u>
Class L	Up to \$ 1,500,000	\$ 25,000 \$ ((8,428)) <u>8,704</u>
Class M	Up to \$ 1,750,000	\$ 25,000 \$ ((9,014)) <u>9,310</u>
Class N	Up to \$ 2,000,000	\$ 25,000 \$ ((9,548)) <u>9,862</u>
(Class O)	Over \$ 2,000,000	Nonapplicable \$10,492)
Class O	Up to \$ 2,500,000	\$30,000 <u>\$10,836</u>
Class P	Up to \$ 3,000,000	\$35,000 <u>\$11,200</u>
Class Q	Up to \$ 4,000,000	\$40,000 <u>\$13,200</u>
Class R	Up to \$ 5,000,000	\$50,000 <u>\$15,000</u>
Class S	Up to \$ 6,000,000	\$60,000 <u>\$17,000</u>
Class T	Up to \$ 7,000,000	\$70,000 <u>\$19,000</u>
Class U	Up to \$ 8,000,000	\$80,000 <u>\$21,000</u>
Class V	Over \$ 8,000,000	\$80,000 <u>\$23,000</u>

LICENSE TYPE	DEFINITION	FEE
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\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

<b>5. PUNCH BOARD AND PULL-TAB SERVICE BUSINESS</b>		
	(See WAC 230-04-133) *Initial application fee	\$ ((211)) <u>217</u>
	Additional associate	\$ ((132)) <u>136</u>
	Renewal	\$ ((52)) <u>53</u>

\*Includes up to two associates.

<b>6. DISTRIBUTOR</b> (Fee based on annual gross sales of gambling related supplies and equipment)		
(a)	Class A Nonpunch board/pull-tab only	\$ ((586)) <u>605</u>
	Class B Up to \$ 250,000	\$ ((1,172)) <u>1,210</u>
	Class C Up to \$ 500,000	\$ ((1,762)) <u>1,818</u>
	Class D Up to \$ 1,000,000	\$ ((2,350)) <u>2,426</u>
	Class E Up to \$ 2,500,000	\$ ((3,060)) <u>3,160</u>
	Class F Over \$ 2,500,000	\$ ((3,768)) <u>3,890</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

<b>(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR</b>		
	Class A Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$ ((232)) <u>239</u>
	Class B Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$ ((586)) <u>605</u>

<b>7. GAMBLING SERVICE SUPPLIER</b>		
	(See WAC 230-04-119)	\$ ((610)) <u>630</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

((An annual)) A fee of \$ ((129)) 136 shall be charged for each new contract initiated by the gambling service supplier.

<b>8. LINKED BINGO PRIZE PROVIDER</b>		
	(See WAC 230-04-126)	\$ ((3,920)) <u>4,048</u>

<b>9. MANUFACTURER</b> (Fee based on annual gross sales of gambling related supplies and equipment)		
	Class A Pull-tab dispensing devices only	\$ ((586)) <u>605</u>
	Class B Up to \$ 250,000	\$ ((1,172)) <u>1,210</u>
	Class C Up to \$ 500,000	\$ ((1,762)) <u>1,818</u>

LICENSE TYPE	DEFINITION	FEE
Class D	Up to \$ 1,000,000	\$ ((2,350)) <u>2,426</u>
Class E	Up to \$ 2,500,000	\$ ((3,060)) <u>3,160</u>
Class F	Over \$ 2,500,000	\$ ((3,768)) <u>3,890</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, compliance suitability evaluations, and renewal of licenses when travel cost is incurred to complete the investigation.

**10. PERMITS**

<b>AGRICULTURAL FAIR/SPECIAL PROPERTY BINGO</b>		
Class A	One location and event only (See WAC 230-04-191)	\$ 26
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	\$ ((170)) <u>175</u>
<b>RECREATIONAL GAMING ACTIVITY (RGA)</b>		
	(See WAC 230-02-505 and 230-25-330)	\$ ((54)) <u>55</u>
<b>MANUFACTURER'S SPECIAL SALES PERMIT</b>		
	(See WAC 230-04-115)	*\$ ((205)) <u>211</u>

\*The two hundred ((five)) eleven dollar fee is nonrefundable, whether the sales permit is approved or not. In addition, an applicant may be assessed additional fees incurred to process and determine suitability.

**11. CHANGES**

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320)	\$ 26
BUSINESS	(Same owners)	\$ ((54)) <u>55</u>
CLASSIFICATION	(See WAC 230-04-340)	
LICENSE CLASS	(See WAC 230-04-260)	
	New class fee, less previous fee paid, plus	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26
CORPORATE STOCK/LIMITED LIABILITY COMPANY SHARES/UNITS	(See WAC 230-04-360)	\$ ((54)) <u>55</u>
LICENSE TRANSFERS	(See WAC 230-04-125 and 230-04-340)	\$ ((54)) <u>55</u>

**12. SPECIAL FEES**

INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-017)	\$ 26
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required

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LICENSE TYPE	DEFINITION	FEE
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required
ELECTRONIC CARD FACSIMILE TABLE IDENTIFICATION	(See WAC 230-08-017)	*\$ ((350)) <u>361.51</u>
STAMP	*Annually, for each separate table	
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13. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$ 26

**AMENDATORY SECTION** (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

**WAC 230-04-204 Fees—Individuals.** Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NON-PROFIT GAMBLING MANAGER	Original	\$ ((166)) <u>171</u>
	Renewal	\$ ((80)) <u>82</u>
	Change of Employer	\$ ((80)) <u>82</u>
<hr/>		
2. LINKED BINGO PRIZE PROVIDER REPRESENTATIVE	Original	\$ ((232)) <u>239</u>
	Renewal	\$ ((142)) <u>146</u>
<hr/>		
3. COMMERCIAL GAMBLING MANAGER	Original	\$ ((170)) <u>175</u>
	Renewal	\$ ((82)) <u>84</u>
	Change of Employer	\$ ((82)) <u>84</u>
<hr/>		
4. DISTRIBUTOR'S OR GAMBLING SERVICES SUPPLIER REPRESENTATIVE	Original	\$ ((232)) <u>239</u>
	Renewal	\$ ((142)) <u>146</u>
<hr/>		
5. MANUFACTURER'S REPRESENTATIVE	Original	\$ ((232)) <u>239</u>
	Renewal	\$ ((142)) <u>146</u>
<hr/>		
6. PUBLIC CARD ROOM EMPLOYEE	((class a — Performs duties as defined in WAC 230-02-415 in a class E card room.))	

**CLASS A - Performs duties as defined in WAC 230-02-415 in a class E card room.**

Original	\$ ((170)) <u>175</u>
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LICENSE TYPE	DEFINITION	FEE
	Renewal	\$ ((82)) <u>84</u>
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<b>CLASS B - Performs duties as defined in WAC 230-02-415 in enhanced and house-banked card rooms.</b>		
	Original, in-state	\$ ((230)) <u>237</u>
	Original, out-of-state	\$ ((26)) <u>295</u>
	Renewal	\$ ((142)) <u>146</u>
	Transfer/Additional Employee/Conversion/ Emergency Waiver Request	\$ ((56)) <u>57</u>
<hr/>		
7. OTHER FEES		
CHANGE OF NAME	(See WAC 230-04-310)	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

**AMENDATORY SECTION** (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

**WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps.** To ensure gambling equipment is used only as authorized, manufacturers, distributors, linked bingo prize providers, and operators shall maintain close control over all gambling equipment in their possession.

**Documenting equipment transfers.**

(1) Each licensee that transfers leases or provides gambling equipment shall document the transaction by completing an invoice or other written record setting forth the information required by WAC 230-08-040.

**ID stamps to be affixed to equipment.**

(2) Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

**Equipment/devices requiring ID stamps.**

(3) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

- (a) Punch boards and pull-tab series;
- (b) Pull-tab dispensing devices;
- (c) Disposable bingo cards;
- (d) Coin or token-activated amusement games operated at any Class A amusement game license location;
- (e) Electronic bingo card daubers;
- (f) Electronic card facsimile table; and
- (g) Other gambling equipment or devices, as determined by the director.

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**Purchasing and affixing ID stamps.**

(4) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: Provided, That a licensed owner of controlled gambling equipment may purchase and attach stamps as outlined in subsections (10) and (11) of this section;

**Fees for ID stamps.**

(5) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

~~((a) Punch boards and pull-tabs:~~

- ~~(i) Standard wagers fifty cents and below twenty-seven cents;~~
- ~~(ii) Standard wagers over fifty cents one dollar and two cents;~~
- ~~(iii) Progressive jackpot pull-tab series ten dollars and twenty-seven cents per series;~~
- ~~(iv) Pull-tab series with carry-over jackpots one dollar and two cents;~~

~~(b) Pull-tab dispensing devices:~~

- ~~(i) Mechanical and electro-mechanical twenty-seven cents;~~
- ~~(ii) Electronic pull-tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes, and other functions determined by the director one hundred two dollars and seventy-nine cents annually.~~

~~(c) Disposable bingo cards:~~

- ~~(i) Sets of individual cards or sheets of cards twenty-seven cents;~~
- ~~(ii) Collations of cards one dollar and thirteen cents;~~
- ~~(iii) Cards used to play for linked bingo prizes forty-one cents per two hundred fifty cards.~~

~~(d) Coin or token-activated amusement games operated at any Class A amusement game license location twenty-five dollars and sixty-nine cents annually;~~

- ~~(e) Electronic bingo card daubers ten dollars and twenty-seven cents annually;~~
- ~~(f) Electronic card facsimile table three hundred fifty dollars annually for each table;~~
- ~~(g) Other equipment or devices the actual cost of inspection or approval, as determined by the director.~~

Equipment Type	Definition	Fee
<b>(a) Punch boards and pull-tabs</b>		
(i) Standard	Wagers fifty cents and below	\$ .27
(ii) Standard	Wagers over fifty cents	\$1.05
(iii) Progressive jackpot pull-tab series	Per series	\$10.60
(iv) Pull-tab series with carry-over jackpots	Per series	\$1.05
<b>(b) Pull-tab dispensing devices</b>		
(i) Mechanical and electro-mechanical		\$ .27

Equipment Type	Definition	Fee
(ii) Electronic	Dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes, and other functions determined by the director	\$106.17
<b>(c) Disposable bingo cards</b>		
(i) Sets of individual cards or sheets of cards		\$ .27
(ii) Collations of cards		\$1.16
(iii) Cards used to play for linked bingo prizes	Fee is per 250 cards Fee is per 5000 cards	\$ .42 \$8.49
<b>(d) Coin or token-activated amusement games</b>		
Operated at any Class A amusement game license location		\$26.53
(e) Electronic bingo card daubers		\$10.60
(f) Electronic card facsimile table		\$361.51
(g) Other equipment or devices		The actual cost of inspection or approval, as determined by the director

**ID stamps valid for one year - exception.**

(6) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year.

**Affixing stamps - shipping and packaging.**

(7) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton.

**Location of ID stamps on equipment/devices.**

(8) Stamps and records entry labels shall be affixed in the following manner:

(a) **Punch boards** - on the reverse side in an area that will not obstruct removal of punches: Provided, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punch board in a manner that will not obstruct

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display of prizes available or other information required by rules of the commission;

(b) **Pull-tabs** - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission;

(c) **Pull-tab dispensing devices** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull-tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded;

(d) **Disposable bingo cards** - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: Provided, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons; and

(e) **Electronic facsimile card table** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the card facsimiles. The records entry labels shall not be affixed to table and may be discarded.

#### **ID stamps shall only be affixed to approved devices.**

(9) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval.

#### **Licensed owners may purchase ID stamps.**

(10) A licensed owner of gambling devices which require annual identifications and inspection services stamps may purchase such from the commission. The licensee shall submit the appropriate fee, along with a form provided by the commission, to obtain the stamps.

#### **Replacing worn ID stamps on pull-tab dispensing devices.**

(11) A licensed owner of pull-tab dispensing devices may obtain a commission identification and inspection services stamp to replace an identification stamp affixed to a pull-tab dispensing device that has become unidentifiable due to wear. The fee for replacement of the stamp shall be as required by WAC 230-04-202 and/or 230-04-203. The operator or distributor shall furnish the following information to the commission:

(a) A copy of the invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question; or

(b) A complete description of the pull-tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device, if known.

#### **Recordkeeping and replacing damaged stamps.**

(12) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission for at least three

years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: Provided, That damaged stamps may be returned to the commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamps and a ten cent per stamp service charge.

### **WSR 03-01-039**

#### **PERMANENT RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order 01-13—Filed December 9, 2002, 10:41 a.m.]

Date of Adoption: December 9, 2002.

Purpose: In 2001 the legislature amended the water conservancy board statute, chapter 90.80 RCW. The purpose of this rule amendment is to make chapter 173-153 WAC consistent with the statute as well as reflect the four years of ecology and board operational experience.

Citation of Existing Rules Affected by this Order: Amending chapter 173-153 WAC.

Statutory Authority for Adoption: RCW 90.80.040.

Adopted under notice filed as WSR 02-17-062 on August 16, 2002.

Changes Other than Editing from Proposed to Adopted Version:

- Additional detail was added to WAC 173-153-042 regarding a commissioner's responsibility when resigning from a board.
- Added the definition of bylaws because it is used in the rule and needed clarification.
- Added into the process a suggestion that boards obtain a copy of the water right file related to an application the board is processing.
- Removed language identifying board's retention of records recognizing a board's independent operational status.

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 5, Amended 15, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 8, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 12, 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.

December 9, 2002

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-010 What are the purpose and authority of this chapter?** The purpose of this chapter is to establish procedures the department of ecology (ecology) ~~((and)), water conservancy boards ((conservancy boards)), applicants, concerned agencies, and the public will follow in implementing chapter 90.80 RCW((, and in implementing RCW 90.03.380, 90.03.390, and 90.44.100, which govern the granting of water right transfers)). Chapter 90.80 RCW authorizes establishment of water conservancy boards and vests them with certain powers relating to water right transfers. RCW 90.80.040 authorizes the department to adopt rules necessary to carry out the purposes of the statute.~~

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-020 ~~((Applicability))~~ To what does this chapter apply?** These procedures apply to the establishment of water conservancy boards ~~((established))~~ in accordance with chapter 90.80 RCW ~~((and))~~ and to ~~((how applications to transfer water rights that are filed with a water conservancy board will be processed))~~;

(1) How such boards will function when processing water right transfer applications that are filed with a board or that are transferred to a board from ecology at an applicant's request;

(2) Reporting requirements of boards;

(3) How ecology will support and interact with boards; and

(4) How interested agencies and the public may participate in the board process.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-030 ~~((Definitions))~~ How are terms defined in this rule?** For the purposes of this chapter, unless the context clearly indicates otherwise, the following definitions apply:

~~((+)) "Alternate" means an individual who:~~

(1) May serve as an alternate commissioner of a board at the request of the board or the legislative authority or authorities of the county or counties;

(2) Serves a board in a nonvoting capacity;

(3) Is not considered for the purpose of satisfying a quorum; and

(4) Cannot take the place of a commissioner on a temporary basis.

"Application" means an application made on an ecology form identified as an Application for Change/Transfer to Water Right, form number 040-1-97 for a transfer of a water right, including those transfers proposed under authority of RCW 90.03.380, 90.03.390 and 90.44.100. ~~((Application generally refers to filings made on an ecology form titled "application for change/transfer of water right," number 040-1-97, or as that form may be amended by ecology in the future.~~

~~((2)) "Conditional decision" means the conclusion reached by an individual conservancy board regarding approval or denial of an application to transfer an existing water right.~~

~~((3)) A board may supplement the application with additional forms or requests for additional documentation. These forms and documentation become a part of the application.~~

"Board" means a water conservancy board pursuant to chapter 90.80 RCW.

"Bylaws" means the internal operating procedures, policies, or other guidance adopted by a board and designated as the board's bylaws.

"Commissioner" means an individual appointed to serve as a voting member on a water conservancy board through a written statement by the legislative authority or authorities of the county or counties.

"Consumptive use" means use of water whereby there is a diminishment of the water source.

~~((4)) "Director" means the director of the department of ecology.~~

"Ecology" means the department of ecology.

"Ecology regional office" means the water resources program at the ecology regional office designated to a board as the office where the board shall interact as identified within this chapter.

"Geographic area" means an area within the state of Washington in which an established board would have authority to process water right transfer applications. This area is identified by the legislative authority or authorities of the county or counties seeking to establish the water conservancy board. The area may be a single county, more than one county, a single water resource inventory area, or more than one water resource inventory area. If the identified geographic area contains all or part of more than one county, the counties involved must identify a "lead county" for certain administrative purposes.

"Lead county" means the county legislative authority with which ecology will communicate for administrative purposes in cases where a water conservancy board's geographic area includes more than one county legislative authority.

"Nonwater right holder" means, solely for the purpose of satisfying RCW 90.80.050(2) in regard to determining whether a potential water conservancy board commissioner is a "nonwater right holder," any party who:

(1) Does not meet the criteria of a water right holder as defined in this section; or

(2) Receives water solely through a water distributing entity.

"Record of decision" means the written conclusion reached by a water conservancy board regarding a transfer application, with documentation of each board commissioner's vote on the decision. The record of decision must be on a form provided by ecology and identified as a Record of Decision, form number 040-105.

"Report of examination" means the written explanation, factual findings, and analysis that support a board's record of decision. The report of examination is an integral part of the record of decision. The report of examination must be on a form provided by ecology and identified as

Water Conservancy Board Report of Examination, form number 040-106.

"**Source**" means the water body from which water is or would be diverted or withdrawn under an existing water right which an applicant has proposed to be transferred.

~~((5))~~ "**Transfer**" means ~~((an alteration, in whole or in part, in the point of diversion or withdrawal, purpose of use, place of use, or change or amendment of a water right, or other limitation or circumstance of water use approved in accordance with))~~ a transfer, change, amendment, or other alteration of part or all of a water right, as authorized under RCW 90.03.380, 90.03.390 or 90.44.100.

"**Trust water right**" means any water right acquired by the state under chapter 90.38 or 90.42 RCW, for management in the state's trust water rights program.

"**Water conservancy board coordinator**" means the person designated by the director or his or her designee to coordinate statewide water conservancy board activities, communication, and training, and to advocate for consistent statewide implementation of chapter 90.80 RCW and chapter 173-153 WAC.

"**Water right holder**" means, solely for the purpose of satisfying RCW 90.80.020 (2)(d) and 90.80.050(2) in regard to determining whether the qualifications of petitioners to create a board and a potential water conservancy board commissioner are "water right holders," and as used within this rule, any individual who asserts that he or she has a water right and can provide appropriate documentation of a privately owned water right which is appurtenant to the land that they individually or through marital community property own or in which they have a majority interest.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-040** ~~((Creation of))~~ How is a water conservancy board created? ~~((Counties))~~ All eligible entities identified in this section under subsection (1)(a) of this section are encouraged to consult with ecology when considering ~~((formation))~~ creation of a water conservancy board. In accordance with chapter 90.80 RCW, boards may have either three or five commissioners and must be established to serve an identified geographic area, as defined in WAC 173-153-030. A newly established board cannot include in the geographic area in which it will serve any area that overlaps with a geographic area served by an existing board.

(1) Creation of a water conservancy board is accomplished by the following steps:

(a) A resolution or petition is proposed to or by the legislative authority or authorities of a county or counties;

(b) Public notice;

(c) Public hearing(s);

(d) Adoption of a resolution creating the board by the legislative authority or authorities of the county or counties;

(e) When a board is created by more than one county legislative authority, a lead county is designated;

(f) A petition is submitted to the director; and

(g) The director must approve the creation of a board.

Where is the resolution or petition calling for the creation of a board submitted?

(2) A resolution or petition calling for creation of a water conservancy board must be submitted to the ~~((county))~~ legislative authority ~~((calling for formation of a water conservancy board. The))~~ or authorities of the county or counties in which the board would serve.

Who can initiate a petition calling for the creation of a board?

(3) A resolution or petition may be initiated by the following entities:

~~((i))~~ (a) The ~~((county))~~ legislative authority or authorities of the county or counties which would be served by the board;

~~((ii))~~ (b) The legislative authority of an irrigation district, a public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system;

~~((iii))~~ (c) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;

~~((iv))~~ (d) Five or more water right(s) holders ~~((who divert water for use in the county)),~~ in the geographic area which would be served by the board, who divert or withdraw water for a beneficial use, or whose nonuse of water is due to a sufficient cause or an exemption pursuant to RCW 90.14.140; or

~~((v))~~ (e) Any combination of the above(s).

~~((b))~~ What information must be included in the proposed resolution or petition calling for the creation of a board?

(4) The resolution or petition must include:

~~((i))~~ (a) A statement ~~((of))~~ describing the need for the board;

~~((ii))~~ (b) Proposed bylaws that will govern the operation of the board;

~~((iii))~~ (c) Identification of the geographic ~~((boundaries where there is an initial interest in transacting water sales or transfers))~~ area within which the board would serve; and

~~((iv))~~ (d) A description of the proposed method(s) for funding the operation of the board(s);

~~((v))~~ (e) A public hearing must be held by the county legislative authority on the proposed creation of the board(s).

~~((d))~~ What notice is given to the public regarding the proposed creation of a board?

(5) A public notice must be published in a newspaper of general circulation in the county or, if the board would serve more than one county, a public notice must be published in a newspaper of general circulation in each county in which the board would serve. The notice(s) must be published not less than ten days ~~((not))~~ and not more than thirty days ~~((s))~~ before the date of a public hearing ~~((to be held by the county legislative authority))~~ on the proposed creation of the ~~((water conservancy))~~ board. The notice(s) shall describe the ~~((time, date, place and purpose of the hearing, as well as the))~~;

(a) Time;

(b) Date;

(c) Place;

(d) Purpose of the hearing; and

(e) Purpose of the board.

Notice must be sent to ~~the~~ ecology ~~(('s))~~ regional office at the time of publication of the public notice, and an effort ~~((should))~~ shall be made to ensure that any watershed planning unit ~~((or))~~ and Indian tribe with an interest in water rights in the ~~((county))~~ area to be served by the board also receives the notice ~~((;))~~.

**How many public hearings must be held for the creation of a board?**

(6) At least one public hearing on the proposed creation of the board must be held by the legislative authority of each county in which the board would serve.

**What must be included in the adopted resolution which establishes a board?**

(7) If the legislative authority or authorities of the county or counties decide to establish a board after the public hearing(s) a resolution must be adopted by the ~~((county))~~ legislative authority or authorities of the county or counties, approving the creation of ~~((a water conservancy))~~ the board ~~((; and~~

~~((f))~~ The county legislative authority shall identify and select county residents who wish to participate on the county's water conservancy board.

~~((2))~~ Ecology will approve or deny creation of a water conservancy board within forty five days of receiving ~~((;))~~. The resolution must describe or include:

(a) The need for the board;

(b) The geographic area to be served by the board;

(c) The method or methods which will be used to fund the board;

(d) Whether the proposed board will consist of three or five commissioners;

(e) The designated lead county if a board is proposed which would serve in more than one county; and

(f) A finding that the creation of the board is in the public interest.

**What is included in a petition to ecology for the creation of a board?**

(8) The petition submitted to ecology to create the board must include the following:

(a) A copy of ~~((a))~~ the resolution or petition to or by the ~~((county))~~ legislative authority or authorities of the county or counties calling for the ~~((formation of a water conservancy board))~~ creation of a board. If a board is proposed which would serve in more than one county, the resolution shall be provided by the lead county as designated under subsection (7)(e) of this section. If five petitioners meeting the definition of a water right ~~((s))~~ holder ~~((s who divert water for use in the county initiated the petition, it must include their names, addresses, and documentation as to the water rights held by the petitioners. Documentation may include the permit number, certificate number, or claim number of the petitioner's water right. The petition must include a description of how the water conservancy board will be funded;~~

(b) An affidavit of publication for the public notice that appeared in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the

date of the public hearing on the proposed creation of the board;

~~((e))~~ in the county or counties which initiate the petition, the petition must also include the names and addresses of the petitioners;

(b) A summary of the public testimony presented during the public hearing(s) conducted by the ~~((county))~~ legislative authority or authorities of the county or counties in response to the resolution or petition to ~~((form a water conservancy))~~ create a board. The summary shall ~~((include a title and a date for))~~ be clearly identified and include the date of the hearing;

~~((d))~~ (c) A copy of the resolution adopted by the ~~((county))~~ legislative authority or authorities of the county or counties approving the creation of a water conservancy board. The resolution must include ~~((a method for funding the proposed water conservancy board))~~ all elements described in subsection (7) of this section; and

~~((e))~~ (d) A copy of the board's proposed bylaws.

**What is the process for the director to approve or deny the creation of a water conservancy board?**

(9) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (8) of this section, the director will determine ~~((f))~~ whether the creation of a water conservancy board will further the purposes of the law and ~~((will))~~ be in the public interest. The public interest includes, but is not limited to, whether ecology has sufficient staffing resources to provide the necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's ~~((anticipated conditional))~~ records of decisions ~~((on applications))~~.

~~((4))~~ Based on its determination, ecology will approve or deny the formation of the water conservancy board. If formation of a water conservancy board is approved, ecology will include a description of the training requirements as outlined in WAC 173-153-050 for water conservancy board members in its approval.

(5)(a) Ecology may revoke legal authority of a board to make conditional decisions in the following circumstances:

(i) If the board fails to render a conditional decision for a period of not less than two years; or

(ii) If the board demonstrates a pattern of ignoring legal principles and requirements in its processing of applications or in its conditional decisions; or

(iii) If requested by the county legislative authority that called for the board's formation.

(b) The board will be allowed thirty days to respond to any revocation before it becomes effective. Ecology may reverse the revocation based upon the board response. (10) The director's determination regarding creation of the board shall be made within forty-five days of receiving all items listed in subsection (8) of this section.

(11) If creation of a board is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and a description of the initial training requirements for board commissioners as outlined in WAC 173-153-050.

PERMANENT

NEW SECTION**WAC 173-153-042 How are water conservancy board commissioners appointed and the length of their terms determined?****How do counties notify ecology of board commissioner's appointments and terms?**

(1) Upon approval of a new board by ecology, or upon approval of restructuring the number of commissioners on an existing board, the legislative authority of the county or the lead county shall submit to ecology's water conservancy board coordinator a written statement identifying the individuals appointed to the board. The statement must include:

(a) The name, mailing address, and phone number or other contact information of the commissioners;

(b) The terms of office of the commissioners; these terms of office must be staggered as described in RCW 90.80.-050(1).

**What happens when a board commissioner's term expires or a board position becomes vacant?**

(2) Upon the expiration of a board commissioner's term, the appropriate legislative authority or authorities of the county or counties shall either:

(a) Reappoint the incumbent commissioner; or

(b) Appoint a new commissioner to the board. A written statement including the information as described in subsection (1) of this section shall be submitted to ecology's water conservancy board coordinator.

(3) In the event a board position becomes vacant, the legislative authority or authorities of the county or counties shall appoint a new commissioner in accordance with RCW 90.80.050(2). A statement as described in subsection (1) of this section must be submitted to ecology's water conservancy board coordinator. The new commissioner shall fill the vacancy only for the remainder of the unexpired term and, upon completion of the unexpired term, may be reappointed, as described in subsection (2) of this section, to serve a full six-year term.

**What are the terms of board commissioners?**

(4) Initial terms of commissioners appointed to a newly created board shall be staggered as described in RCW 90.80.050.

(5) Upon the expiration of the initially appointed commissioners' terms, all subsequent appointments shall be for six-year terms.

(6) The initial terms of office of board commissioners on a restructured board shall be staggered as set forth in RCW 90.80.050. As each of the commissioners' term of office expires, newly or reappointed commissioners shall all be appointed to six-year terms. However, in order to maintain staggered terms, regardless of the date on which such commissioners may be appointed or reappointed, the expiration of all commissioners' terms shall be the same day and month as the expiration of the term of office of the first commissioner appointed to the board, varying only in the year of expiration.

**How would an appointed board member resign the position?**

(7) A board commissioner may resign the board position by submitting a letter of resignation to the appointing county or counties. A copy of the resignation letter must be submitted to the water conservancy board coordinator by either the resigning board member or by the board.

**What is the responsibility of a board in notification of board vacancies?**

(8) It is the responsibility of the board to notify the appointing county(ies) and the water conservancy board coordinator that there is a board commissioner vacancy.

(9) The appointing county(ies) and the board will determine and conduct a process to fill the commissioner vacancy in accordance with subsection (3) of this section.

NEW SECTION**WAC 173-153-043 How can a board's authority be revoked or the board dissolved?****Revocation:**

(1)(a) Ecology may revoke legal authority of a board to make any decisions regarding water right transfers for reasons which include, but are not limited to, the following:

(i) If the board fails to issue a record of decision for a period of two years or more from the date the board was approved or from the date that the last record of decision was issued; or

(ii) If the board demonstrates a pattern of ignoring statutory and regulatory requirements in its processing of applications or in its records of decision; or

(iii) If requested by the legislative authority or authorities of the county or counties that called for the board's formation.

(b) The board will be allowed thirty days to respond to any revocation before it becomes effective. Ecology may reverse the revocation based upon the board response.

**Dissolution:**

(2)(a) The legislative authority of a county or lead county may adopt a resolution to dissolve a board.

(b) Ecology may petition the legislative authority of the county or lead county, with a copy to the board, for dissolution of a board.

(c) Upon resolution by the legislative authority of the county or lead county to approve the dissolution of a board, the board will be allowed thirty days after the date of the resolution to respond to the petition for dissolution.

(d) The resolution by a county or lead county to approve the dissolution of a board will become effective thirty days after adoption of the resolution.

(e) The legislative authority of the county or lead county may reverse the dissolution based upon the board's response.

NEW SECTION

**WAC 173-153-045 What is the process for restructuring a board?** (1) A board may be restructured as to the number of commissioners on the board and the geographic area of its jurisdiction.

(2) A board, a county legislative authority, or a lead county legislative authority may request to restructure an

existing board within its geographical jurisdiction. It is suggested that the legislative authority or authorities of the county or counties and the existing board communicate and work cooperatively during the board restructuring process.

(3) The legislative authority or authorities of the pertinent county or counties shall hold a public hearing and adopt a resolution including:

(a) The manner of restructuring and the need for restructuring the board;

(b) The number of commissioners to serve on the board;

(c) The proposed geographic area of jurisdiction of the board;

(d) If the proposed geographic area of jurisdiction is restructured to include more than one county legislative authority, the legislative authorities of each county included within the restructuring shall identify a lead county; and

(e) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution to restructure a board. The summary shall be clearly identified and include the date of the hearing.

(4) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (3) of this section, the director will determine whether the restructuring of a board will further the purposes of the law and be in the public interest as described in WAC 173-153-040(10).

(5) The director's determination to approve or deny restructuring of the board shall be made within forty-five days of receiving all items listed in subsection (3) of this section.

(6) If the board restructuring is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and shall identify the date the restructuring of the board will take effect. The director shall also identify any additional training required of the board if it assumes jurisdiction of a new geographic area.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-050 What are the training requirements(-) for board commissioners?**

**What training is required for newly appointed board commissioners?**

(1) ~~((Before participating in any conditional decision of a water conservancy board, every member is required to complete a training program provided by ecology.))~~ Every commissioner of a board shall complete a training program provided by ecology before participating in any decision concerning a water right transfer application being considered by the board. Attendance at training for new commissioners shall be limited to board commissioners, their administrative staff, board alternates, and individuals providing training. Due to the complexity of the training and the need to provide adequate time to focus on questions from board commissioners, the number of participants attending each training session shall be left to the discretion of the water conservancy board

coordinator. Training for new commissioners shall be held at least once in the spring and once in the fall depending on, but not limited to:

(a) Whether ecology has sufficient staffing resources to provide the necessary training; and/or

(b) Whether there are sufficient numbers of board commissioners needing training.

(2) Successful completion of the training program will consist of:

(a) ~~((Completing))~~ Receiving at least thirty-two hours of instruction, ~~from or sponsored by ecology,~~ regarding hydrology, state water law, state water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and ~~((applied))~~ practical experience working with ecology staff on applications for ~~((transfer of))~~ water right~~((s with ecology staff))~~ transfers; and

(b) Demonstrating an understanding of course materials during training, and demonstrating sufficient mastery of the training curriculum ~~((by passing))~~ through an examination ~~((given))~~ administered by an ecology employee upon completion of ~~((the minimum))~~ training.

~~((2)) Ecology will certify in writing to the appropriate county legislative authority the successful completion of the training program for water conservancy board members and staff.))~~

(3) If a board is restructured to modify the geographic area, the director may require additional training of all board commissioners;

(4) Upon a water conservancy board commissioner's or alternate's successful completion of the training, ecology will certify such completion in writing to the county or lead county of the geographic area served by the board. A copy of this letter shall also be sent to the board.

**Are there continuing education requirements for board commissioners?**

(5) After completing one year of service on a water conservancy board, ~~((members must each year complete))~~ each following year prior to the anniversary of their appointment to the board, commissioners must complete an additional eight hours of continuing education ~~((directed))~~ provided or approved by ecology. Each commissioner shall complete the minimum continuing education requirement before participating in any decision concerning a water right transfer application being considered by a board. Continuing education may include, but is not limited to, readings, a seminar or conference, or field experience ~~((on))~~ regarding, but not necessarily limited to, subjects such as state water law, state water policy, administrative and judicial case law developments, field practices, ~~((the))~~ evaluation of existing water rights, ~~((or))~~ and hydrology.

(6) Ecology may, at its discretion, and in response to ~~((demand))~~ requests, provide training ~~((semiannually))~~ periodically. Ecology may also combine training for more than one board.

**How can a board commissioner receive credit for continuing education not provided or sponsored by ecology?**

(7) Continuing education training requirements under subsection (5) of this section may be fulfilled through train-

ing not provided or sponsored by ecology. However, such training will be accepted only if it is reported to ecology on a form provided by ecology and identified as the Water Conservancy Board Training Credit Request Form, form number 040-104, and approved by ecology as appropriate training.

(8) Board commissioners are encouraged to report to the water conservancy board coordinator all relevant continuing education received.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-060 What is the scope of authority of a water conservancy board?** (1) A board has authority to:

(a) Evaluate water right transfer applications and issue records of decision and reports of examination for water right transfers;

(b) Act upon the transfer of water rights to the state trust water right program, when doing so is associated with an application to transfer a water right. Boards are encouraged to immediately contact ecology for technical assistance when acting on changes involving trust water rights;

(c) Establish and maintain a water right transfer information exchange program regarding the sale and lease of water rights; and

(d) Perform other activities as may be authorized under chapter 90.80 RCW, subject to other applicable state laws and regulations.

**How does a board process a water right change application?**

(2) A ~~(water conservancy)~~ board may accept for processing an application ~~(for)~~ to transfer ~~(of)~~ a surface or ground water right ~~(for processing)~~ if the water right is currently diverted, withdrawn, or used within or, if approved, ~~(with)~~ would be diverted, withdrawn, or used within the boundaries of the ~~(county)~~ geographic area in which the board has jurisdiction, exceptions to this are stated in subsection (7) of this section. The application may be for a permanent or ~~(seasonal)~~ temporary use.

(a) The board should promptly request from the department a copy of the water right file related to the water right transfer application filed with the board. The department will comply with the request at no charge to the board.

(b) The board shall investigate the application and ~~(make a determination)~~ determine whether the proposal should be approved or denied and, if approved, under what conditions, if any, the approval should be granted. ~~(In this process)~~

(c) As part of the process described in subsection (2)(b) of this section, boards should determine whether a watershed planning unit is involved in planning related to the source of water that would be affected by the application ~~(and)~~ being considered. If so, the board should notify the planning unit of the application, and consider comments from the watershed planning unit prior to issuing its ~~(conditional)~~ record of decision.

~~((2)(a) Applications for transfers that propose to use water from the same source must generally be processed in~~

~~the order in which they were filed. Exceptions are outlined in chapter 173-152 WAC.~~

~~(b)) (3) Decisions on applications must be made by a board in the order in which the applications were originally ~~(filed with)~~ accepted by the board ~~(or with ecology, if the applications were first filed with ecology)~~. Exceptions are ~~(as)~~ outlined in ~~(WAC 173-152-050 or as follows:~~~~

~~(i) Applications to alleviate public health and safety emergencies, as specified in WAC 173-152-050(1), may be processed before competing applications; and~~

~~(ii) If review of an application has begun and the board determines that gathering more information than is available at the time of the review is required, the board need not await the availability of the additional information before reviewing the next application awaiting action.~~

~~(e) A conservancy) RCW 90.03.380 and chapter 173-152 WAC.~~

(4) Boards must take into consideration the effect of a proposed transfer on the availability of water for ~~(any applications for new water rights, as well as)~~, or possible impairment of, previously filed transfer applications for water from the same source regardless of the order in which applications are processed. This includes any applications for transfers ~~(that were previously)~~ filed with ecology ~~(for water from the same source as the application under consideration by the)~~ or any other water conservancy board. Ecology will cooperate with ~~(conservancy)~~ boards to resolve any problems associated with conflicting applications. ~~(The availability of water for senior applicants, including those applicants who have filed transfer applications with ecology rather than a conservancy board, must not be impaired, regardless of the order in which applications are processed.~~

~~(3) The) (5) Neither the annual quantity nor the instantaneous quantity of water ~~(appropriated under)~~ tentatively determined by the board to be associated with a water right may ~~(not)~~ be ~~(expanded)~~ increased. ~~(For agricultural use,)~~ Uses may not be added and the acreage irrigated may not be expanded, except in ~~(limited)~~ the circumstances allowed in RCW 90.03.380, in which the annual consumptive use under the water right is not increased.~~

~~((4)) (6) As described in RCW 90.66.065, under a family farm permit, surplus waters made available through water-use efficiency may, subject to laws including WAC 173-152-110, be transferred to any purpose of use that is a beneficial use of water.~~

(7) Any water right or portion of a water right that has not previously been put to actual beneficial use cannot be transferred, except as authorized by RCW 90.44.100 ~~(Transfer of previously unused ground water rights under RCW 90.44.100 is limited to changing the place of use and the point of withdrawal.~~

(5) No applicant may be compelled to apply for a transfer with a conservancy board. Applicants have the option of applying directly to ecology rather than a water conservancy board), or RCW 90.03.395 and 90.03.397.

**Where can an applicant file a water right change application?**

(8) If a board has been established in an area where an applicant wishes to apply for a water right transfer, applicants



have the option of applying either directly to ecology or to a board.

**What happens if two boards have overlapping jurisdictions?**

(9) Overlapping jurisdiction occurs because boards may transfer rights into and out of their geographic area. Water conservancy boards may negotiate inter-board agreements to determine which board will act in instances of overlapping jurisdiction. Boards are advised to research applicable law, including chapter 39.34 RCW, the Interlocal Cooperation Act, prior to entering into any agreement. Any such agreement must be filed with the water conservancy board coordinator within fifteen days of its effective date.

(10) In circumstances in which more than one board may have authority to process water right transfers in a particular area, but the boards have not negotiated an inter-board agreement as specified in subsection (9) of this section, an applicant may file an application with either board. For example, if one board has authority to transfer the applicant's water right out of its jurisdiction, while another board has authority to transfer the water right into its jurisdiction, the applicant can apply to either board.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-070 What does an applicant need to know about filing an application for transfer of a water right(s)?**

**How are applications accepted for processing by a board?**

(1) ~~((Water conservancy boards may accept applications for transfer of water rights.))~~ Ecology will provide water right transfer application forms and applicant instructions to ~~((water conservancy))~~ boards, which will make them available to ~~((prospective applicants))~~ the public upon request. All applications to ~~((the water conservancy))~~ a board must be made using the water right application for change/transfer form supplied by ecology, form number 040-1-97.

(2) ~~Boards and ecology shall inform all applicants that the decision to file a transfer application with a ((conservancy)) board rather than directly with ecology is solely at the discretion of the applicant((-The conservancy board and ecology will inform any prospective applicants that they have the option of filing either with the board or with ecology.~~

~~(2) The)), provided a board is active in the area addressed by the transfer application.~~

(3) A water right transfer application is considered filed when it is received by a board commissioner, or a designated administrative support person for a board at the location designated by the board.

(4) A separate application must be filed for each water right that is proposed to be transferred.

(5) A majority vote of a quorum of a board is required to accept a complete application for processing.

**What must a complete application include?**

(6) ~~Boards shall ((ensure)) require that ((the)) applications ((is)) submitted directly to them are complete and legible ((and is accompanied by the minimum ten-dollar exami-~~

~~nation fee required by RCW 90.03.470(1). The board may establish and charge additional fees in accordance with RCW 90.80.060(2).~~

~~(3) The original application form)). A complete application shall:~~

~~(a) Include the minimum ten-dollar examination fee required by RCW 90.03.470(1).~~

~~(b) Contain the information requested on the application form as applicable.~~

~~(c) Be accompanied by such maps and drawings, in duplicate, and such other data or fees, as may be required by the board. Such accompanying data shall be considered as part of the application as described in RCW 90.03.260.~~

~~(7) A board may request that an applicant provide additional information as part of the application by requiring, for example, that the applicant complete additional forms supplemental to the standard application or that applicant prepare and/or provide specific reports regarding aspects of the application.~~

**How is an application number assigned to a water right transfer application filed with a board?**

(8) The board shall assign a unique number to a water right transfer application upon acceptance of the application by the board.

(9) The number assigned by the board to the water right transfer application shall be written in ink within the space provided on the application for the application number.

(10) The water right transfer application, public notice, record of decision, and report of examination produced by the board in processing the application shall reference the board-assigned number.

(11) The unique application number is assigned in accordance with the following three-part format:

(a) The first part of the board-assigned application number will identify the board that has accepted the application as follows:

(i) Boards having jurisdiction within a geographic area that is based upon a county boundary or the boundary of multiple counties will begin all application numbers with the first four letters of the name of the county or of the lead county. For example, a board with jurisdiction within Kittitas County will begin each application number with the letters "KITT."

(ii) Boards that have jurisdiction within a geographic area that is based upon a water resource inventory area (WRIA) or multiple WRIsAs will use the number of the WRIA of jurisdiction or, in the case of multi-WRIA boards, the WRIA of jurisdiction associated with the water right.

(b) The second part of the board-assigned application number will be the last two digits of the year in which the application was accepted. For example, applications that are accepted during the year 2003 will use the digits "03."

(c) The third part of the board-assigned application number will be a sequential two-digit number beginning with the number "01" for the first application accepted after the effective date of this rule and beginning with number "01" for the first application accepted by the board during each subsequent calendar year.

(d) A dash (-) will be used to separate the three parts of the application number as provided within (a), (b), and (c) of

this subsection. For instance, the first application accepted by the Kittitas County water conservancy board during the year 2003 will be assigned number KITT-03-01.

**Are applications before a board considered dual-filed with ecology?**

(12) The board must forward the complete original application form upon which the board has legibly written the board-assigned application number in the space provided for that purpose and the statutory state application fee (must be forwarded by the conservancy board) to the (appropriate) ecology regional office within five (working) business days of the date (of receipt) the board accepts the application for processing.

(13) Within thirty (working) business days from the date (of notice) ecology receives the application from the board, ecology will assign a state water right (entire) change application number to the application and inform the (water conservancy) board of the assigned number. The number assigned by ecology will be used for ecology's internal administrative purposes, including the recording of the application within the state water right record. The ecology-assigned number need not be used by the board in processing the application, including within the public notice.

(14) Ecology will open and maintain a file (relating to) regarding the application (that will be maintained) for permanent recordkeeping. Ecology will inform the applicant if additional state fees are due. The board may not continue processing the application if notified by ecology that statutorily required application fees are due. Within three days of receipt of such fees, ecology shall inform the board of satisfaction of fee payment regarding any application in which ecology notified the board of outstanding fees.

(15) Upon acceptance of the application by ecology, the application is considered to be filed with both the board and ecology. However, ecology shall not act on the application unless it is notified by the board that the board has declined to process the application and upon receiving a written request from the applicant that ecology process the application.

**How can responsibility for processing an application previously filed with ecology be transferred to a board?**

((4)) (16) If an applicant makes a request to a (water conservancy) board that an application previously filed with ecology be (reviewed) considered for processing by that (conservancy) board, the (conservancy) board (must determine whether it will review the application. If the conservancy board determines that it will review that application, the board shall make a) may request (to) that ecology (and ecology shall) forward a copy of the application (and all relevant documents) file to the (conservancy) board. Ecology will comply with the request and the original application will continue to be on file and maintained at ecology but will not be considered as part of ecology's active workload while the application is being processed by the board.

(17) The board shall notify ecology if it accepts the application for processing. The board will assign an application number in accordance with subsection (10) of this section and inform the ecology regional office in writing of the board's application number within five business days of accepting the application.

**Can a board decide not to accept an application for processing, or decide to discontinue processing an application?**

((5)) (18) By a majority vote of a quorum of a board, a board may decline to process or (continue) may discontinue processing an application at any time. The board (will) must inform the applicant of its decision in writing (of its decision to decline further consideration of the application) within fourteen (working) business days of making the decision. The board must (forward to ecology the working file for the specific transfer and any state application fees that have not previously been forwarded to ecology. The board must also provide a), at the same time, send the ecology regional office a copy of the board's written notice to the applicant. If the basis of the board's decision to decline processing the application is not sufficiently clear from the written notice, and the applicant filed a written request that ecology process the application, ecology may request a further written explanation (to ecology) regarding (its) the board's decision not to process or finish processing the application. The board must provide this additional written explanation within thirty days of ecology's request.

(19) If a board declines to process or discontinues processing an application, it must return the application to the applicant and must inform the applicant that the application may be filed with ecology and advise the applicant of the appropriate ecology office where the application should be filed.

**Who must receive copies of applications being processed by a board?**

((6) The) (20) Boards must ensure that copies of (the) application accepted by them for processing are (properly distributed) provided to interested parties in compliance with existing laws (ecology memoranda of understanding, policies and other guidance). To assist the boards in this, ecology will provide a list of (potentially interested) parties which have identified themselves to ecology as interested in the geographic area of the board. Additional interested parties, including Indian tribes, may request copies of applications from boards.

(21) A notice of each application accepted by a board shall be provided to any Indian tribe that has reservation lands or trust lands contiguous with or encompassed within the geographic area of the board's jurisdiction.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-080 What public notice(;) is given on a water right transfer application before a board?** (1) Upon acceptance by a board of a water right transfer application in accordance with WAC 173-153-070(2), the (water conservancy) board shall publish (or require the applicant to publish;) a public notice of the proposed water right transfer (of a water right) in accordance with RCW 90.03.280(;) This notice must be published at least once a week for two consecutive weeks in the legal notice section of a newspaper of general circulation in (at a minimum) the project area of the county or counties (of proposed water

use, diversion and storage of) where the application proposes to use, divert, withdraw and/or store water. Ecology must provide the board with a list of newspapers generally acceptable for ~~((this purpose))~~ the publication of public notices. The board should consider publishing an additional public notice ~~((may be required))~~ in other areas that ~~((may))~~ could be affected by the transfer proposal. The public notice of each individual application for transfer must include the following information, in the following order:

(a) The applicant's name and city or county of residence;

(b) ~~((Application number assigned by ecology;))~~ The board's assigned water right change application number;

(c) The water right priority date;

(d) A description of the water right to be transferred, including ~~((any identifying))~~ the number of any water right document, that embodies the water right such as a permit, certificate or claim filed under chapter 90.14 RCW, the location of the point of diversion or withdrawal~~((;))~~; the place of use~~((, and))~~; the purpose(s) of use; the period of use; if for irrigation purposes, the total acres irrigated; and the instantaneous rate and annual quantities ~~((authorized))~~ as stated on the water right document;

(e) A description of the proposed transfer(s) to be made, including, when applicable, the proposed location of point(s) of diversion or withdrawal~~((, place of use, or instantaneous and annual quantities authorized))~~; the proposed place(s) of use; the proposed purpose(s) of use; if for irrigation purposes, the total number of acres to be irrigated; and the instantaneous rate and annual quantities of water associated with the proposed water right transfer including the description of a transfer that includes only a portion of a water right;

(f) The manner and time limit for filing protests with ecology under RCW 90.03.470 and WAC 508-12-170; and

(g) ~~((Manner and time limit for intervening before the board under RCW 90.80.070(4).))~~ The manner for providing written and oral comments or other information to the board, including the board's mailing address and the place, date, and time of any public meeting or hearing scheduled to consider, discuss, or decide the application.

(2) The board may require the applicant to review and confirm the information in the public notice prior to publication. If the board does so, the applicant assumes responsibility for any errors contained in the description of the application published in the public notice.

(3) The board must send a copy of the public notice ~~((will be sent))~~ to the ecology~~(('s))~~ regional office at the same time the public notice is submitted for publication.

~~((2))~~ (4) Before acting on an application, the board must first receive a notarized affidavit of publication from each newspaper in which the public notice regarding the application was published ~~((verifying))~~, and the board must verify that publication ~~((correctly))~~ occurred correctly. The board must also allow at least thirty days ~~((for the filing of protests or objections following the last date of publication of the notice before making a final))~~ following the last date of publication of the notice, to allow for protests or objections to be filed with ecology before the board issues a record of decision.

~~((3))~~ (5) The public notice must be republished in all newspapers of original publication when an applicant sub-

stantively amends ~~((the))~~ an application for a transfer of a water right subsequent to publication of the notice, or when a substantive error or omission occurs in the publication~~((; the public notice must be republished in all newspapers of original publication, and reviewing agencies must be sent corrected copies of any amended transfer proposal))~~. All parties who were sent the original application and/or public notice as required by WAC 173-153-070(20) must be sent corrected copies of any amended transfer application, if necessary to keep ecology and all interested parties accurately informed. For the purposes of this subsection, the term "substantive error in publication" refers to, but is not limited to, any item identified in subsection (1) of this section that is omitted from or inadequately characterized in the public notice.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

WAC 173-153-090 How can protests~~((;))~~ and letters of concern or support on a water right transfer application be submitted to a board?

Where is a protest submitted regarding a water right transfer application before a board?

(1) A protest ~~((of an application that has been filed with a water conservancy board))~~ against granting a proposed water right change or transfer, as identified in RCW 90.03.470(12), must be received by ecology, with the statutory two-dollar protest fee, within thirty days of the last date of publication of the public notice.

(2) Ecology shall provide a copy of the protest to the appropriate board within five days of receipt of the protest.

(3) In accordance with WAC 508-12-170 and 508-12-220, a board will thoroughly investigate all pertinent protests of a transfer application before the board.

(4) Ecology ~~((with))~~ shall consider all pertinent protests during its review of the board's ~~((conditional))~~ record of decision on the application.

(5) Persons inquiring of the board or ecology regarding protest procedures ~~((with))~~ shall be directed to file the protest with ecology. ~~((Ecology will provide a copy of the protest to the appropriate board.~~

~~((2))~~ (6) A board must immediately forward to ecology any protests it receives including the two-dollar protest fee.

What is included in a valid protest?

(7) A ~~((valid))~~ protest must include:

(a) The name, address and phone number (if any) of the protesting party;

(b) Clear identification of the transfer ~~((proposal))~~ application being protested; and

(c) A statement ~~((regarding))~~ identifying the basis for the protest. ~~((Proper basis for a protest must include:~~

(a) The impacts of the proposed transfer on other water rights; or

(b) The impacts of the proposed transfer on the public interest; or

(c) A challenge to the potential extent and validity of the water right proposed to be transferred.

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~~(3) The board must immediately forward to ecology any protests that it receives in error, accompanied by the two-dollar protest fee if it was included with the protest.~~

~~(4)) (d) The statutory two-dollar protest fee.~~

**What is the difference between a protest and a letter of concern or support?**

~~(8) Any protest received more than thirty days after the last date of publication of the public notice, or without the required fee, will be filed as a letter of concern.~~

~~(9) A letter of support is any comment addressing the benefit of the project proposed in an application.~~

~~(10) A party who provides a letter of concern or support regarding an application to a water conservancy board is not considered to be a protesting party unless the party has also filed a valid protest with ecology in compliance with this section.~~

**Will a protest or letter of concern be considered?**

~~(11) Boards must accept and consider any oral or written comments or protests in evaluating an application, in accordance with chapter 90.80 RCW, this chapter, and board bylaws.~~

**NEW SECTION**

**WAC 173-153-100 How does a water conservancy board operate?** (1) Water conservancy board meetings must be in compliance with the Open Public Meetings Act, chapter 42.30 RCW. Additionally, minutes of the meetings must be recorded pursuant to chapter 42.32 RCW and such minutes must be made available for public review upon request.

(2) At the beginning of any meeting or hearing in which any application to change or transfer a water right is to be discussed, or upon which a decision is to be made, those individuals in attendance must be informed that any known allegations of conflict of interest must be expressed in that meeting or hearing or their right to do so may be forfeited in accordance with RCW 90.80.120 (2)(a).

(3) A board may adopt and amend its own bylaws through which board meetings, operations, and processes are governed.

**How can a board be contacted by the public?**

(4) Each board must designate at least one primary contact person for communicating with ecology and other entities. The board must inform the water conservancy board coordinator of:

(a) The name of the primary contact;

(b) How to contact that person; and

(c) Any changes to the contact information for the primary contact of the board.

(5) Boards are subject to the Public Records Act, chapter 42.17 RCW and as described in RCW 90.80.135.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-110 (~~Examination of application~~)**  
**What is involved in the examination of an application before a board?** (1) ~~((A water conservancy board shall make its conditional decision on a transfer application based on~~

~~applicable state law, rules, policies, and ecology guidance. In addition to specific water law, other relevant state laws, including the Growth Management Act, must be considered.)) Boards shall base their records of decision and reports of examination regarding a transfer application on applicable state laws and regulations. In addition to specific water law, boards must also consult and consider other relevant state laws, including, but not limited to, the Growth Management Act (chapter 36.70A RCW).~~

~~(2) Generally, a board should conduct a field examination of the site(s) ((of the proposal,)) identified in the transfer application, and clarify any unclear information by contacting ((the applicant, and discuss the concerns of protesters and objectors with the persons who filed them)) and discussing the information with the applicant or other appropriate persons.~~

~~(3) All relevant information must be ((collected)) identified, discussed, and considered in the board's examination. This may include the need for a board to collect pertinent detailed hydrological or hydrogeological information ((may need to be collected or other research conducted or compiled)) regarding the site(s) involved in the proposal. Any person providing an engineering, hydrologic, geologic and/or hydrogeological analysis on behalf of an applicant with an application before a board must be licensed in accordance with chapter 18.43 or 18.220 RCW, as applicable. The analysis must be certified by the individual's professional stamp.~~

~~(4) A board may require ((the)) an applicant to provide additional information at the applicant's expense, if that information is necessary to render an adequately informed ((conditional)) record of decision on ((the)) an application.~~

**(((3)-A) How are comments and protests considered during the examination of the water right transfer application?**

~~(5) Boards may also request that commenters or protesters provide additional information regarding their comments if such information is necessary to render an adequately informed record of decision on an application. Boards may also discuss the concerns raised in comments and protests with the persons who filed them.~~

~~(6) Boards must consider all comments and protests received about ((the)) a pending application ((-In this process, boards should)), whether or not additional information is provided by the protestor or commenter.~~

~~(7) Ecology, as is the case with any public agency, may provide formal written or oral comments regarding the application under discussion at a public meeting of the board. However, if ecology does provide formal comments in the context of a public meeting, the comments shall not be taken as giving either technical assistance or direction to the board, any more than any other comments would be so considered.~~

**What other entities should be consulted when a board examines an application?**

~~(8) When public interest applies to the application evaluation or when there may be existing rights that could be impaired, boards shall determine whether an Indian tribe, watershed planning unit, or other governmental body is directly involved in planning or water management related to the source of water that would be affected by the application.~~

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If this is found to be the case, the board should ~~((engage))~~ consult the tribe, watershed planning unit, or other governmental body in the board's effort to obtain information concerning the application.

~~((4))~~ A water conservancy) What other information must a board consider in its examination of the application?

~~(9)~~ Boards must evaluate ~~((the))~~ an application, including ~~((the entire water rights record))~~ all information obtained by the board that is associated with the application, and determine whether or not the transfer as proposed is in accordance with applicable state laws ~~((, rules, policies and guidelines of ecology))~~ and regulations. The board must also make a tentative determination as to the extent and validity of the water right proposed to be transferred, as well as whether the transfer can be made without injury or detriment to existing rights ~~((, and))~~. The board must evaluate a transfer proposal pursuant to RCW 90.44.100 as to whether the proposed transfer is ~~((not))~~ detrimental to the public interest. Public interest shall not be considered when deciding whether to grant an application for change pursuant to RCW 90.03.380 exclusively.

~~((5))~~ A water conservancy) ~~(10)~~ Boards shall ensure that the requirements of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC, have been met before finalizing a ~~((conditional decision, and if determined by the board to be))~~ record of decision. If a board concludes it is appropriate under WAC 197-11-922 through 197-11-944, the board ~~((will))~~ may be the lead agency for SEPA compliance.

~~((6))~~ ~~(11)~~ A ~~((water conservancy))~~ board shall consult with ecology if it encounters new, unusual, or controversial issues in the course of examining an application. Ecology will provide assistance ~~((and advice))~~ as to how to proceed in accordance with existing state laws, rules, ~~((policy and sound))~~ and current ecology policies and administrative practices.

~~((7))~~ If a geographical area within the jurisdiction of a conservancy board is or becomes the subject of an adjudication conducted by a superior court for the determination of water rights;) ~~(12)~~ When a board receives an application to transfer a water right that is located in an area subject to an ongoing general water rights adjudication process, the board shall consult with ecology prior to taking any action on the application. Ecology will seek guidance from the pertinent superior court regarding the court's role in administering the water rights that are subject to the adjudication. ((Thereafter;)) Ecology shall then advise the ~~((conservancy))~~ board on whether and how the board may ~~((proceed to evaluate and make conditional decisions on applications for transfers of water rights that are subject to the adjudication being conducted by the superior court. When a board receives an application for transfer of a water right that is in an area subject to an ongoing general water rights adjudication process, and a public notice has been published, the board must send a copy of the public notice regarding the application to ecology, which will then submit the notice to the court conducting the adjudication. When a board makes a conditional decision on a transfer of a water right that is in an area subject to an ongoing~~

~~ing general water rights adjudication process, a copy of the conditional decision must be sent to ecology, which will forward the conditional decision to the court conducting the adjudication))~~ process applications.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

WAC 173-153-120 ~~((Interventions and protests;))~~ What assistance is available to water conservancy boards? (1) ~~((Any water right holder claiming detriment or injury to an existing water right may intervene in the application review process before the water conservancy board. Actions by the water conservancy board are independent from those of ecology. Ecology's final decisions based upon water conservancy board's conditional decisions are subject to administrative and judicial review.~~

~~(2)~~ A party who intervenes in a water conservancy board conditional decision is not considered to be a protesting party unless the party has also filed a timely protest with ecology. Protests must be filed with ecology in accordance with WAC 508-12-120 and will be evaluated by ecology concurrently with its review of the water conservancy board conditional decision. Ecology will also consider other objections and comments in the record, including the record of any hearings held by the board, when it makes its review of the board's conditional decision.) The director, or his or her designee, shall assign a representative of ecology to be available to provide technical assistance to each board as provided in RCW 90.80.055 (1)(d).

(2) Upon request by a board, an ecology representative will provide technical assistance as the board:

- (a) Reviews applications for formal acceptance;
- (b) Prepares draft records of decision and reports of examination;
- (c) Considers technical factors; and
- (d) Considers legal factors affecting the board's development of a record of decision.

(3) A board may request and accept additional technical assistance from ecology.

(4) A board may also request and accept assistance and support from the government or governments of the county or counties in which it operates, as well as from other interested parties.

(5) Ecology recognizes that boards are independent entities with the legal right to make records of decision on water right transfer applications without seeking assistance from ecology. However, should a board desire assistance from ecology in processing an application or regarding its administrative functions, ecology will provide technical assistance upon request of the board. This technical assistance may address issues involved in application processing, including procedural requirements and administrative functions, and can include specific information regarding approaches to resolving particular issues. However, in deference to the independent status of boards, such technical assistance shall be solely in the form of guidance and shall not dictate or otherwise direct any board to reach a specific conclusion regard-

ing any aspect of application processing or of a board's administrative functions.

(6) Technical assistance and training provided to a board is not subject to the Open Public Meetings Act.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-130** (~~Conditional decision by water conservancy board.~~) **How are records of decision and reports of examination made by a water conservancy board?** (1) ~~(The water conservancy)~~ Records of decision and reports of examination are adopted by a majority vote of a board, pursuant to RCW 90.80.070(4). A board's ~~(conditional)~~ record of decision and report of examination must be in writing, and ~~(its)~~ the record of decision and report of examination become(s) part of the public record.

(2) ~~(For applications that are proposed to be denied, the water conservancy board will issue)~~ When a board proposes to deny an application, in whole or in part, the board must issue to both the applicant and ecology a record of decision and report of examination denying the transfer, or a portion of the transfer, subject to review and final determination by ecology.

(3) ~~(For applications for transfer that are proposed to be affirmed, the water conservancy board will issue the applicant)~~ When a board proposes to approve an application, the board must issue to both the applicant and ecology a record of decision and a ~~(certificate of conditional approval)~~ report of examination approving the transfer, subject to review and final approval by ecology.

**What is included in a record of decision?**

(4) ~~The record of decision (along with either the certificate of conditional approval or the notice of denial will each address the following)~~ must be prepared on a form provided by ecology and identified as the Record of Decision, form number 040-105, and must include the conclusion of the board as to whether the application is denied or approved and a record of the individual vote or abstention of each participating commissioner or that a commissioner has recused him or herself.

**What is included in a report of examination?**

(5) It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.

(6) The report of examination will consist of a form provided by ecology and identified as Water Conservancy Board Report of Examination, form number 040-106, documenting and summarizing the basic facts associated with the decision. This shall include:

(a) Within a section entitled "background":

(i) A description of the water right proposed for transfer ~~(to include the ecology assigned)~~, including the board-assigned water right change application number, and the board's tentative determination as to the validity and quantifi-

cation of the right, (together with a description of) as well as the historical water use information that was considered by the board;

(ii) ~~(A description of any protests, objections or comments, including comments provided by other agencies, Indian tribes, or other interested parties, and the board's analysis of each issue considered, including the name and address of individual intervenors;~~

(iii) ~~A discussion explaining compliance)~~ An explanation of how the board complied with the State Environmental Policy Act; and

~~((b))~~ (iii) A description of any previous change decisions associated with the water right.

(b) Within a section entitled "comments and protests": A description of any protests, and written or oral comments, including:

(i) The names and addresses of the protestors or commenters;

(ii) A description of the issues raised; and

(iii) The board's analysis regarding each issue raised.

(c) Within a section entitled "investigation":

(i) A description of the project proposed by the applicant, including any issues related to development, such as the applicant's proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending applications for changes or transfers, and instream flows established under state law;

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in ~~(harmony)~~ conjunction with the right proposed to be transferred;

(iii) If the proposed transfer is authorized under RCW 90.44.100, an analysis of ~~(the effect of)~~ the transfer ~~(on)~~ as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

(iv) ~~Any (conditional decision or conclusion)~~ information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination;

(v) A description of the results of any geologic, hydro-geologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions;

~~((e))~~ (d) Within a section entitled "conclusions": A list of conclusions that the board drew from the information ~~(related to)~~ compiled regarding the transfer proposal. Conclusions must, at a minimum, describe:

(i) Whether, and to what extent, a valid water right exists;

(ii) Any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in subsection (6)(d)(i) of this section;

(iii) The result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer;

(iv) The board's conclusions of issues raised by any comments and protests received;

(v) Whether the transfer proposal will impair existing rights of others; and

(vi) If the proposed transfer is authorized pursuant to RCW 90.44.100, whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

~~((d))~~ (e) Within a section entitled "(conditional) decision": A complete description of the board's (conditional) decision, fully and comprehensively addressing the entire application proposal;

~~((e))~~ (f) Within a section entitled "provisions":

(i) Any conditions and limitations recommended (for inclusion in an approval or) as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws (or rules) and regulations;

(ii) (A description of) Any requirement to mitigate adverse effects (on other water rights, the water source, or the public interest) of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision; and

(iii) A schedule for development and completion of the water right transfer (to a water right), if approved in part or in whole, that includes a definite date for completion of the transfer and (the) application of the water to an authorized beneficial use.

~~((5) A water conservancy board's conditional decision and certificate is not a final authorization to transfer the water right. Only after ecology has approved the conditional decision and has issued an order authorizing the transfer, or has failed to act within the time frame established in RCW 90.80.080, is the applicant allowed to initiate the transfer of the water right.)~~ (7) Ecology may request additional information from the applicant or water conservancy board regarding the application and the board's decision, in addition to the requirements of subsection (6) of this section.

(8) A board's record of decision must clearly state that the applicant is not permitted to proceed to act on the proposal until ecology makes a final decision affirming, in whole or in part, the board's recommendation. However, if ecology does not act on a board's recommendation within the time frame established in RCW 90.80.080, the applicant is allowed to initiate the water right transfer pursuant to the board's record of decision after that period of time has expired. It is advised that the applicant not proceed until the appeal period of ecology's decision is complete, in compliance with WAC 173-153-180.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

WAC 173-153-140 ((Notification of conditional decision)) **What is the process for notifying parties of a record of decision and report of examination?**

**Who is notified of a board's record of decision and report of examination?**

(1) (The water conservancy board shall send notice of its conditional decision as to whether the transfer should be

approved or denied, by mail to the applicant, ecology, to any person who protested or objected to the transfer, to any persons who requested notice of its conditional decision, and to any commenting agency or tribe. The board shall transmit notification of its conditional decisions to all parties on the same day, and will note that it has been sent to ecology. Ecology shall identify the location designated for submission of the board's conditional decision.

(2) Boards must fully document their process of arriving at a conditional decision regarding water right applications. All original public documents received or developed by a water conservancy board and used during its deliberations for decision making for each application for transfer of a water right must be sent, with a clear copy of the conditional decision, to ecology at the location designated by ecology for permanent recordkeeping, within seven working days after the board has rendered its conditional decision. The board must retain a copy of all documents; any documents used in reaching a conditional decision regarding a water right transfer application must not be destroyed or disposed of, except as allowed by state statute.

(3) Any comments or objections that are received by the water conservancy board on its conditional decision within thirty days after a final decision is issued by ecology must be forwarded to ecology within five working days, at the location designated for submission of the board's determination.) Ecology shall identify to all boards the ecology regional office designated for receipt of each board's records of decision. Boards shall hand deliver or send by mail records of decision and reports of examination to:

(a) The applicant;

(b) The ecology regional office;

(c) Any person who protested the transfer;

(d) Any person who requested notice of the board's record of decision;

(e) Any tribe with reservation or trust lands contiguous with or wholly or partly within the area of jurisdiction of the board; and

(f) Any commenting agency or tribe.

**How is the record of decision and report of examination transmitted?**

(2) Within five business days of a board's decision, the board shall simultaneously mail to all parties identified in subsection (1) of this section a paper copy of the following:

(a) The record of decision;

(b) The report of examination;

(c) The application;

(d) Public notices; and

(e) Attachments to the application.

The board shall state to the parties receiving the record of decision and report of examination that it has been simultaneously sent to ecology. Whenever boards have the capacity to do so, they must transmit a signed electronic copy of the record of decision and report of examination to the ecology regional office on the same day that copies of the decision are mailed or hand-delivered.

(3) As stated in WAC 173-153-130, boards must fully document their process of arriving at a record of decision regarding water right transfer applications. Once the board

has concluded its work on a water right transfer application, the board must submit to ecology, within fourteen days after the completion of ecology's review period, any remaining original documents not previously submitted to ecology in accordance with subsection (2) of this section, and any documents received or developed by the board related to its deliberations regarding the application upon which it has made a decision. All documents submitted shall be clearly marked with the board-assigned water right change application number on the water right transfer application pursuant to WAC 173-153-070(7). As noted, the original versions of these documents must be provided to ecology; copies are not acceptable for submission. These documents must be sent to the ecology regional office designated by ecology. The board may retain a copy of all of the above-mentioned documents. After the board completes its business on a water right transfer application, and upon submission to ecology of all records related to the application file, ecology shall be responsible for public records requests related to that file.

(4) Any comments received by a board regarding its record of decision within thirty days after ecology's final decision must be forwarded to ecology within five business days of the board's receipt of such comments by the board. For the purposes of this subsection, the term "receipt" refers to the act of a board commissioner or designated administrative support person for the board picking up the board's mail. These comments must be submitted by the board to the ecology regional office.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

WAC 173-153-150 What is ecology's review process of ~~((the))~~ a board's ~~((conditional))~~ record of decision~~((s))~~?

(1) Upon receipt of a record of decision and report of examination, ecology shall document and acknowledge the date of receipt of such documents in writing to the issuing board. Ecology will post on its Internet site, generally within five business days, the record of decision, documenting the vote and signature of all board commissioners who participated in the decision, and the report of examination. For boards with the capacity to send signed documents electronically, ecology will post the record of decision and the report of examination generally within three business days of receiving the electronic version. The posted document will be referenced by both the board-assigned application number and by the ecology-assigned application number.

How does ecology review the record of decision?

(2) Ecology will review ~~((conditional decisions of approvals and denials))~~ all records of decisions made by water conservancy boards. Upon receipt of a ~~((conditional))~~ record of decision made by a ~~((water conservancy))~~ board, ecology will review ~~((the conditional))~~:

(a) The record of decision for compliance with state water laws and ~~((rules, policies or guidelines. As part of this review, ecology will also consider agency and tribal comments, any protests or objections filed by parties alleging that one or more of their water rights would be impaired by the~~

transfer, and any other comments received regarding the conditional decision by the board.

(2)) regulations;

(b) The record developed by the board in processing the application; and

(c) Any other relevant information.

(3) In reviewing a board's decision, ecology may consider any letters of concern or support received within thirty days of the date ecology receives the board's record of decision.

(4) Ecology will not evaluate the internal operations of a board as it reviews a board's record of decision. Exceptions are to the extent that such review is necessary to determine whether the board's decision was in compliance with state laws and regulations concerning water right transfers, including possible cases of a conflict of interest as identified in RCW 90.80.120.

What are ecology's potential review responses and how are the responses made?

(5) Ecology may affirm, reverse, or modify the ~~((conditional))~~ records of decision ~~((of the))~~ made by boards. Ecology's decision will be made in the form of a written administrative order and must be issued within forty-five days of receipt of the board's ~~((conditional))~~ record of decision by the ecology regional office, except that the forty-five-day time period may be extended an additional thirty days by ecology's director, or his or her designee, or at the request of the board or applicant in accordance with RCW 90.80.080. If ecology ~~((fails to act))~~ does not act on the record of decision within the forty-five-day time period, or within the extension period, the board's ~~((conditional))~~ record of decision becomes final. ~~((The forty-five day time period may be extended an additional thirty days by ecology's director upon the written consent of the parties to the transfer.~~

(3) If ecology modifies the conditional decision by the water conservancy board, ecology shall send a notice of modification of the conditional decision that specifies which parts of the conditional decision it was in agreement with, and which parts of the conditional decision it has modified. If ecology reverses the conditional decision by the conservancy board, ecology shall send a notice of reversal of the conditional decision with an explanation of the reversal.

(4) Ecology will send notice of its decision to all parties on the same day. Notice of ecology's decision will be sent by mail within five working days to the water conservancy board, the applicant, any person who protested or intervened before the board, persons who requested notice of its decision, the Washington department of fish and wildlife, and any affected Indian tribe.

(5) If ecology fails to act within the specified time after receipt of the board's conditional decision, the board's action is final. The conservancy board shall notify ecology, the applicant, and any parties that have expressed interest to the conservancy board about the application, of ecology's failure to act. If ecology concurs that the review period has lapsed, ecology will send a notice to the board that the conditional decision is final.) (6) Ecology may issue an order affirming a board's decision. If ecology modifies the record of decision made by a board, ecology shall issue and send to the applicant



and the board an order containing its modification of the record of decision. The order shall specify which part(s) of the record of decision ecology has modified. If ecology reverses the record of decision by the board, ecology shall send the applicant and the board an order reversing the record of decision with a detailed explanation of the reasons for the reversal.

**Under what conditions may ecology remand a record of decision to a board?**

(7) Ecology may consider conflict of interest issues during its final review of a board's record of decision. In accordance with chapter 90.80 RCW, if ecology determines that a commissioner should have been disqualified from participating in a decision on a particular application under review, the director, or his or her designee, must remand the record of decision to the board for reconsideration and resubmission of the record of decision. Upon ecology's remand, the disqualified commissioner shall not participate in any further board review of that particular application.

(8) Ecology's decision on whether to remand a record of decision under this section may only be appealed at the same time and in the same manner as an appeal of ecology's decision to affirm, modify, or reverse the record of decision after remand.

**Can a board withdraw its record of decision from ecology?**

(9) If ecology has not yet formally acted on a record of decision by a board, a board may withdraw the record of decision during the period allowed for ecology's review. If a board withdraws a record of decision, ecology shall remove the record of decision from its Internet site and post a notice that the decision has been withdrawn. All of the associated documents submitted to ecology by the board with the record of decision will be returned to the board. A board may withdraw the record of decision under the following conditions:

(a) The board must follow chapter 42.30 RCW, the Open Public Meetings Act, in making a decision to withdraw the record of decision; and

(b) The board must send a notice of withdrawal of a record of decision to ecology on a form provided by ecology and identified as Decision to Withdraw a Record of Decision, form number 040-107.

**Who is notified of ecology's order relating to a record of decision?**

(10) Ecology will send its order to all parties on the same day. The order must be sent by mail, within five business days of ecology reaching its decision, to:

- (a) The board;
- (b) The applicant;
- (c) Any person who protested;
- (d) Persons who requested notice of ecology's decision;
- (e) The Washington department of fish and wildlife;
- (f) Any affected Indian tribe; and
- (g) Any affected agency.

**What is the process should ecology fail to act on a record of decision?**

(11) Except as specified in subsection (5) of this section, if ecology fails to act within the specified time after receipt of the board's record of decision, the board's record of decision

becomes the final order of ecology. If a board concludes that the time allowed for ecology to issue its order has lapsed, the board shall notify ecology, the applicant, any protestors, and any parties that have expressed interest to the board about the application that the time period has lapsed. If ecology agrees that the review period has lapsed, ecology will send an order to the board, and all entities listed in subsection (10) of this section, stating that the record of decision is final. If ecology disagrees with the board's conclusion, ecology shall work with the board to establish the beginning date of the review period based upon the date of receipt of the record of decision and report of examination by the ecology regional office.

AMENDATORY SECTION (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-160 ((Perfection of a transfer approval)) When is a board-approved water right transfer that has been affirmed by ecology complete?**

**Who provides documentation of the transfer when it is completed?**

(1) When an ((approved)) affirmed transfer has been ((perfected)) completed and the transferred water right has been put to beneficial use, the person authorized to transfer ((a)) the water right must submit satisfactory evidence to ecology showing the transfer has been completed in accordance with ((the)) ecology's order authorizing the transfer of the water right. Upon verification of the extent of development as authorized, ecology will issue a change certificate, superseding permit, or a superseding certificate to the water right holder(s) to document that the approved transfer was accomplished ((upon verification of the extent of development as authorized)). When evaluating the proposed water right transfer application, the board will consider and address in the report of examination any issues pertaining to completion of the development or the application of the water to a beneficial use of water as it is proposed to be changed.

**Who receives a copy of the document identifying the perfection of the transfer approval?**

(2) When ((the)) a document ((is issued)), as described in subsection (1) of this section, is issued to the applicant, ecology shall provide a copy to the ((conservancy)) appropriate board for its records, if requested by the board. The document ((with)) shall also be recorded, at the applicant's expense, by the county or counties in which the ((use of)) water is ((made)) authorized for use.

**(((2))) What happens if the approved transfer is not completed within the development schedule or if the change authorization is canceled?**

(3) If development of the approved transfer is not completed in accordance with the development schedule that accompanies the approval, extensions may be requested in accordance with RCW 90.03.320, and will be ((processed under standard procedures)) evaluated by ecology.

(((3))) (4) If the person authorized to transfer a water right fails to accomplish the transfer in accordance with the authorization, or any subsequent extensions granted by ecology, and does not receive an extension from ecology, or fails to comply with the requirements of the transfer authorization,

ecology will cancel the transfer authorization ~~((and the water right will revert to the original configuration, less any quantity that was relinquished for nonuse in connection with ecology's review of the conservancy board's conditional decision))~~. Upon cancellation of the transfer authorization, ecology will evaluate the water right to make a tentative determination as to the present validity of the water right and the conditions under which the water right can legally be exercised.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-170 What are a board's reporting requirements?** Boards are required to submit reports to ecology on their activities at the end of October of each ~~((even-numbered))~~ year. The reports must be submitted to the water conservancy board coordinator on a form provided by ecology each year and must include information about board activities during the previous ~~((twenty-four))~~ twelve months. The reports shall contain the following information:

**Water right transfer application data:**

(1) Information about applications to the board, to include ~~((the following))~~:

(a) The number of applications filed with the board, identified by water resources inventory area (WRIA);

(b) ~~((Number of applications that received a public hearing to hear intervenors;))~~ The number of records of decision withdrawn from ecology by the board;

(c) The number of ~~((conditional))~~ records of decision ~~((s))~~ approving or partially approving an application;

(d) The number of ~~((conditional))~~ records of decision ~~((s))~~ denying an application;

(e) ~~((Number of applications for transfer of surface or ground water;~~

~~((f) Number of applications to transfer a claim or certificate;~~

~~((g))~~ The number of records of decision remanded back to the board from ecology;

(f) The number of applications received by the board, distinguishing between requests to transfer surface water and ground water;

(g) The number of applications to transfer a water right documented by a claim;

(h) The number of applications to transfer a water right documented by a certificate;

(i) The number of applications proposing transfer related to trust water;

(j) The number of applications filed directly with the ~~((conservancy))~~ board, and the number transferred from ecology to the board; and

~~((h))~~ (k) The number of hearings held within other counties other than the county or counties which established the board, when water rights were proposed to be ~~((changed between counties;))~~ transferred from one county to another.

**Operational information about the boards:**

(2) Information about the operations of the board, to include ~~((the following))~~:

(a) ~~((Chairperson of the board;~~

~~((b))~~ The chair of the board;

(b) The primary contact of the board;

(c) The board address, phone, and/or e-mail;

(d) The board commissioners' names and their terms of office;

(e) The regular meeting location, if any;

(f) The regular meeting schedule, if any;

(g) Any changes in membership of the board, including background and contact information for any new ~~((members))~~ commissioners;

~~((e))~~ (h) Current fees ~~((or))~~ and changes to ~~((previous))~~ previously set fees;

~~((d))~~ (i) Training received other than from ecology;

~~((e))~~ (j) Ownership of ~~((any properties))~~ property by the ~~((conservancy))~~ board;

~~((f))~~ (k) Water marketing activities ~~((and any related fees))~~;

~~((g))~~ (l) Number of staff ~~((that are))~~ employed by the board, and number of staff that provide volunteer service to ~~((the))~~ the board; and

~~((h))~~ (m) Any litigation in which the board is involved.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-180 ~~((Appeals))~~ What actions may be appealed under this chapter?** Any person aggrieved by ecology's decision to approve or disapprove the establishment or restructuring of a ~~((conservancy))~~ board, or by an ecology ~~((s decision))~~ order to affirm, reverse ~~((or))~~ modify ~~((the determination of a conservancy board on an application for transfer of a water right)),~~ or remand a record of decision made by a board, may appeal the decision or order to the state pollution control hearings board in accordance with chapter 43.21B RCW.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-190 Existing rights are not affected.** Nothing in this chapter is intended to impair any existing water rights.

**AMENDATORY SECTION** (Amending Order 98-11, filed 11/17/99, effective 12/18/99)

**WAC 173-153-200 Will ecology review ~~((of))~~ this chapter ~~((s))~~ in the future to determine if changes are necessary?** This chapter ~~((must))~~ may be reviewed by ecology whenever new information, changing conditions, or statutory modifications make it ~~((necessary))~~ prudent to consider revisions. In carrying out such a review ~~((of this chapter)),~~ ecology shall consult with existing ~~((conservancy))~~ boards.

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**WSR 03-01-044**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Juvenile Rehabilitation Administration)  
 [Filed December 10, 2002, 8:00 a.m.]

Date of Adoption: December 3, 2002.

Purpose: The rule requires administrative law judges (ALJ) of the Office of Administrative Hearings (OAH) to enter final orders on Juvenile Rehabilitation Administration (JRA) cases determining parent/guardian financial responsibility to pay for support, treatment, and confinement. This rule is being amended in coordination with the department's changes to chapter 388-02 WAC, amending provisions related to Board of Appeals reviews.

Citation of Existing Rules Affected by this Order: Amending WAC 388-720-0050.

Statutory Authority for Adoption: RCW 34.05.020, 13.40.220.

Adopted under notice filed as WSR 02-21-096 on October 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 3, 2002

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

**WAC 388-720-0050 Powers of the administrative law judge.** The administrative law judge in the ~~((initial decision))~~ final order rendered after the hearing conducted in accordance with WAC 388-720-0030 shall include the name and age of the juvenile in that ~~((decision))~~ final order. The administrative law judge shall also indicate the parent's or other legally obligated person's monthly liability amount for the period of the juvenile's confinement beginning with the date the child enters the custody of the department. The administrative law judge shall not establish in the ~~((decision))~~ final order any amount constituting a repayment figure of any accrued obligation of the parent but shall indicate in the ~~((decision))~~ final order that any accrued obligation shall be paid by the parent to the department's office of financial

recovery (OFR) and that OFR will be responsible for determining the method of repayment of the parent's accrued obligation.

The administrative law judge shall also include a statement in the ~~((decision))~~ final order that the parent's financial obligation is collectible by OFR and that should the parent fail to comply with any payment plan entered into by OFR and the parent, or the parent fails to pay the amount set out in the ~~((decision))~~ final order, OFR shall be authorized to take legal collection action to recover the amounts due from the parent. Legal collection action can include, but is not limited to:

(1) The filing of liens against the real and personal property of the parent; or

(2) The issuance of a garnishment order against the wages, bank accounts, or other property of the responsible persons.

**WSR 03-01-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed December 10, 2002, 8:02 a.m.]

Date of Adoption: December 3, 2002.

Purpose: To amend WAC 388-492-0040 and 388-492-0070. The amendments will permanently adopt the requirements for clients to be able to opt out of WASHCAP and choose to participate in the regular food assistance program. The change to these rules also permanently adopts the shelter standards allowed under WASHCAP. Both of these rules were implemented under an emergency adoption effective September 18, 2002, as WSR 02-20-003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0040 and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510.

Adopted under notice filed as WSR 02-21-062 on October 15, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
December 3, 2002  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance?** You can choose to have regular food assistance benefits instead of WASHCAP benefits when:

- (1) Your shelter costs are more than four hundred ~~((eighty))~~ ninety-nine dollars a month. We count the following items as a shelter cost:
  - (a) Rent or mortgage;
  - (b) Property taxes;
  - (c) Homeowner's insurance (for the building only); or
  - (d) Mandatory homeowner's association or condo fees.
- (2) Your out-of-pocket medical expenses are more than thirty-five dollars a month;
- (3) You would get more benefits from being in the regular food assistance program; or
- (4) You are waiting to receive WASHCAP benefits.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated?** We calculate your WASHCAP benefits as follows:

- (1) We begin with your gross income. (Social Security Administration (SSA) tells us how much income you have.)
- (2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.
- (3) We figure your shelter cost as follows:
  - (a) If SSA tells us you pay ~~((two))~~ three hundred ~~((ninety))~~ two dollars or more a month for shelter, we use three hundred twelve dollars as your shelter cost; or
  - (b) If SSA tells us you pay ~~((two))~~ three hundred ~~((eighty-nine))~~ one dollars a month or less for shelter, we use one hundred ~~((forty-four))~~ fifty dollars as your shelter cost; and
- (c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.
- (4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.
- (5) We figure your net income by subtracting your shelter deduction from your countable income.
- (6) We figure your WASHCAP benefits (allotment) by:
  - (a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and
  - (b) Subtracting the result from the maximum allotment under WAC 388-478-0060.
  - (c) If you are eligible for WASHCAP, your assistance unit will get at least ten dollars food benefits each month.

**WSR 03-01-048**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

(Wine Commission)

[Filed December 10, 2002, 4:29 p.m.]

Date of Adoption: November 19, 2002.

Purpose: The travel reimbursement rule will allow the Washington Wine Commission to reimburse commission board members and employees for actual travel expenses.

Statutory Authority for Adoption: Chapter 15.88 RCW.

Adopted under notice filed as WSR 02-19-076 on September 16, 2002.

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: Thirty-one days after filing.

December 5, 2002

Steve Burns

Executive Director

**NEW SECTION**

**WAC 16-575-030 Washington Wine Commission—Travel reimbursement policy** 1. Except as provided in Section 9 below, all travel by Commissioners and by Commission staff must be approved in advance of departure.

2. Except as provided in Section 9 below, each Commissioner or Commission employee expecting to travel on official Wine Commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which he/she expects to incur in connection with such travel.

3. Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a Commissioner or Commission employee uses his/her automobile for transportation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

4. Reimbursement for lodging expenses shall be at actual cost up to a maximum of 200% of the per diem lodging rates for US federal agency employees established by the US General Services Administration.

5. Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

6. Travel by Commissioners and by the Executive Director of the Washington Wine Commission must be approved in advance by the Chairperson of the Commission. Travel by other Commission staff must be approved in advance by the Executive Director of the Commission.

7. Each person traveling on official Commission business shall submit a written request for reimbursement within 45 days after returning to the office from such trip. Written receipts for each expense in excess of \$25 for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

8. Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the estimated expenses, that the expense was both unanticipated and reasonably incurred.

9. No advance approval of estimated travel expenses is required for attendance at a regular or special meetings of the Commission or a committee thereof within the State of Washington. If attendance at such a meeting requires the Commissioner/employee to travel at least 100 miles from his/her usual place of business, he/she is entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in Section 4 above. He/she is also entitled to reimbursement for costs of transportation and meals as provided in Sections 3 and 5.

**WSR 03-01-055**  
**PERMANENT RULES**  
**BUILDING CODE COUNCIL**

[Filed December 11, 2002, 11:45 a.m., effective July 1, 2003]

Date of Adoption: November 26, 2002.

Purpose: To adopt provisions in chapter 51-40 WAC regarding elevator shaft pressurization when used as an alternate to providing elevator lobbies at each floor where an elevator opens into a corridor.

Citation of Existing Rules Affected by this Order: Amending chapter 51-40 WAC, Sections 403.7, 905.2.1, and 1004.3.4.5.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 02-20-042 on September 25, 2002.

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 3, 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 3, Repealed 0.

Effective Date of Rule: July 1, 2003.

November 26, 2002

Tim Nogler

for James M. Lewis

Council Chair

**AMENDATORY SECTION** (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

**WAC 51-40-0403 Section 403—Special provisions for Group B office buildings and Group R, Division 1 Occupancies.**

**403.6.1 General.** A central control station room for fire department operations shall be provided. The location, size and arrangement of the central control station shall be approved by the authority having jurisdiction. The central control station room shall be separated from the remainder of the building by not less than a one-hour fire-resistive occupancy separation. It shall contain the following as a minimum:

1. The voice alarm and public address system panels.
2. The fire department communications panel.
3. Fire-detection and alarm systems annunciator panels.
4. Annunciator visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for air-handling systems.
6. Controls for unlocking all stairway doors simultaneously.
7. Sprinkler valve and water-flow detector display panels.
8. Emergency and standby power status indicators.
9. A telephone for fire department use with controlled access to the public telephone system.
10. Fire pump status indicators.
11. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire-protection systems, fire fighting equipment and fire department access.
12. Work table.

**403.7 Elevators.** Elevators and elevator lobbies shall comply with the provisions of Chapter 30 and the following:

Note: A bank of elevators is a group of elevators or a single elevator controlled by a common operating system; that is, all those elevators that respond to a single call button consti-

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tute a bank of elevators. There is no limit on the number of cars that may be in a bank or group, but there may not be more than four cars within a common hoistway.

1. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress, by walls extending from the floor to the underside of the fire-resistive floor or roof above. Such walls shall not be of less than one-hour fire-resistive construction. Openings through such walls shall conform to Section 1004.3.4.3.2.

**EXCEPTIONS:**

1. The main entrance-level elevator lobby in office buildings.
2. Elevator lobbies located within an atrium complying with the provisions of Section 402.
3. In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building have access to at least one required means of egress without passing through the elevator lobby.
4. Where elevator shafts are pressurized in accordance with Section 905, elevator lobbies need not be provided.

2. Each elevator lobby shall be provided with approved smoke detector(s) installed in accordance with their listings. When the detector is activated, elevator doors shall not open and all cars serving that lobby are to return to the main floor and be under manual control only. If the main floor detector or a transfer floor detector is activated, all cars serving the main floor or transfer floor shall return to a location approved by the fire department and building official and be under manual control only. The detector may serve to close the lobby doors, additional doors at the hoistway opening allowed in Section 3007 and smoke dampers serving the lobby.

3. Elevator hoistways shall not be vented through an elevator machine room. Each elevator machine room shall be treated as a separate smoke-control zone.

**NEW SECTION**

**WAC 51-40-905 Section 905—Smoke control.**

**905.2.1 General.** Buildings or portions thereof required by this code to have a smoke-control system shall have such systems designed in accordance with the requirements of this section.

**EXCEPTIONS:**

1. Smoke and heat venting required by Section 906.
2. Where elevator shaft pressurization is required to comply with Exception 4 of Section 403.7 item 1 or Exception 4 of Section 1004.3.4.5, the pressurization system shall comply with the following:
  - 2.1. Elevator shafts shall be pressurized to not less than 0.10 inch of water column relative to atmospheric pressure. Elevator pressurization shall be measured with elevator cars at the designated primary recall level with the doors in the open position. The test shall be conducted at the location of the calculated maximum positive stack effect in the elevator shaft. The measured pressure shall be sufficient to provide 0.10 inch of water column as well as accounting for the stack and wind effect expected on the mean low temperature January day.
  - 2.2. The elevator shaft pressurization shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by

the building official and the fire chief. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

2.3. Elevator shaft pressurization equipment and its ductwork located within the building shall be separated from other portions of the building by construction equal to that required for the elevator shaft.

2.4. Elevator shaft pressurization air intakes shall be located in accordance with Section 905.7.4. Such intakes shall be provided with smoke detectors which upon detection of smoke, shall deactivate the pressurization fan supplied by that air intake.

2.5. The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 905.8.

2.6. Hoistway venting required by Section 3004 need not be provided for pressurized elevator shafts.

2.7. Elevator machine rooms required to be pressurized by Section 3005.2 need not be pressurized where separated from the hoistway by shaft construction in accordance with Section 711.

2.8. Special inspection shall be required in accordance with Section 905.15.9 and Section 1701.

**AMENDATORY SECTION** (Amending WSR 01-02-095, filed 1/3/01, effective 7/1/01)

**WAC 51-40-1004 The exit access.**

**1004.3.2.3.1 Width.** The clear width of aisles shall be based on the number of fixed seats served by the aisle. The required width of aisles serving fixed seats shall not be used for any other purpose.

The clear width of an aisle in inches shall not be less than the occupant load served by the aisle multiplied by 0.3 for aisles with slopes greater than 1 unit vertical to 8 units horizontal (12.5% slope) and not less than 0.2 for aisles with a slope of 1 unit vertical to 8 units horizontal (12.5% slope) or less. In addition, when the rise of steps in aisles exceeds 7 inches (178 mm), the aisle clear width shall be increased by 1 1/4 inches (32 mm) for each 100 occupants or fraction thereof served for each 1/4 inch (6.35 mm) of riser height above 7 inches (178 mm).

**EXCEPTION:**

For buildings with smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, the minimum clear width of aisles and other means of egress may be in accordance with Table 10-D. For Table 10-D, the number of seats specified must be within a single assembly area, and interpolation shall be permitted between the specified values shown. If Table 10-D is used the minimum clear widths shown shall be modified in accordance with the following:

1. Where risers exceed 7 inches (178 mm) in height, multiply the stairway width in the tables by factor A, where:

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5} \quad (4-1)$$

For SI:

$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

Where risers do not exceed 7 inches (178 mm) in height, A = 1.

2. Stairways not having a handrail within a 30-inch (762 mm) horizontal distance shall be 25 percent

PERMANENT

wider than otherwise calculated, i.e., multiply by  $B = 1.25$ . For all other stairs,  $B = 1$ .

3. Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall have their width increased by 10 percent, i.e., multiply by  $C = 1.10$ . For ramps not steeper than 1 unit vertical in 10 units horizontal (10% slope),  $C = 1$ . Where fixed seats are arranged in rows, the clear width of aisles shall not be less than set forth above or less than the following minimum widths:

3.1 Forty-eight inches (1219 mm) for stairways having seating on both sides.

3.2 Thirty-six inches (914 mm) for stairways having seating on one side.

3.3 Twenty-three inches (584 mm) between a stairway handrail and seating where the aisles are subdivided by the handrail.

3.4 Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

3.5 Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

3.6 Twenty-three inches (584 mm) between a stairway handrail and seating where an aisle does not serve more than five rows on one side.

Where exit access is possible in two directions, the width of such aisles shall be uniform throughout their length. Where aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

**1004.3.2.5.2 Where required.** Aisles with a slope steeper than 1 unit vertical in 8 units horizontal (12.5% slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in Section 1004.3.2.6.

The height of risers shall not be more than 8 inches (203 mm) nor less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or height between adjacent treads or risers shall not exceed 3/16 inch (4.8 mm).

**EXCEPTION:**

Where the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be non-uniform, but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sight lines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers, provided the exact location of such variations is identified with a marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25 mm) wide and a maximum of 2 inches (51 mm) wide.

**EXCEPTION:**

The marking stripe may be omitted where tread surfaces are such that the location of each tread is readily apparent when viewed in descent.

**1004.3.2.6 Ramp Slope.** The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5% slope). Ramped aisles shall have a slip-resistant surface.

**EXCEPTION:**

When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical in 5 units horizontal (20% slope).

**1004.3.2.7 Handrails.** Handrails shall comply with the height, size and shape dimensions set forth in Section 1003.3.3.6, and ends shall be returned or shall have rounded terminations or bends. Ramped aisles having a slope steeper than 1 unit vertical in 15 units horizontal (6.7% slope) and aisle stairs (two or more adjacent steps) shall have handrails located either at the side or within the aisle width. Handrails may project into the required aisle width a distance of 3 1/2 inches (89 mm).

**EXCEPTIONS:**

1. Handrails may be omitted on ramped aisles having a slope not steeper than 1 unit vertical in 5 units horizontal (20% slope) and having fixed seats on both sides of the aisle.

2. Handrails may be omitted where a guardrail is at the side of an aisle that conforms to the size and shape requirements for handrails.

Handrails located within the aisle width shall be discontinuous with gaps or breaks at intervals not to exceed five rows. These gaps or breaks shall have a clear width of not less than 22 inches (559 mm) not more than 36 inches (914 mm) measured horizontally.

**1004.3.4.5 Elevators.** Elevators opening into a corridor shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall completely separate the elevators from the corridor by construction conforming to Section 1004.3.4.3.1 and all openings into the lobby wall contiguous with the corridor shall be protected as required by Section 1004.3.4.3.2.

**EXCEPTIONS:**

1. In office buildings, separations need not be provided from a street floor lobby, provided the entire street floor is protected with an automatic sprinkler system.

2. Elevators not required to meet the shaft enclosure requirements of Section 711.

3. When additional doors are provided in accordance with Section 3007.

4. In fully sprinklered buildings, where elevator and stair shafts are pressurized in accordance with Section 905, elevator lobbies need not be provided.

Elevator lobbies shall comply with Section 3002.

**WSR 03-01-064**

**PERMANENT RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket No. TO-000712, General Order No. R-508—Filed December 12, 2002, 8:35 a.m.]

In the matter of adopting WAC 480-75-390 Valve spacing rapid shutdown, relating to hazardous liquid, gas, oil and petroleum pipeline companies—Safety.

**/ STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-12-132, filed with the code reviser on June 5, 2002. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

**5** The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

**6** In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

**7 REFERENCE TO AFFECTED RULE:** This order adopts the following section of the Washington Administrative Code: WAC 480-75-390 Valve spacing rapid shutdown.

**8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The commission filed a preproposal statement of inquiry (CR-101) on August 21, 2000, at WSR 00-17-134.

**9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The statement advised interested persons that the commission was considering entering a rule making to amend or adopt rules for intrastate hazardous liquid pipeline companies as required by section 5, chapter 191, Laws of 2000, and to review chapter 480-75 WAC in light of standards set forth in Executive Order No. 97-02 regarding regulatory improvement.

**10** The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all regulated intrastate hazardous liquid pipeline companies and the commission's list of interested persons of hazardous liquid pipeline related rule makings. The commission posted the relevant rule-making information on its internet web site at [www.wutc.wa.gov](http://www.wutc.wa.gov).

**11** The commission solicited written comments and held workshops relating to the content of the rules. After considering and incorporating many of the suggestions made by

stakeholders, the commission offered the draft proposed rules for comment.

**12 MEETINGS OR WORKSHOPS; ORAL COMMENTS:** The commission held three workshops to discuss draft rule language chapter 480-75 WAC. Representatives from the following companies, organizations, agencies and municipalities attended some or all of the workshops: Olympic Pipeline Company—BP Pipelines North America, Inc., McChord Pipeline Company, Tidewater Terminal Company, Kaneb Pipeline Company, Agrium US., Inc., Accufacts, Inc., Adisitor Tech., Washington State Department of Emergency Management, King County Department of Natural Resources, Tumwater Fire Department, Port of Seattle, City of Bellingham, City of SeaTac, City of Spokane, City of Kent, City of Auburn, City of Seattle, City of Redmond. Sarah Spence commented as an individual interested person.

**13** All rules were discussed at the workshops. Items of greatest interest included discussions relating to design, construction and repair, and operation and maintenance of new and repaired pipelines, as well as reporting requirements for pipeline companies. Agreement was reached on all issues raised by various stakeholders.

**14 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on June 5, 2002, at WSR 02-12-132. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 02-12-132 at 9:30 a.m., Wednesday, July 10, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice also provided interested persons the opportunity to submit written comments to the commission.

**15 COMMENTERS (WRITTEN COMMENTS):** During the rule-making process, the commission called for seven rounds of comments on discussion drafts of rules. Following the notice of proposed rule making (CR-102), the commission received written comments from the following companies and agencies: Olympic Pipeline Company—BP Pipelines North America, Inc., (Olympic), McChord Pipeline Company, (McChord), Energy Facility Site Evaluation Council (EFSEC), and Washington State Department of Ecology (DOE). Agreement was reached on all major issues raised by participating stakeholders.

**16 RULE-MAKING HEARING:** The commission originally scheduled this matter for oral comment and adoption under Notice No. WSR 02-12-132, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on July 10, 2002, at the commission's offices in Olympia, Washington. The commission continued the rule adoption hearing on July 10, 2002, to July 26, 2002. On July 26, 2002, Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie considered the rule proposal for adoption, pursuant to notice during the commission's regularly scheduled open public meeting.

**17 COMMISSION ACTION:** After considering all of the information regarding the proposal, the commission approved the proposed rules for chapter 480-75 WAC set forth in the CR-102 at WSR 02-12-132, with the exception of WAC 480-75-390 Valve spacing rapid shutdown.<sup>1</sup> The com-



mission determined that the language in WAC 480-75-390 warranted further discussion and clarification by stakeholders. Accordingly, the commission continued the adoption hearing for WAC 480-75-390 to November 15, 2002.

**18 ADDITIONAL WORKSHOP AND COMMENTS:** The commission held one workshop to discuss draft rule language for WAC 480-75-390. Representatives from the following companies and agency attended the workshop and/or offered additional comments: Olympic Pipeline Company—BP Pipelines North America, Inc., McChord Pipeline Company, Kaneb Pipeline Company, Accufacts, Inc., and the Washington State Department of Ecology.

**19 Workshop participants and commenters offered suggestions for clarifying and simplifying the language in WAC 480-75-390.** Items of greatest interest included drafting language to clarify company procedures to rapidly locate and isolate reportable releases from pipelines. The various stakeholders reached agreement on the clarification of the draft rule language.

**20 CONTINUED RULE-MAKING HEARING:** On November 15, 2002, Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie considered the rule proposal for adoption during the commission's regularly scheduled open public meeting. The commission heard oral comments from Sondra Walsh, representing commission staff.

**21 SUGGESTIONS FOR CHANGE THAT ARE REJECTED:** The commission rejected Olympic's proposal that the word "procedures" in sentence one of the proposed rule be replaced with the phrase "the ability to." The commission believes that companies need written procedures in their operation and maintenance manuals that describe how a company will rapidly shutdown and isolate a leak.

**22 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission approved the rule in the CR-102 at WSR 02-12-132 with the changes described below.

**23 CHANGES FROM PROPOSAL:** The commission adopted the proposal without any substantive changes to the text noticed at WSR 02-12-132. The adopted language merely reorganizes, simplifies, and clarifies the text noticed at WSR 02-12-132.

**24 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** The commission determines that WAC 480-75-390 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

<sup>1</sup> On August 26, 2002, the commission filed an order with the code reviser at WSR 02-18-132, amending, adopting, and repealing rules permanently for chapter 480-75 WAC, with the exception of WAC 480-75-390.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

#### ORDER

**25 THE COMMISSION ORDERS That:**

**26 WAC 480-75-390 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.**

**27 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.**

DATED at Olympia, Washington, this 11th day of December, 2002.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Richard Hemstad, Commissioner  
Patrick J. Oshie, Commissioner

#### NEW SECTION

**WAC 480-75-390 Valve spacing and rapid shutdown.**

(1) Each company must have procedures to rapidly locate and isolate reportable releases from a pipeline.

(2) When determining the type of valve to be used, its location, and its shut-off time, a company must consider the following:

- (a) Terrain;
- (b) Geohazards;
- (c) Drainage; and
- (d) Type and condition of the pipe.

(3) Whenever a new rapid shutdown valve is to be installed, the company must conduct a surge analysis to ensure that the surge pressure in the pipeline will not exceed one hundred ten percent of the maximum operating pressure as a result of a rapid valve closure.

**WSR 03-01-065**

**PERMANENT RULES**

**UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket No. UT-990146, General Order No. R-507—Filed December 12, 2002, 8:36 a.m., effective July 1, 2003]

**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 03-03 issue of the Register.

**WSR 03-01-070**  
**PERMANENT RULES**  
**LAKE WASHINGTON**  
**TECHNICAL COLLEGE**

[Filed December 12, 2002, 9:05 a.m.]

Date of Adoption: [December 3, 2002].

Purpose: To correct typographical error in chapters 197-11 and 131-24 WAC and replace with the correct WAC reference.

Citation of Existing Rules Affected by this Order: Amending Yes [WAC 495D-325-010].

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-20-014 on September 20, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 3, 2002

L. Michael Metke

President

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

**WAC 495D-325-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of Lake Washington Technical College District 26 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and ~~((432-24))~~ 131-24 WAC.

(2) The president of the district or his or her designee shall be responsible for administering and implementing this policy.

**WSR 03-01-071**  
**PERMANENT RULES**  
**WHATCOM COMMUNITY COLLEGE**

[Filed December 12, 2002, 2:49 p.m.]

Date of Adoption: December 10, 2002.

Purpose: To update and bring into compliance with current wording.

Citation of Existing Rules Affected by this Order: Amending chapter 132U-52 WAC.

Statutory Authority for Adoption: RCW 28B.50.130.

Adopted under notice filed as WSR 02-06-104 [02-20-067] on March 5, 2002 [September 30, 2002].

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.

December 10, 2002

Harold C. Heiner

President

AMENDATORY SECTION (Amending Order 88-02, filed 3/15/88)

**WAC 132U-52-010 Control of dogs.** Dogs are not permitted in Whatcom Community College buildings or on college property except ~~((when they are,))~~ for:

(1) ~~((seeing-eye dogs, (2) dogs trained for assisting the hearing impaired under immediate control of their owners, or (3)))~~ Service animals under immediate control of their owners that are trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability; or

(2) Dogs authorized by the ((dean of instruction)) chief student affairs officer (or designee) for educational purposes.

(Statutory authority: RCW 28B.50.140(10))

**WSR 03-01-072**  
**PERMANENT RULES**  
**WHATCOM COMMUNITY COLLEGE**

[Filed December 12, 2002, 2:50 p.m.]

Date of Adoption: December 10, 2002.

Purpose: To update and clarify students' rights and responsibilities and to update the student grievance process.

Citation of Existing Rules Affected by this Order: Amending chapter 132U-120 WAC.

Statutory Authority for Adoption: RCW 28B.50.130 and 28B.50.140.

Adopted under notice filed as WSR 02-06-103 [02-20-066] on March 5, 2002 [September 30, 2002].

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 5, Amended 16, Repealed 14.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 16, Repealed 14.

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 5, Amended 16, Repealed 14.

Effective Date of Rule: Thirty-one days after filing.

December 10, 2002

Harold C. Heiner  
President

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-010 Title.** This chapter shall be known as the ~~((code of))~~ student rights and responsibilities code of Whatcom Community College.

NEW SECTION

**WAC 132U-120-015 Purpose.** Whatcom Community College, as a state supported institution of higher education, has a primary mission to provide effective quality education designed to foster the development of students' knowledge, communication and critical thinking skills, personal integrity, global understanding, and appreciation of diversity. Students and college personnel share responsibility for this common mission by contributing to a learning environment that promotes academic honesty, social justice, understanding, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Students have obligations to fulfill both their particular roles within the academic community and those obligations as citizens of their larger community. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. Any student charged with a violation of college policies or regulations is guaranteed fair judicial process and when found in violation, appropriate disciplinary action.

The student's rights and responsibilities code is implemented to support the aforementioned purpose to assist in the protection of the rights and freedoms of all members of the college community.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-020 Definitions.** As used in this chapter, the following words and phrases shall be defined as follows:

~~((1))~~ "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of ~~((academic))~~ dishonesty.

~~((2))~~ "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

~~((3))~~ "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

~~((4))~~ "Associated students" shall mean the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

"ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

~~((5))~~ "Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

~~((6))~~ "~~President~~" shall mean the ~~president of Whatcom Community College and president of Community College District No. 21, state of Washington.~~

~~((7))~~ "Code of conduct" refers to the Whatcom Community College code of student rights and responsibilities.

"College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

~~((8))~~ "College community" shall mean trustees, students, employees, and guests on college-owned or controlled facilities, including distance learning environments.

"College facilities" shall mean and include any and all personal property and real property that the college owns, uses, or controls including all buildings and appurtenances affixed thereon or attached thereto district-wide. College facilities extend to affiliated websites, distance learning classroom environments, and agencies or institutions that have educational agreements with Whatcom Community College.

~~((9))~~ "College official" shall mean any person who is employed by the college or authorized to act as an agent of the college in performing assigned administrative or professional responsibilities.

"Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

"Dean of students" shall mean the chief student affairs officer who is the administrator responsible for student services or designee.

"Demonstrations" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

~~((10))~~ "Director of student programs" shall mean the administrator responsible for student programs and activities or designee.

"Disciplinary ~~((action))~~ sanctions" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean or the president issued pursu-

ant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

~~((11)) "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.~~

((12)) "Distance learning" shall mean various methods of instructional delivery that include, but are not limited to, online courses, telecourses, and interactive video courses.

"Faculty" or "instructor" shall mean any full-time or part-time academic employee of the ((district)) college or an affiliated institution whose assignment is one of a combination of instruction, counseling or library services.

~~((13))~~ "Free speech area" shall be designated by the college president and can be reserved by student groups and organizations through the office of student programs and activities.

"Instructional day" shall mean any regularly scheduled day of instruction designated in the academic year calendar, including summer quarter, as a day when classes are held. Saturdays and Sundays are not regularly scheduled instructional days.

"President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

"Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

~~((14))~~ "Student," unless otherwise qualified, shall mean and include any person who is ((registered)) enrolled for classes at the college, including any person enrolled in distance learning courses.

~~((15))~~ "Petition review)" "Student rights and responsibilities committee" shall mean the judicial body provided in this chapter.

~~((16))~~ "Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

~~**WAC 132U-120-030 Jurisdiction.** ((1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity which is held on or in nonecollege facilities.~~

~~(2) Faculty members, other college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to (a) possible prosecution under the state criminal law; (b) any other civil or criminal remedies available to the public; or (c) appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.~~

~~(3) Statutory authority of the Revised Code of Washington cited in this document is on file and available in the administrative office.)~~ The student rights and responsibilities code is a guideline for expected student behavior at the

college. All rules and provisions in the code apply to every student on campus or in a college facility. Such rules and provisions also apply to students while they are present at or engaged in college-sponsored activities held in noncollege facilities. The college is not a policing agent for students when they are off campus but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and its members.

Students, college employees, or members of the public who violate, or aid or abet another in violation of this chapter shall be subject to:

(1) Criminal and civil prosecution;

(2) Restriction from any college property or facilities, the violation of which could result in criminal trespass;

(3) Any other civil or criminal remedies available to the public;

(4) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

The college may carry out disciplinary proceedings prior to, simultaneous, or following civil or criminal proceedings in the court.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-040 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may post or distribute ~~((or post))~~ printed or published material ~~((subject to official procedures printed and available in the administrative~~

office)). Such distribution and posting is subject to college rules and procedures available in the student programs office.

(4) ~~((Off-campus))~~ Outside speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the ~~((administrative))~~ student programs office.

(5) Commercial activities.

(a) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless the activities clearly serve educational objectives and fit within the mission of the college. The commercial activities may be conducted under the sponsorship or the request of a college department or official student organization.

(b) These sponsored commercial activities must be scheduled and approved by the director of student programs conducted in a manner not to interfere with or operate to the detriment of college functions or the free flow of pedestrian or vehicular traffic.

(6) Student participation in college governance.

(a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.

(b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).

(c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.

(7) Right of assembly.

(a) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students may conduct or may participate in any assembly on college facilities provided that such assemblies:

(i) Are conducted in an orderly manner;

(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

(iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or

(iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(b) Any student group or student organization that intends to conduct an assembly must reserve the college "free speech area" through the office of the director of student programs.

(c) Assemblies that violate these rules may be ordered to disperse by a college official. If the college "free speech area" is available, the college official may allow the activities to move to that area. If the assembly does not respond to the instructions within a reasonable time, the college official shall call the police to handle as a civil matter.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

WAC 132U-120-050 Student responsibilities. ~~((Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:~~

~~((1) Personal offenses:))~~ As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.

Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct. Grounds for disciplinary action include, but are not limited to, the following:

(1) Student misconduct.

(a) Assault, reckless endangerment, intimidation or interference upon another person ((in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended)).

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior ((which)) that interferes with the rights of others or ((which)) obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow ((instructor's instructions, thereby infringing upon the rights and privileges of other students)) the instructions of a college official, thereby infringing upon the rights and privileges of others.

(d) Providing false information to the college, forgery, or alteration of records.

~~((d))~~ (e) Illegal assembly, disruption, obstruction ((or disruption. Any assembly)) or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

~~((e))~~ (f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

~~((f))~~ (i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

~~((g))~~ (j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

~~((2) Property offenses.~~

~~(a))~~ (k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

(l) Theft and robbery. Theft of the property of the district or of another as defined in ~~((the))~~ RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.

~~((b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.~~

(e)) (m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.

(n) Unauthorized use of college or associated students' equipment and supplies. Converting of college equipment ~~((or)),~~ supplies or computer systems for personal gain or use without proper authority.

~~((3) Status offenses.~~

~~(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.~~

~~(b))~~ (o) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

~~((e))~~ (p) Illegal entry. Entering or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.

(q) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.

(r) Refusal to provide identification ~~((in appropriate circumstances. Refusal to provide positive identification))~~ (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

~~((d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.~~

~~((e))~~ (s) Smoking. Smoking in any classroom or laboratory, the library, vehicle, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.

~~((f))~~ (t) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

~~((g))~~ (u) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

~~((h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.)~~ (v) Computer, telephone, or electronic technology violation. Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the Internet.

(w) Computer trespass. Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Whatcom Community College.

(x) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(y) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.

(2) Academic dishonesty. Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.

(a) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.

(b) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task

required by the faculty member as part of the student's program of instruction.

(c) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.

(d) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.

Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(i) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.

(ii) In cases of academic dishonesty, the instructor or dean of students may adjust the student's grade. The instructor may also refer the matter to the dean of students for disciplinary action.

(3) Classroom conduct. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the dean of students or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The dean may impose a disciplinary probation that restricts the student from the classroom until the student has met with the dean and the student agrees to comply with the specific conditions outlined by the dean for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-060 Trespass.** The president or ((his or her)) designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ((ingress and/or egress)) movement of persons from facilities owned and/or operated by the college. Any ((individual)) person who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

#### NEW SECTION

**WAC 132U-120-065 Judicial authority.** The dean of students or designee is responsible for the administration of the student rights and responsibility code. The dean's responsibility includes the authority to adjudicate and administer sanctions for violations of the code pursuant to the conduct proceedings in WAC 132U-120-075.

#### NEW SECTION

**WAC 132U-120-075 Conduct proceedings.** Any member of the college community may report, orally or in writing, alleged violations to the dean of students. The dean of students or designee will then proceed to investigate the accuracy of the alleged violations. If the dean of students or designee finds that there is a sufficient basis to consider the allegations, the conduct hearing process will proceed as follows:

(1) Any student accused of violating any provision of the code of conduct shall be called for an initial meeting with the dean of students. The student shall be informed of which rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from the disciplinary proceedings.

(2) After considering the evidence in the case and interviewing the accused student, the dean may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate.

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal.

(d) Impose additional sanctions of reprimand, probation, limited dismissal, or expulsion, subject to the student's right of appeal. Following the hearing, the dean shall notify the student in writing within ten instructional days of the decision, the reasons for the decision, and information about the appeals process.

(3) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the dean may impose any sanction authorized by this code in addition to placing a hold on the student records and restricting the student from further enrollment.

(4) The written decision of the dean shall become final unless appealed.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-080 Disciplinary ((action)) sanctions.** ~~((The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, and pursuant to the right of appeal as outlined in this chapter.))~~ A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. In conjunction, students found to have committed a form of misconduct are subject to the following sanctions.

(1) Disciplinary warning. Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more

serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132U-120-050. Reprimands shall be made in writing to the student by the (~~(president, or his or her)~~) dean of students or designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the (~~(president or his or her designee(s))~~) dean placing conditions upon the student's continued attendance (~~(for violation of WAC 132U-120-050)~~). Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in (~~(extra-curricular)~~) activities, fines or restitution for damage, or other possible penalties. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) (~~(Limited dismissal)~~) Suspension. Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) Expulsion. Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

## NEW SECTION

**WAC 132U-120-095 Summary suspension.** The dean of students or designee may summarily suspend any student from the college if the dean has reason to believe that the student presents a danger either to self or others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to a serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) **Initial summary suspension proceedings.** If the dean of students believes it is necessary to exercise the authority to summarily suspend a student, the dean shall:

(a) Notify the student of the alleged misconduct and violation(s) of the code of student conduct. This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address, or shall be personally served.

(b) The notice shall be entitled, "notice of summary suspension proceedings" and shall state:

(i) The charges against the student including the reference to the law and/or code of conduct.

(ii) The specified date, time, and location that the student must appear before the dean for a hearing. The hearing shall be held as soon as practical after the summary suspension.

(iii) A warning that the student shall be considered trespassing and the police will be called if the student enters the college campus other than to meet with the dean of students or to attend the disciplinary hearing.

(2) **Emergency procedure.** The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

(3) **Procedures of summary suspension hearing.**

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the dean of students will preside over the meeting.

(b) The dean shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) **Decision by the dean.** The dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action that is appropriate, if the dean finds probable cause to believe that:

(a) The student against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The dean is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(5) **Notice of suspension.**

(a) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(b) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three instructional days following the conclusion of the hearing with the dean.

(c) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

(d) If the student submits a written appeal of the disciplinary sanction to the student rights and responsibilities committee, the student may only enter the campus to attend the appeal hearing and the suspension shall otherwise remain in effect until the student is notified of the written decision of



the committee. If the student rights and responsibilities committee upholds the suspension and the student submits a written appeal to the college president, the suspension shall remain in effect until the student is notified of the final decision of the president.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-100 Appeals—((Generally)) Overview.** (1) Student appeals contesting any disciplinary action ((may be made by the student(s) involved. Such appeals)) or summary suspension shall be made in the following order:

(a) ((Disciplinary action taken by the dean or his or her designee(s) may be appealed to the petition review committee, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the petition review committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean and the petition review committee. The president's decision shall be final.) The student may appeal the disciplinary action or summary suspension imposed by the dean by submitting a written request for a hearing to the chairperson of the student rights and responsibilities committee within ten instructional days of the postmark of the written decision of the dean.

(b) The student may appeal disciplinary or summary suspension decisions of the student rights and responsibilities committee to the president of the college. The written appeal must be submitted within ten instructional days of the postmark of the written recommendation of the chairperson of the student rights and responsibilities committee.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within ten ((working days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the assistant to the president. Written decisions shall include the signature of the petition review committee chairperson. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding)) instructional days of the postmark of the written decision.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-110 ((Composition and structure of the petition review)) Structure of the student rights and responsibilities committee.** (1) The ((petition review)) student rights and responsibilities committee shall be composed of a chairperson and four members. For the appeal of disciplinary sanctions, the chairperson shall be ((that)) the dean

((who did not handle the initial disciplinary proceedings)) for instruction and the members shall be chosen as follows:

(a) Two ((members shall be)) students in good academic standing appointed by the ASWCC president for a one-year term; and

(b) One ((member shall be a)) faculty member appointed by the president of the college for a three-year term; and

(c) One ((member shall be an)) administrator appointed by the president for a two-year term.

(d) Members of the ((petition review)) student rights and responsibilities committee shall be chosen by no later than October ((15)) 30 of each academic year.

(e) ((Petition review)) Student rights and responsibilities committee members shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the ((petition review)) student rights and responsibilities committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

(3) ((The chairperson shall preside over all proceedings in cases relating to student violation of the rules of conduct established by this chapter. He or she shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing. The chairperson shall be responsible for (a) maintaining a record of the proceedings, (b) drafting findings of fact, conclusions of law and recommendations at the conclusion of the hearing, (c) issuing subpoenas, (d) administering oaths and affirmations and (e) examining witnesses; provided, that no person shall be forced to divulge information which he could not be forced to divulge in a court of law.

(4)) A quorum for all proceedings of the ((petition review)) student rights and responsibilities committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-120 Hearing procedures before the ((petition review)) student rights and responsibilities committee.** (1) The ((petition review)) student rights and responsibilities committee shall conduct a hearing within ((fourteen working)) twenty instructional days after ((disciplinary action has been referred to it)) the chairperson receives the student's written appeal of the disciplinary sanctions imposed by the dean.

((2)) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of his or her relationship with the institution, and where the person (a) waives the opportunity for an informal hearing, or (b) by his

conduct in the judgement of the hearing officer makes it impossible to conduct an informal hearing, or (c) is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing according to the provisions of RCW 28B.19.110 and the guidelines of this chapter. Where a formal hearing is neither required by law nor requested by the student or the college, the matter may be resolved informally. Informal hearings before the petition review committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) The student has a right to a fair and impartial hearing before the petition review committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(4) Written notice of the time and place of the hearing before the petition review committee shall be given to the student by personal service or registered mail. Service will be regarded as complete upon deposit with the United States postal service. Such notice shall be afforded not less than ten calendar days in advance of the hearing and shall be issued by the committee chairperson. The notice shall include:

(a) A statement of time, place and nature of the disciplinary proceedings; and

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of conduct involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(5) The committee has the power to issue subpoenas on its own motion or the motion of a party according to the provisions of RCW 28B.19.130.

(6) The student shall be entitled to:

(a) Hear and examine the evidence against him or her and be informed of the identity of its source; and

(b) Present evidence in his or her own behalf and cross-examine witnesses testifying on behalf of the college as to factual matters; and

(c) Take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the chairperson at least five working days prior to the hearing.

(8) In all disciplinary proceedings, the college may be represented by a designee appointed by the committee chairperson. That designee will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the committee chairperson may elect to have the college represented by an assistant attorney general.

(9) The chairperson shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the petition review committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(10) The record in a formal hearing shall contain: (a) All documents, motions, and intermediate rulings; (b) evidence received and considered; (c) a statement of matters officially noticed; and (d) questions and offers of proof, objections, and rulings thereon.

(11) All records of disciplinary proceedings shall be maintained in the administrative office and shall be available only during the course of the disciplinary proceedings to the petition review committee, the student and his/her attorney, and any other college official designated by the president.

(12) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

(13) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(14) The time of the hearing may be advanced by the petition review committee at the request of the student or continued for good cause.

(15) Hearings conducted by the petition review committee generally will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(16) If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the petition review committee may exclude that person from the hearing room.

(17) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action. (2) The chairperson shall give the student written notice of the time, date, and location of the hearing and the specific charges against the student. This notice shall be provided no less than seven instructional days prior to the hearing. Service will be regarded as complete upon deposit with the United States postal service.

(3) The student may be represented by counsel of the student's own choosing provided that the student pays the legal expenses and notifies the chairperson five instructional days prior to the hearing.

(4) The college may be represented by the dean of students, or designee, including an assistant attorney general.

(5) Hearings before the student rights and responsibilities committee shall be conducted in a manner that will bring about a prompt, fair resolution of the matter. The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Hearings shall be closed to the public, except for immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. The chairperson may choose whether or not to let witnesses

remain for any part of the hearing that does not include their testimony. If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the student rights and responsibilities committee may exclude that person from the hearing room.

(7) The student has a right to a fair and impartial hearing before the student rights and responsibilities committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(8) The dean of students, or designee, shall make the first presentation. Upon completion of the presentation by the dean of students, or designee, the student may make a presentation and may present any witnesses. Either side may offer a rebuttal.

(9) The chairperson may allow the committee members, dean of students, or designee, student or student's representative, to ask questions of any witness.

(10) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing.

(11) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(12) The administrative assistant to the chairperson shall take notes during the hearing and prepare a written summary of all evidence, facts, and testimony presented to the student rights and responsibilities committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(13) All records of disciplinary proceedings shall be maintained in the office of the chairperson and shall be available only during the course of the disciplinary proceedings to the student rights and responsibilities committee, the student and the student's attorney, and any other college official designated by the chairperson.

(14) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-140 Decision by the ~~((petition review))~~ student rights and responsibilities committee.** (1) Upon conclusion of the disciplinary hearing, the ~~((petition review))~~ student rights and responsibilities committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

~~((The committee's written decision shall include findings of fact, conclusions of law and recommendations for final disposal of the matter at issue.~~

~~((3))~~ Within seven ~~((working))~~ instructional days of the conclusion of the hearing, the student will be ~~((provided))~~ mailed or otherwise served with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of ~~((his or her))~~ the right, within ~~((seven calendar days))~~ ten instructional days of the postmark, to submit a written statement to the president of the college appealing the recommendation of the ~~((petition review))~~ student rights and responsibilities committee.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-150 Final appeal.** ~~((1))~~ Any student feeling aggrieved by the findings or conclusions of an appeal to the petition review committee may appeal the same in writing to the president within seven calendar days following notification of the student of the action taken by the committee. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his findings and decision only on the official written record of the case and on any reports or recommendations of the petition review committee and/or of the dean who conducted the original hearing. The student may make a final appeal in writing to the president within ten instructional days following the postmark on the written notification of the action taken by the student rights and responsibilities committee. The president may suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. The president shall base the decision on the written appeal of the student, the official written record of the case and any reports or recommendations of the student rights and responsibilities committee, and/or of the dean who conducted the original hearing. The decision of the president is final.

## STUDENT COMPLAINT PROCEDURE

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-260 ~~((Student grievances.))~~ Purpose.** The purpose of this ~~((section through section 132U-120-320))~~ procedure is to:

- Protect each student's freedom of expression in the ~~((classroom))~~ learning environment; ~~((to))~~

- Protect each student from improper, arbitrary or capricious academic evaluations ~~((as evidenced by the student's final course grade; and to afford))~~ (grades) or actions made by an instructor;

- Offer each student reasonable protection against arbitrary or capricious actions taken ~~((outside the classroom by~~

other members of the college community)) by college officials:

- Provide a mechanism for students to express concerns in an effort to improve the learning environment.

The emphasis of this procedure is on informal resolution of the complaint. Most differences are best resolved by direct, courteous, and respectful communication. Formal complaints, which involve hearings before the student rights and responsibilities committee, should be rare.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-270 ((Grievances)) Complaints excluded.** (1) ((A)) Students may not use ((the provisions of these sections as the basis)) this procedure for filing a ((grievance)) complaint based on the outcome of summary suspension or other disciplinary proceedings ((described in earlier sections of this student rights and responsibilities code)).

(2) Federal and state laws, rules, and regulations, in addition to policies, regulations and procedures adopted by the college or the board of trustees, and/or the state board for community ((college education or the board of trustees of Community College District No. 21 shall)) and technical colleges are not ((be)) grievable matters.

(3) Students shall use chapter 132U-300 WAC for grievances pertaining to sexual or handicapped discrimination.) Different procedures are required for complaints regarding sexual harassment or illegal discrimination. These procedures are available from the dean for educational services and the personnel director.

## NEW SECTION

**WAC 132U-120-285 Time limits.** (1) The student must file a complaint within **one academic quarter** after the action that gives rise to the complaint. For this purpose, fall quarter is considered to be the academic quarter following both spring and summer quarters. The appropriate dean may modify the time limit due to exceptional circumstances such as extended illness.

(2) Every effort will be made by the appropriate dean to investigate and resolve the complaint as soon as possible. When the instructor or staff member concerned is unavailable during a quarter break, sabbatical leave, or other extenuating circumstances, the dean will outline for the student a timeline for the process.

(3) When the instructor or staff member concerned is no longer employed by the college and does not expect to return, the appropriate dean shall confer with appropriate parties and make a decision.

### (a) **Step 1 informal resolution.**

(i) Students who believe a college faculty or staff member has unfairly treated them shall first discuss their concerns directly with that person. If the complaint involves a grade, the student should first discuss the grade, including the reason the student believes the grade has been awarded improperly or in an arbitrary or capricious manner, with the course instructor. The purpose of this discussion should be to clarify

the perceived problem and request specific action. **Most misunderstandings related to grades can be resolved at this level.**

(ii) If the complaint is not resolved or if the student is apprehensive about talking directly with the staff or faculty member involved, the student may request an appointment with the department chair or appropriate associate dean/dean. The department chair, supervisor, or associate dean/dean may act as a mediator to resolve the complaint in a prompt and fair manner.

### (b) **Step 2 formal letter.**

(i) In the unlikely event that an informal resolution is not achieved, the student may initiate a formal complaint by writing a **letter to the faculty or staff member and the appropriate dean** within one academic quarter after the incident that gave rise to the complaint. The formal complaint letter must include a:

- Description of the situation including dates and times;
- Summary of the actions taken by the student to resolve the complaint up to that point; and
- Proposed solution.

In a grade dispute, the student should submit specific information on performance scores, attendance, and any syllabus or written material on course grading criteria that the instructor provided to the student.

(ii) The dean shall attempt to resolve the problem by:

(A) Serving as an intermediary between the student and the faculty or staff member and bringing about a resolution that is satisfactory to all concerned; or

(B) Reviewing the facts of the situation and making a decision. The dean shall investigate the student's written complaint. The investigation may include a written response from the instructor including the course syllabus, the grade reported for the student, the evaluation criteria for the course, and the performance scores and attendance data achieved by the student in that course.

(iii) The dean shall conclude this step with a written decision that is mailed to the student's last known address.

### (c) **Step 3 appeal to the student rights and responsibilities committee.**

(i) If the complaint is not satisfactorily resolved in Step 2, the student may request a hearing to be conducted by the student rights and responsibilities committee by submitting a written request to the dean within ten instructional days of the postmark on the written decision of the dean. The written appeal by the student must clearly state errors in fact or matters in extenuation or mitigation that justify the appeal.

(ii) If the student asks a representative to assist during the hearing, the student shall submit in writing along with the hearing request, the name, address, and telephone number of the representative. The instructor or staff member may also have a representative assist during the hearing and must provide contact information to the chairperson.

(iii) All written documents concerning the complaint shall be forwarded to the chairperson of the student rights and responsibilities committee by the dean upon receiving the student's hearing request. Copies of these documents shall be made available to the committee members, the student, and

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the faculty or staff member to whom the complaint is directed three instructional days prior to the hearing.

(iv) The student rights and responsibilities committee shall be composed of a chairperson and four members. For a student complaint formal appeal, the chairperson shall be the dean who did not handle the initial formal complaint and the members shall be selected as follows:

(A) Two students in good academic standing appointed by the ASWCC president for a one-year term;

(B) One faculty member appointed by the president of the college for a three-year term;

(C) One administrator appointed by the president of the college for a two-year term;

(D) Members of the committee shall be selected no later than October 30 of each academic year;

(E) An appropriate substitute member shall be appointed if a member of the hearing committee is unable to consider the formal complaint for any reason (including, but not limited to, conflict of interest, matters of conscience, or related reasons);

(F) A quorum shall consist of a chairperson and at least three members; provided, that one student, one faculty member, and one administrator are present.

(v) The hearing before the committee shall be conducted within twenty instructional days of receiving the written appeal. Notice of the hearing date and time shall be given to all parties involved five instructional days prior to the hearing.

(vi) A student-initiated complaint hearing shall be an informal and closed hearing. The administrative assistant to the chairperson shall electronically record the hearing and take written notes.

(vii) Both the student and the instructor shall be invited to present oral arguments that shall be restricted to issues related to the complaint. Members of the committee may question both the student and instructor.

(viii) At the conclusion of the hearing, the committee shall deliberate and:

- Request additional information to be considered at a future hearing;
- Recommend that the dean's decision be upheld; or
- Find that there are sufficient reasons to modify or overrule the dean's decision and recommend alternatives to the president.

(ix) Within five instructional days after concluding the hearing, the committee shall make a written recommendation to the president.

(x) The president, after reviewing the record of the case prepared by the chairperson of the student rights and responsibilities committee and any appeal statement filed by any party to the grievance, shall issue either a written acceptance of the recommendations of the committee or written directions regarding alternative courses of action. The written findings of the president are final.

(xi) All written statements and testimony considered during the complaint process and a copy of the final decision by the president shall be retained on file by the chairperson of the student rights and responsibilities committee for one year following the complaint.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-320 Withdrawal of ((grievance)) complaint.** (((+))) At any time during the ((grievance)) complaint procedure, the ((grievant)) student may officially withdraw the ((grievance)) complaint or appeal in writing. ((Further, any appeal of the operational dean's decision forwarded to the office of the president may be officially withdrawn in writing at any time by the appellant.

((2))) In the event the ((grievant or appellant)) student fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered ((to constitute)) a withdrawal of the ((grievance)) complaint or appeal.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-330 Administrative, faculty and staff grievances.** Any administrator, faculty member or staff member who is the subject of a student's ((grievance)) complaint and who is dissatisfied with the results of the student ((grievance)) complaint proceedings shall file a grievance under the appropriate grievance procedure established by Whatcom Community College.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132U-120-070	Delegation of disciplinary authority.
WAC 132U-120-090	Initial disciplinary proceedings.
WAC 132U-120-130	Evidence admissible in hearings.
WAC 132U-120-190	Summary suspension proceedings.
WAC 132U-120-200	Procedures of summary suspension hearing.
WAC 132U-120-210	Decision by the dean.
WAC 132U-120-220	Notice of suspension.
WAC 132U-120-230	Suspension for failure to appear.
WAC 132U-120-240	Appeals from summary suspension hearing.
WAC 132U-120-250	Final decision.
WAC 132U-120-280	Grievance procedures.
WAC 132U-120-290	Appeals.
WAC 132U-120-300	Final decision regarding student grievances.

WAC 132U-120-310 Nature of grievance proceedings.

**WSR 03-01-077**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-298—Filed December 13, 2002, 1:55 p.m.]

Date of Adoption: December 6, 2002.

Purpose: Adopt advanced hunter education program rules.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-13-089 on June 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: At end of subsection (2)(c), add "The master hunter identification card is valid for five consecutive years from the date of issuance. The card will be renewed for an additional five years if, during the period of validity, the master hunter education graduate completes twelve hours of conservationist education, consisting of participating in landowner-sportsman or wildlife-related projects."

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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 12, 2002

Susan Yeager

for Russ Cahill, Chair

Fish and Wildlife Commission

tion master hunter course and such person possesses a valid master hunter identification card while participating in such a hunt, and it is unlawful to participate in a hunt restricted to master hunters if the person's master hunter status has been suspended or revoked. Violation of this subsection shall be enforced under RCW 77.15.400 (1)(c) for wild birds, RCW 77.15.410 (1)(b) for big game, and RCW 77.15.430 (1)(b) for wild animals other than big game.

(2) The advanced hunter education program has three levels, with the following proficiency requirements:

(a) Sharpshooter education: This program emphasizes marksmanship, with the goal of humanely killing game animals with the least number of shots. Successful graduates of the sharpshooter course must demonstrate above average shooting skills. The cost of applying for sharpshooter education is five dollars, and on successfully passing sharpshooter education each graduate will receive a certificate of completion and an advanced hunter education patch.

(b) Conservationist education: This program emphasizes habitat restoration and land use practices that maximize protection for wildlife. Successful graduates of the conservationist course will have spent a minimum of twelve hours participating in landowner-sportsman or wildlife-related projects. The cost of applying for conservationist education is five dollars, and on successfully passing conservationist education each graduate will receive a certificate of completion and an advanced hunter education patch.

(c) Master hunter education: In addition to both sharpshooter and conservationist education, the master hunter program emphasizes ethical behavior while hunting, a detailed knowledge of hunting statutes and rules, and specialized knowledge in how to hunt in damage control hunts that successfully remove problem animals while maximizing public safety. Both extensive home study and passing a rigorous test are prerequisites for achieving the master hunter graduate status. The cost of applying for master hunter education is twenty dollars, and on successfully passing master hunter education each graduate will be issued a certificate, an advanced hunter education patch, and a master hunter identification card. The master hunter identification card is valid for five consecutive years from the date of issuance. The card will be renewed for an additional five years if, during the period of validity, the master hunter education graduate completes twelve hours of conservationist education, consisting of participating in landowner-sportsman or wildlife-related projects.

(3) Master hunters are held to the highest ethical standards while hunting, and are expected to respect all recreational and trapping laws. Accordingly, should a master hunter violate the trapping or recreational fishing or hunting laws, that person's master hunter status will be suspended or revoked as provided in this subsection. The grounds for suspension and revocation are proof by a preponderance of the evidence that the master hunter has committed a violation of law. A criminal conviction is a rebuttable presumption that the violation occurred. Any person who has master hunter status revoked or suspended under this subsection has the right to an administrative hearing to contest the agency action, and such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

**NEW SECTION**

**WAC 232-12-073 Advanced hunter education.** (1) In order to provide for additional hunting opportunity, on species, in areas, or at times when a higher proficiency and demonstrated skill level is needed for resource protection or public safety, the department establishes the advanced hunter education program. Persons who successfully pass the master hunter level of advanced hunter education are entitled to exercise the privileges of participation in special hunts restricted to master hunters. It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the advanced hunter educa-

(a) A two-year suspension of master hunter status will be imposed for any hunting or hunting related violation.

(b) A five-year suspension of master hunter status and a requirement to retake the master hunter course will be imposed for:

(i) Any conviction resulting in a suspension of recreational hunting or fishing privileges or in a trapping privilege suspension;

(ii) Any violations that involve two big game animals; or

(iii) Any violation that involves twice or more the daily limit of game or fish.

(c) A lifetime revocation of master hunter status will be imposed for:

(i) Any conviction resulting in a second suspension of hunting or fishing privileges or in a second trapping privilege suspension;

(ii) Any violation while recreational hunting or fishing privileges, trapping privileges, or master hunter status is suspended; or

(iii) Any violations that involve three or more big game animals.

**WSR 03-01-079**  
**PERMANENT RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed December 13, 2002, 4:37 p.m.]

Date of Adoption: December 12, 2002.

Purpose: The state Parks and Recreation Commission completed a review of the administrative rules regarding public use of state park areas in order to improve the clarity of these rules, to update restrictions intended to prevent undesirable public behavior in the parks, to improve business practices to ensure equitable fee collection, to facilitate the adoption of a vehicle parking permit, and to add fees for NSF checks. These changes help protect park resources, ensure greater efficiency and equitability in the collection of fees and ensure the public has opportunities to enjoy the highest quality park visits.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-030, 352-32-045, 352-32-056, 352-32-120, 352-32-180, 352-32-250, 352-32-251, and 352-32-252.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Adopted under notice filed as WSR 02-22-108 on November 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: In amendatory section WAC 352-32-251, the word admission was changed to parking in subsections (1)(a), (2) and (3). The following example illustrated this change; ... which entitles the holder's camping party to free admission to parking at any state park. This change is made to align the older WAC language with the current adoption of a vehicle parking permit and is considered nonsubstantive.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

December 13, 2002

Jim French

Chief of Policy Research

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-030 Camping.** (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping party may use any state park facility for residence purposes, as defined (WAC 352-32-010).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom no later than 1:00 p.m., if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not

on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping party for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping party must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping parties. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping party shall be limited. Campers may stay ten consecutive nights in one park, after which the camping party must vacate the ~~((site))~~ park for three consecutive nights, April 1 through September 30, not to exceed thirty days in a forty-day time period. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights in one park, after which the camping party must vacate the park for three consecutive nights, October 1 through March 31, not to exceed forty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) A maximum of eight people shall be permitted at a campsite overnight, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car and one recreational vehicle. Provided, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the developed tent pad or designated area as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles may occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are ~~((not))~~ subject to the campsite capacity limitations as otherwise set forth in this section. ~~((Capacities for water trail camping sites may be established))~~ Exceptions for emergencies may be approved by the ranger on an individual basis ~~((and are subject to change based upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid annual water trail permit or have paid the required nightly fee))~~. Water trail site fees, as published by state parks, must be paid at the time the site is occupied.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas may be used only when all designated campsites are full and at the park ranger's discretion. Persons using emergency areas must pay the applicable campsite fee and must vacate the site when directed by the park ranger.

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the applicable campsite fee.

(14) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-045 Reservations for use of designated group facilities.** (1) All designated group facilities shall be reservable by groups as defined in WAC 352-32-010.

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable fee for a minimum of 20 people.

(3) Use of designated group facilities may be by reservation. Requests made at the park for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) Submittal of the group use permit request ~~((;))~~ and payment in full of appropriate fees ~~((, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit))~~ are required for the use of these facilities. Fees must be paid by credit card, certified check or money order. Fees are published by state parks. ~~((In those cases where the fee is submitted at a later date, it must be paid by certified check, or money order.))~~ Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) ~~((A damage deposit may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group facility. Deposits are published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.))~~ The organization or delegated group leader making the reservation is responsible for any damages



or extra cleaning that occurs as a result of the use of the facility(ies) beyond normal care and wear.

(7) Facility reservations for parks not on the central reservation system are made at the park and will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted at the park during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-056 Peace and quiet.** To insure peace and quiet for visitors:

(1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of ~~((11:00))~~ 10:00 p.m. and 6:30 a.m.

(2) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions, or other such equipment, at a volume which emits sound beyond the immediate individual camp or picnic site that may disturb other park users without specific permission of the ~~((area))~~ park ranger.

(3) Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 9:00 p.m.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-120 Firearms and/or weapons.** No person shall possess a firearm with a cartridge in any portion of the mechanism within any upland state park area, nor shall any person discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause

has authorized a special recreational activity upon finding that it is not inconsistent with state parks use. This WAC does not apply to general authority ~~((law enforcement))~~ Washington peace officers as defined in RCW 10.93.020. This WAC does not apply to other commissioned law enforcement officers who are in the performance of their official duties.

**AMENDATORY SECTION** (Amending Order 9, filed 11/24/70)

**WAC 352-32-180 Sanitation.** No person shall, in any state park area:

(1) Drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel, except in designated disposal areas or receptacles.

(2) Clean fish or other food, or wash any clothing or other article for personal or household use, or any dog or other animal, except at designated areas.

(3) Clean or wash any automobile or other vehicle except in areas specifically for that use.

(4) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind, or description, including human or animal bodily waste, any stream, river, lake, or other body of water running in, through, or adjacent to, any state park area.

**AMENDATORY SECTION** (Amending WSR 02-19-069, filed 9/13/02, effective 10/14/02)

**WAC 352-32-250 Standard fees charged.** Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees ~~((to a maximum of 50% below the published fee amounts))~~ in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time ~~((less than))~~ up to one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities;

Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints ~~((; provided, however, that annual fees may not be waived))~~. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be

assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered

for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(14) Water trail site ((permits—

~~(a) For unlimited use within the calendar year, the annual fee will be set by the director or designee after consultation with the water trail advisory committee;~~

~~(b)) fees - for one day/night ((use within the calendar year, the fee)) will be set by the ((director after consultation with the water trail advisory committee;~~

~~(c) For children under 13 years of age the permits shall be issued at no cost;~~

~~(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;~~

~~(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts)) commission;~~

(15) In addition to the regular fee, a per night surcharge shall be imposed for failure to pay the self-registration overnight facility fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do

not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

(31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.** (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free ~~((admission to))~~ parking at any state park ~~((administered facility))~~, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees ~~((, or water trail permit fees))~~ levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free ~~((admission to))~~ parking at any state park ~~((administered facility))~~, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees ~~((, or water trail permit fees))~~ levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commis-

sion, receive a lifetime disabled veteran pass at no charge ~~((which))~~. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free ((admission to)) parking at any state park ((administered facility)) and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, ((water trail permit,)) and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by car or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than car or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return ((a)) the pass to the commission or surrender the pass to a state park representative.

**AMENDATORY SECTION** (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

**WAC 352-32-252 Off-season senior citizen pass—**

**Fee.** (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder's camping party to camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the director and posted. Each such pass shall be valid only during one off-season period.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) There shall be a fee for each off-season senior citizen pass. Limited income senior citizen pass holders may purchase the off-season pass at a 50 percent discount. A surcharge equal to the fee for an electrical hookup published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass becomes invalid and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

**WSR 03-01-096**

**PERMANENT RULES**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed December 17, 2002, 11:34 a.m., effective June 1, 2003]

Date of Adoption: December 17, 2002.

Purpose: WAC 296-62-054 Manufacturers, importers and distributors hazard communications, relating to nonagriculture was rewritten and reorganized for clarity and ease of use and placed into new chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information. The requirements of WAC 296-62-054 will apply only to agriculture. WAC 296-62-055 Retain labeling required by department of transportation, was rewritten and reorganized with no new requirements.

**Amended Section:**

**WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.**

- A note will be added to WAC 296-62-054 stating that requirements relating to manufacturers, importers and distributors hazard communication have been moved and the requirements left in WAC 296-62-054 only apply to agriculture.

PERMANENT

**New Sections:****WAC 296-839-100 Scope.**

- Clarifies responsibility of manufacturers, importers and distributors to provide material safety data sheets and labels.
- Lists exemptions from WAC 296-62-054.

**WAC 296-839-200 Hazard evaluation.**

- Clarifies responsibility of manufacturers, importers and distributors to evaluate the hazards of chemicals they produce, import or distribute.

**WAC 296-839-20005 Conduct complete hazard evaluations.**

- Moved requirements from WAC 296-62-05402, 296-62-05404, and 296-62-05406 to this section.

**WAC 296-839-20010 Provide access to hazard evaluation procedures.**

- Moved requirements regarding access to written procedures to this section.

**WAC 296-839-300 Material safety data sheets.**

- Clarifies methods and requirements for developing or obtaining MSDSs.

**WAC 296-839-30005 Develop or obtain MSDSs.**

- Moved requirements from WAC 296-62-05408 to this section.

**WAC 296-839-30010 Provide MSDSs.**

- Moved requirements from WAC 296-62-05412 to this section.

**WAC 296-839-30015 Follow-up if an MSDS is not provided.**

- Moved requirements from WAC 296-62-05412 to this section.

**WAC 296-839-400 Labeling.**

- Moved requirements from WAC 296-62-05410 to this section.

**WAC 296-839-40005 Label containers of hazardous chemicals.**

- Moved requirements from WAC 296-62-05410 to this section.

**WAC 296-839-500 Definitions.**

- Moved the definitions from WAC 296-62-054 to this section.

**WAC 296-62-055 Retain labeling required by department of transportation (DOT).**

- Clarifies responsibility of employers to retain DOT labeling.

**WAC 296-62-05510 Scope.**

- Clarifies what packaging the rule applies to.

**WAC 296-62-05520 Retain readily visible DOT labeling.**

- Moved requirements relating to DOT labeling from WAC 296-62-05410 to this section.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 02-18-094 on September 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections were changed as indicated below:

**WAC 296-839-100 Scope**, wording "choose not to rely on" changed to "choose to develop your own" to be consistent throughout the rule. Wording removed from the "Note." Reference added to direct employers to the hazard communication rule in the core rules.

**WAC 296-839-20005 Conduct complete hazard evaluations**, wording "choose not to rely on" changed to "choose to develop your own" to be consistent throughout the rule.

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 14, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, 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 14, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2003.

December 17, 2002

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.**

Note: The requirements in this section apply only to agriculture. The general industry requirements relating to manufacturers, importers and distributors hazard communication have been moved to chapter 296-839 WAC, Content and distribution of material safety data sheets (MSDSs) and label information.

**Your responsibility:**

To ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is given to employers and employees.

- Note:
- If you have employees exposed to the chemicals you produce, import or distribute, you must comply with "Chemical hazard communication rule" WAC 296-800-170.
  - If you are an employer who relies on a material safety data sheet from the manufacturer, importer or distributor and you distribute or produce hazardous chemicals, you do not have to comply with this rule.

**You must:**

- Determine whether the chemicals you produce in your workplace or import are hazardous. WAC 296-62-05402
- Use this criteria in making hazard determinations. WAC 296-62-05404
- Determine whether the chemicals you produce or import are health hazards. WAC 296-62-05406
- Obtain or develop a material safety data sheet for each hazardous chemical you produce or import. WAC 296-62-05408
- Label clearly each container of hazardous chemicals that leaves your workplace. WAC 296-62-05410
- Provide material safety data sheets. WAC 296-62-05412

**Application of this standard:**

The Manufacturers, Importers, and Distributors Hazardous Communication Rule DOES NOT APPLY to:

- Any hazardous waste as such term is 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 standards for the accumulation, handling and management of hazardous waste;
- Any hazardous waste as such term is 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 as such term is 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 standard, and wood that may be subsequently sawed or cut, generating dust, are not exempted);
- Articles are manufactured items other than a fluid or particle:
  - That are formed to a specific shape or design during manufacture;
  - That have end use function(s) dependent in whole or in part upon their shape or design during end use; and
  - That under normal conditions of use do not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under the hazard

determination section of this rule), 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 grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;
- Any drug, as that term is 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 (e.g., tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);
- Cosmetics that are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;
- Any consumer product or hazardous substance, as those terms are 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 the employer 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;
- Ionizing and nonionizing radiation; and
- Biological hazards.

Article means a manufactured item other than a fluid or particle:

- Which is formed to a specific shape or design during manufacture;
- Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
- Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or 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.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated

automatically as a designated representative without regard to written employee authorization.

Employee 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 personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall 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 engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract 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. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States. This definition is the same as Webster's, therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be

a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are:

The extent to which the information is known outside of his business;

The extent to which it is known by employees and others involved in his business;

The extent of measures taken by him to guard the secrecy of the information;

The value of the information to him and his competitors;

The amount of effort or money expended by him in developing the information;

The ease or difficulty with which the information could be properly acquired or duplicated by others.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05225 provides a legal definition of trade secret and this rule sets out the criteria to be used in evaluating trade secrets.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

PERMANENT

**PART C-1  
RETAIN DEPARTMENT OF TRANSPORTATION  
LABELING**

**NEW SECTION**

**WAC 296-62-055 Retain labeling required by the department of transportation.**

**Your responsibility:**

To make sure DOT-required labeling on packages and containers in your workplace is retained to alert employees of potentially hazardous contents.

**Note:** Terms used in this rule are defined by the USDOT in Title 49 of the Code of Federal Regulations (CFR) Part 171. To access the CFR visit: <http://www.dot.gov>

**NEW SECTION**

**WAC 296-62-05510 Scope.** This chapter applies to packages, freight containers, rail freight cars, motor vehicles, and transport vehicles required to be marked, placarded, or labeled by the U.S. Department of Transportation in Title 49 of the CFR, Parts 171-180.

**NEW SECTION**

**WAC 296-62-05520 Retain readily visible DOT labeling.**

**You must:**

• Retain readily visible DOT labeling as specified in Table 1.

Table 1 Specifications for Retaining DOT Labeling	
If you receive	Retain DOT markings, placards and labels UNTIL:
<ul style="list-style-type: none"> <li>• Packages of hazardous materials</li> </ul>	<ul style="list-style-type: none"> <li>• Hazardous materials are sufficiently removed                             <ul style="list-style-type: none"> <li>– Packaging must be                                     <ul style="list-style-type: none"> <li>■ cleaned of residue</li> <li>■ purged of vapors</li> </ul> </li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Freight containers</li> <li>• Rail freight cars</li> <li>• Motor vehicles</li> <li>• Transport vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• Hazardous materials are sufficiently removed</li> </ul>

<ul style="list-style-type: none"> <li>• Nonbulk packages that will not be reshipped</li> </ul>	<ul style="list-style-type: none"> <li>• You replace the DOT labeling with labeling that complies with WAC 296-800-170, Employer chemical hazard communication—Introduction (see the <i>Safety and Health Core Rules Book</i>)</li> </ul>
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**Chapter 296-839 WAC**

**CONTENT AND DISTRIBUTION OF MATERIAL SAFETY DATA SHEETS (MSDSs) AND LABEL INFORMATION**

**NEW SECTION**

**WAC 296-839-100 Scope.** This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

• This chapter applies when you do **one or more** of the following:

- Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
- Sell or distribute hazardous chemicals to manufacturers, distributors or employers
- Choose to develop material safety data sheets (MSDSs) for a product you do not import or manufacture.

**Reference:**

See WAC 296-800-170, the Employer chemical hazard communication rule, for MSDSs, label, and other requirements that apply when hazardous chemicals are used in your workplace.

**Note:** • Use Table 2 to determine which sections in this chapter apply to your workplace.

**Exemptions:**

- All of the following are **always** exempt from this chapter:
  - Ionizing and nonionizing radiation
  - Biological hazards
  - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1 Conditional Exemptions from this Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> <li>• Alcoholic beverages</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Foods</li> </ul>	<ul style="list-style-type: none"> <li>• Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)</li> </ul>
<ul style="list-style-type: none"> <li>• An article (manufactured item)</li> </ul>	<ul style="list-style-type: none"> <li>• It is not a fluid or particle</li> <li>AND</li> <li>• It is formed to a specific shape or design during manufacture for a particular end use function<sup>1</sup></li> <li>AND</li> <li>• It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees</li> </ul>



PERMANENT

Table 1 Conditional Exemptions from this Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> <li>• Consumer products                             <ul style="list-style-type: none"> <li>– Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052<sup>2</sup>)</li> </ul> </li> <li>OR</li> <li>• Hazardous household products                             <ul style="list-style-type: none"> <li>– Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261<sup>2</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Both criteria apply:                             <ul style="list-style-type: none"> <li>– They are used in the workplace for the same purpose as intended by the manufacturer or importer</li> <li>– The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Cosmetics</li> </ul>	<ul style="list-style-type: none"> <li>• Packaged and sold in retail establishments</li> </ul>
<ul style="list-style-type: none"> <li>• Drugs                             <ul style="list-style-type: none"> <li>– Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321<sup>2</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In solid, final form (for example, tablets, or pills) for direct administration to the patient</li> <li>OR</li> <li>• Packaged and sold in retail establishments (for example, over-the-counter drugs)</li> <li>OR</li> <li>• Intended for employee consumption while in the workplace (for example, first-aid supplies)</li> </ul>
<ul style="list-style-type: none"> <li>• Hazardous solid wastes                             <ul style="list-style-type: none"> <li>– Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903<sup>2</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subject to the United States Environmental Protection Agency (EPA) regulations<sup>3</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Hazardous substances                             <ul style="list-style-type: none"> <li>– Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601<sup>2</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (CFR))<sup>3</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Hazardous wastes                             <ul style="list-style-type: none"> <li>– Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW<sup>4</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subject to department of ecology regulations, chapter 173-303 WAC<sup>5</sup>, that address the accumulation, handling and management of hazardous waste, and describe all of the following:                             <ul style="list-style-type: none"> <li>– Safety</li> <li>– Labeling</li> <li>– Personnel training</li> <li>– And other related requirements</li> </ul> </li> </ul>

Table 1 Conditional Exemptions from this Chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> <li>• Solid wood</li> <li>OR</li> <li>• Wood products (for example, lumber, and paper)</li> </ul>	<ul style="list-style-type: none"> <li>• All of the following apply                             <ul style="list-style-type: none"> <li>– The material is not treated with hazardous chemicals</li> <li>– The only hazard is potential flammability or combustibility</li> <li>– The product is not expected to be processed (for example, by sanding or sawing)</li> </ul> </li> </ul>

<sup>1</sup>End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item

<sup>2</sup>This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>

<sup>3</sup>EPA regulations are included in the Code of Federal Regulations (CFR). See <http://www.epa.gov>

<sup>4</sup>This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>

<sup>5</sup>See <http://www.ecy.wa.gov>

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.

TABLE 2 Section Application				
If you	Then the sections marked with an "X" apply			
	20005 - 20010	30005	30010 - 30015	40005
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to <ul style="list-style-type: none"> <li>– Manufacturers</li> <li>OR</li> <li>– Distributors</li> <li>OR</li> <li>– Employers (includes retail or wholesale transactions)</li> </ul>			X	X
• Choose to develop MSDSs for a product you do not import or manufacture	X	X		

**NEW SECTION**

**WAC 296-839-200 Hazard evaluation.**

**Your responsibility:**

To make sure the hazardous chemicals are identified.

**You must:**

Conduct complete hazard evaluations

WAC 296-839-20005

Provide access to hazard evaluation procedures

WAC 296-839-20010.

**NEW SECTION**

**WAC 296-839-20005 Conduct complete hazard evaluations. Important:**

- Hazard evaluation is a process where hazards of chemicals are identified by reviewing available research or testing information. You are not required to perform your own laboratory research or testing to meet the requirements of this section

- Information from hazard evaluations is used to complete material safety data sheets (MSDSs) and labels

- MSDSs from your suppliers may be used to complete the hazard evaluation for chemicals you produce

- MSDSs and labels are **NOT** required for chemicals that are determined to be nonhazardous

- Importers and manufacturers are required to develop MSDSs. If you choose to develop MSDSs for a product you do not import or manufacture, then this chapter also applies to you.

**You must:**

(1) Describe in writing your procedures for conducting hazard evaluations.

(2) Conduct a complete hazard evaluation for **ALL** chemicals you produce or import to determine if they are hazardous chemicals.

- Identify and consider available scientific evidence of health and physical hazards

- Evidence that meets the criteria in Table 3 must be used to establish a hazard

- Chemicals identified in a Table 4 source must be regarded as hazardous

- The scope of health hazards considered must include the categories in Tables 5 and 6

- If the chemical is a mixture, follow the additional criteria in Table 7.

If you find evidence that meets the criteria in Table 3, use it in your hazard evaluation.

Hazard	Criteria
• Health hazard	<ul style="list-style-type: none"> <li>• Where available, use human case reports of health effects</li> <li>AND</li> <li>• One or more studies that                             <ul style="list-style-type: none"> <li>– Are based on human populations, if available, and animal populations<sup>1,2</sup></li> </ul> </li> <li>AND</li> <li>– Report statistically significant conclusions of a hazardous effect or health hazard (as defined in this rule)</li> <li>AND</li> <li>– Have been conducted following established scientific principles</li> </ul>

Hazard	Criteria
• Physical hazard	<ul style="list-style-type: none"> <li>• Valid evidence that shows a chemical is any one of the following<sup>3</sup>:                             <ul style="list-style-type: none"> <li>– A combustible liquid</li> <li>– A compressed gas</li> <li>– Explosive</li> <li>– Flammable</li> <li>– An organic peroxide</li> <li>– An oxidizer</li> <li>– Pyrophoric</li> <li>– Unstable (reactive)</li> <li>– Water-reactive</li> </ul> </li> </ul>

<sup>1</sup> If human data is not available, use results of tests done on animals and other available studies to predict health effects on employees (for example, effects resulting from short and long-term exposures to chemicals).

<sup>2</sup> In vitro studies alone do not generally form the basis of a finding of hazard.

<sup>3</sup>These terms are defined in WAC 296-839-500.

Chemicals identified in the sources listed in Table 4 must be assumed to be hazardous (including carcinogens and potential carcinogens).

<ul style="list-style-type: none"> <li>• Sources that address a broad range of hazard categories:                             <ul style="list-style-type: none"> <li>– Chapter 296-62 WAC, General Occupational Health Standards, WISHA</li> <li>– 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)</li> <li>– <i>Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment</i>, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).</li> </ul> </li> <li>• Sources that identify carcinogens or potential carcinogens:                             <ul style="list-style-type: none"> <li>– Chapter 296-62 WAC, General Occupational Health Standards, WISHA</li> <li>– 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)</li> <li>– National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition)</li> <li>– International Agency for Research on Cancer (IARC) Monographs (latest editions).</li> </ul> </li> </ul> <p><b>Note:</b> The <i>Registry of Toxic Effects of Chemical Substances</i> is published by the National Institute for Occupational Safety and Health (NIOSH) and identifies chemicals found to be potential carcinogens by the NTP and IARC.</p>
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Chemicals meeting Table 5 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

**Table 5 is NOT intended to present all hazard categories or test methods.** Available scientific data involving other test methods and animal species must also be evaluated to determine a chemical's hazards.

PERMANENT

Table 5 Standard Health Hazard Categories	
A chemical is considered to be	If
• A carcinogen	<ul style="list-style-type: none"> <li>• The International Agency for Research on Cancer (IARC) considers it to be a carcinogen or potential carcinogen</li> <li>OR</li> <li>• The National Toxicity Program (NTP) (latest edition) lists it as a carcinogen or potential carcinogen</li> <li>OR</li> <li>• It is regulated by WISHA or OSHA as a carcinogen</li> </ul>
• Corrosive	<ul style="list-style-type: none"> <li>• It causes visible destruction of, or irreversible alterations in, living tissue (not inanimate surfaces) by chemical action at the site of contact</li> <li>Example:                             <ul style="list-style-type: none"> <li>– A chemical is corrosive if tested on the intact skin of albino rabbits by a method described by the U.S. Department of Transportation (in Appendix A to 49 CFR Part 173) and it destroys or changes (irreversibly) the structure of the tissue at the contact site after a four-hour exposure period</li> </ul> </li> </ul>
• Toxic	<ul style="list-style-type: none"> <li>• It has a median lethal dose (LD50) greater than 50 milligrams per kilogram, but no more than 500 milligrams per kilogram of body weight, when administered orally to albino rats weighing between 200 - 300 grams each.</li> <li>OR</li> <li>• It has a median lethal dose (LD50) greater than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram, of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each</li> <li>OR</li> <li>• It has a median lethal concentration (LC50), in air:                             <ul style="list-style-type: none"> <li>– Greater than 200 parts per million, but not more than 2,000 parts per million (by volume of gas or vapor)</li> </ul> </li> <li>OR</li> <li>– Greater than 2 milligrams per liter, but not more than 20 milligrams per liter, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats, weighing between 200 - 300 grams each</li> </ul>

Table 5 Standard Health Hazard Categories	
A chemical is considered to be	If
• Highly toxic	<ul style="list-style-type: none"> <li>• It has a median lethal dose (LD50) of 50 milligrams, or less, per kilogram of body weight when administered orally to albino rats weighing between 200 - 300 grams each</li> <li>OR</li> <li>• It has a median lethal dose (LD50) of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each</li> <li>OR</li> <li>• It has a median lethal concentration of (LC50), in air, of:                             <ul style="list-style-type: none"> <li>– 200 parts per million (by volume), or less, of gas or vapor</li> </ul> </li> <li>OR</li> <li>– 2 milligrams per liter, or less, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 - 300 grams each</li> </ul>
• An irritant	<ul style="list-style-type: none"> <li>• It is NOT corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the contact site</li> <li>Examples:                             <ul style="list-style-type: none"> <li>– The chemical is a skin irritant when tested on the intact skin of albino rabbits (by the methods of 16 CFR 1500.41) for four hours exposure, (or by other appropriate techniques) and the exposure results in an empirical score of five or more</li> <li>– A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques</li> </ul> </li> </ul>
• A sensitizer	<ul style="list-style-type: none"> <li>• It causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure</li> </ul>

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Categories provided in Table 6 illustrate the broad range of target organ effects that must be considered when conducting hazard evaluations. Chemicals meeting Table 6 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Examples provided in Table 6 are NOT intended to be a complete list.

Category	Definition	Examples of Signs and Symptoms	Examples of Chemicals
Hepatotoxins	Cause liver damage	<ul style="list-style-type: none"> <li>• Jaundice</li> <li>• Liver enlargement</li> </ul>	<ul style="list-style-type: none"> <li>• Carbon tetrachloride</li> <li>• Nitrosamines</li> </ul>
Nephrotoxins	Cause kidney damage	<ul style="list-style-type: none"> <li>• Edema</li> <li>• Proteinuria</li> </ul>	<ul style="list-style-type: none"> <li>• Halogenated hydrocarbons</li> <li>• Cadmium</li> </ul>
Neurotoxins	Cause primary toxic effects on the nervous system	<ul style="list-style-type: none"> <li>• Narcosis</li> <li>• Behavioral changes</li> <li>• Decrease in motor functions</li> </ul>	<ul style="list-style-type: none"> <li>• Mercury</li> <li>• Carbon disulfide</li> <li>• Lead</li> </ul>
Chemicals that act on the • Blood OR • Hematopoietic (blood forming) system	<ul style="list-style-type: none"> <li>• Decrease hemoglobin function</li> <li>OR</li> <li>• Deprive the body tissues of oxygen</li> </ul>	<ul style="list-style-type: none"> <li>• Cyanosis</li> <li>• Loss of consciousness</li> </ul>	<ul style="list-style-type: none"> <li>• Carbon monoxide</li> <li>• Cyanides</li> <li>• Benzene</li> </ul>
Chemicals that damage the lungs	<ul style="list-style-type: none"> <li>• Irritate lungs</li> <li>OR</li> <li>• Damage pulmonary tissue</li> </ul>	<ul style="list-style-type: none"> <li>• Cough</li> <li>• Tightness in chest</li> <li>• Shortness of breath</li> </ul>	<ul style="list-style-type: none"> <li>• Silica</li> <li>• Asbestos</li> </ul>
Reproductive toxins	Affect reproductive capabilities, including: <ul style="list-style-type: none"> <li>• Chromosomal damage (mutation)</li> <li>• Effects on fetuses (teratogenesis)</li> </ul>	<ul style="list-style-type: none"> <li>• Birth defects</li> <li>• Sterility</li> </ul>	<ul style="list-style-type: none"> <li>• Lead</li> <li>• 1,2-Dibromo-3-chloropropane (DBCP)</li> <li>• Nitrous Oxide</li> </ul>
Cutaneous (skin) hazards	Affect the dermal layer of the body	<ul style="list-style-type: none"> <li>• Defatting of the skin</li> <li>• Rashes</li> <li>• Irritation</li> </ul>	<ul style="list-style-type: none"> <li>• Ketones</li> <li>• Chlorinated compounds</li> </ul>
Eye hazards	Affect the eye or ability to see	<ul style="list-style-type: none"> <li>• Conjunctivitis</li> <li>• Corneal damage</li> </ul>	<ul style="list-style-type: none"> <li>• Organic solvents</li> <li>• Acids</li> </ul>

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If a mixture	Then
• Has been thoroughly tested as a whole for a physical or health hazard	• You must use those results
• Has NOT been tested as a whole for a health hazard	• You must: <ul style="list-style-type: none"> <li>– Evaluate EACH ingredient in the mixture to determine the hazards</li> <li>– Consider the mixture to have the same hazard as each ingredient determined to be hazardous</li> </ul>
• Has NOT been tested as a whole for physical hazards	• You must: <ul style="list-style-type: none"> <li>• Use any scientifically valid data available to evaluate the potential physical hazards of the mixture</li> </ul>

**NEW SECTION**

**WAC 296-839-20010 Provide access to hazard evaluation procedures.**

**You must:**

- Provide access to your written hazard evaluation procedures when requested by any of the following:
  - Employees
  - Designated representatives of employees
  - Representatives of the department of labor and industries
  - Representatives of the National Institute for Occupational Safety and Health (NIOSH).

**NEW SECTION**

**WAC 296-839-300 Material safety data sheets.**

**Your responsibility:**

To provide complete and accurate material safety data sheets (MSDSs).

**You must:**

- Develop or obtain MSDSs  
WAC 296-839-30005
- Provide MSDSs  
WAC 296-839-30010
- Follow-up if an MSDS is not provided  
WAC 296-839-30015.

**NEW SECTION**

**WAC 296-839-30005 Develop or obtain material safety data sheets (MSDSs).**

**You must:**

- Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to ALL of the following:
  - ALL information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

- Note:**
- No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: <http://www.osha.gov>
  - One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) IF the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

– Content of MSDSs must accurately represent the available scientific evidence.

**Note:** You may report results of scientifically valid studies that tend to refute findings of hazards.

– MSDSs must be in English.

**Note:** You may develop copies of MSDSs in other languages.

**You must:**

• Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

– Within three months after you first become aware of the information

**OR**

– Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8 Information Required on MSDSs
• The chemical's identity as it appears on the label
• The date the MSDS was prepared or updated
• A contact for additional information about the hazardous chemical and appropriate emergency procedures Include all of the following: <ul style="list-style-type: none"> <li>– Name</li> <li>– Address</li> <li>– Telephone number of the responsible party preparing or distributing the MSDS</li> </ul>
• The chemical's hazardous ingredients <sup>1</sup> as determined by your hazard evaluation <ul style="list-style-type: none"> <li>– For a <b>single substance chemical</b>, include the chemical and common name(s) of the substance</li> <li>– For <b>mixtures</b> tested as a whole                             <ul style="list-style-type: none"> <li>■ Include the common name(s) of the mixture</li> <li>AND</li> <li>■ List the chemical and common name(s) of ingredients that contribute to the known hazards</li> </ul> </li> <li>– For <b>mixtures</b> NOT tested as a whole, list the chemical and common name(s) of hazardous ingredients                             <ul style="list-style-type: none"> <li>■ That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume)</li> </ul> </li> <li>– If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here</li> </ul>
• Exposure limits for airborne concentrations. Include ALL of the following, when they exist: <ul style="list-style-type: none"> <li>– WISHA or OSHA PELs<sup>2</sup> <ul style="list-style-type: none"> <li>■ The 8-hour time weighted average (TWA)</li> <li>■ The short-term exposure limit (STEL), if available</li> <li>■ Ceiling values, if available</li> </ul> </li> <li>– Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values</li> <li>– Other exposure limits used or recommended by the employer preparing the MSDS</li> </ul>
• Physical and chemical characteristics <ul style="list-style-type: none"> <li>– For example, boiling point, vapor pressure, and odor</li> </ul>
• Fire, explosion data, and related information <ul style="list-style-type: none"> <li>– For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards</li> </ul>

Table 8 Information Required on MSDSs
• Physical hazards of the chemical including reactivity information <ul style="list-style-type: none"> <li>– For example, incompatibilities, decomposition products, by-products, and conditions to avoid</li> </ul>
• Health hazard information including ALL of the following: <ul style="list-style-type: none"> <li>– Primary routes of exposure                             <ul style="list-style-type: none"> <li>■ For example, inhalation, ingestion, and skin absorption or other contact<sup>3</sup></li> </ul> </li> <li>– Health effects (or hazards) associated with:                             <ul style="list-style-type: none"> <li>■ Short-term exposure<sup>4</sup></li> <li>AND</li> <li>■ Long-term exposure<sup>4</sup></li> </ul> </li> <li>– Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following:                             <ul style="list-style-type: none"> <li>■ The National Toxicology Program (NTP) Annual Report on Carcinogens</li> <li>OR</li> <li>■ The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen</li> <li>OR</li> <li>■ WISHA or OSHA rules</li> </ul> </li> <li>– Signs and symptoms of exposure<sup>5</sup></li> <li>– Medical conditions generally recognized as being aggravated by exposure</li> </ul>
• Emergency and first-aid procedures
• Generally applicable precautions for safe handling and use known to the employer preparing the MSDS <ul style="list-style-type: none"> <li>– For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing</li> </ul>
• Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following: <ul style="list-style-type: none"> <li>– Engineering controls (for example, general or local exhaust ventilation)</li> <li>– Work practices</li> <li>– Personal protective equipment (PPE)</li> <li>– Personal hygiene practices</li> <li>– Protective measures during repair and maintenance of contaminated equipment</li> </ul>

PERMANENT

<sup>1</sup>The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

<sup>2</sup> WISHA PEL categories are defined, and values are provided, in chapter 296-62 WAC, Part H.

<sup>3</sup> A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

<sup>4</sup>Examples of:

- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

<sup>5</sup>Signs and symptoms of exposure to hazardous substances include those that:

- Can be measured such as decreased pulmonary function

AND

- Are subjective such as feeling short of breath.

**NEW SECTION**

**WAC 296-839-30010 Provide MSDSs for products shipped, transferred or sold over-the-counter.**

**You must:**

- Provide the correct MSDS to manufacturers, distributors and employers:
  - With the initial shipment or transfer of the product
- AND
- With the first shipment or transfer after an MSDS is updated
- AND
- Whenever one is requested.

- Note:**
- MSDSs may be provided separately from containers as long as they are provided before or at the same time as the containers. For example, you may fax, or e-mail the MSDS.
  - You are NOT required to provide MSDSs to retailers who inform you they
    - Do not sell the product to commercial accounts
- AND
- Do not open the sealed product containers for use in their workplace.

**You must:**

- Follow the requirements in Table 9 for chemicals sold over-the-counter.

Table 9 Requirements for Chemicals Sold Over-the-Counter (NOT Shipped)	
If you are a	Then
<ul style="list-style-type: none"> <li>• Retail distributor WITH commercial accounts</li> </ul>	<ul style="list-style-type: none"> <li>• Provide an MSDS to employers with commercial accounts when requested</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>• Post a sign, or otherwise inform employers, that MSDSs are available</li> </ul>
<ul style="list-style-type: none"> <li>• Retail distributor WITHOUT commercial accounts</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the employer, when requested, with ALL of the following:                             <ul style="list-style-type: none"> <li>– Name</li> <li>– Address</li> <li>– Telephone number of the chemical manufacturer, importer, or distributor who can provide an MSDS</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Wholesale distributor selling products over-the-counter to employers</li> </ul>	<ul style="list-style-type: none"> <li>• Provide an MSDS to employers with commercial accounts when requested</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>• Post a sign, or otherwise inform employers, that MSDSs are available</li> </ul>

NEW SECTION

**WAC 296-839-30015 Follow-up if an MSDS is not provided.**

**You must:**

- Obtain an MSDS from the chemical manufacturer, distributor or importer as soon as possible, if an MSDS is not provided for a shipment labeled as a hazardous chemical.

NEW SECTION

**WAC 296-839-400 Labeling.**

**Your responsibility:**

To provide employers with containers of hazardous chemicals that are properly labeled.

NEW SECTION

**WAC 296-839-40005 Label containers of hazardous chemicals.**

**Exemption:**

Containers are exempt from this section if ALL hazardous contents are listed in Table 11.

**You must:**

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes ALL of the following:
  - The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS
    - An appropriate hazard warning
    - The name and address of the chemical manufacturer, importer, or other responsible party
    - Make sure labeling does not conflict with the requirements of:
      - The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

AND

- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>
  - Revise labels within three months of becoming aware of new and significant information about chemical hazards
  - Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers
  - Revise the label when a chemical is not currently used, produced or imported, before:
    - You resume shipping (or transferring) the chemical

OR

- The chemical is reintroduced in the workplace
  - Label information
  - Clearly written in English

AND

- Prominently displayed on the container

**Reference:**

Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, I and I-1 of that chapter).

**Note:** When the conditions specified in Table 10 are met for the solid material products listed you are not required to provide labels for every shipment.

Table 10 Labeling for Solid Materials	
You need only send labels with the first shipment, IF the product is	And
Whole grain	<ul style="list-style-type: none"> <li>• It is shipped to the same customer</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>• No hazardous chemicals are part of or known to be present with the product which could expose employees during handling                             <ul style="list-style-type: none"> <li>– For example, cutting fluids on solid metal, and pesticides with grain</li> </ul> </li> </ul>
Solid untreated wood	
Solid metal For example: Steel beams, metal castings	
Plastic items	

**Exemptions:**

The chemicals (and items) listed in Table 11 are **EXEMPT** from **THIS SECTION** under the conditions specified. Requirements in other sections still apply.

Table 11 Conditional Label Exemptions	
This section does not apply to	When the product is
<ul style="list-style-type: none"> <li>• Pesticides                             <ul style="list-style-type: none"> <li>– Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136<sup>1</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of FIFRA<sup>1</sup></li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul>
<ul style="list-style-type: none"> <li>• A chemical substance or mixture                             <ul style="list-style-type: none"> <li>– Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602<sup>1</sup>)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subject to                             <ul style="list-style-type: none"> <li>– Labeling requirements of TSCA<sup>1</sup></li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations<sup>2</sup>)</li> </ul>
<ul style="list-style-type: none"> <li>• Each of the following:                             <ul style="list-style-type: none"> <li>– Food</li> <li>– Food additives</li> <li>– Color additives</li> <li>– Drugs</li> <li>– Cosmetics</li> <li>– Medical devices or products</li> <li>– Veterinary devices or products</li> <li>– Materials intended for use in these products (for example: Flavors, and fragrances)</li> </ul> </li> </ul> As defined in <ul style="list-style-type: none"> <li>– The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321<sup>1</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States                                     <ul style="list-style-type: none"> <li>■ Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations<sup>3</sup>)</li> </ul> </li> </ul> </li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>■ Department of Agriculture (see Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul>

Table 11 Conditional Label Exemptions	
This section does not apply to	When the product is
<ul style="list-style-type: none"> <li>OR                             <ul style="list-style-type: none"> <li>– Or the Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.<sup>1</sup>)</li> </ul> </li> <li>OR                             <ul style="list-style-type: none"> <li>– Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations<sup>3</sup>)</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Each of the following:                             <ul style="list-style-type: none"> <li>– Distilled spirits (beverage alcohols)</li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Wine</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Malt beverage</li> </ul> <ul style="list-style-type: none"> <li>• As defined in                             <ul style="list-style-type: none"> <li>– The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201<sup>1</sup>)</li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Regulations issued under this act (see Title 27 in the Code of Federal Regulations<sup>3</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– Labeling requirements of Federal Alcohol Administration Act<sup>1</sup></li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations<sup>3</sup>)</li> </ul>
<ul style="list-style-type: none"> <li>• Consumer products</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>• Hazardous substances                             <ul style="list-style-type: none"> <li>– As defined in                                     <ul style="list-style-type: none"> <li>■ The Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.<sup>1</sup>)</li> </ul> </li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>■ The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.<sup>1</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>• Subject to:                             <ul style="list-style-type: none"> <li>– A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act<sup>1</sup></li> </ul> </li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>– Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations<sup>3</sup>)</li> </ul>
<ul style="list-style-type: none"> <li>• Agricultural seed</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>• Vegetable seed treated with pesticides</li> </ul>	<ul style="list-style-type: none"> <li>• Labeled as required by                             <ul style="list-style-type: none"> <li>– The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.<sup>1</sup>)</li> </ul> </li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>– Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture<sup>1</sup></li> </ul>

<sup>1</sup>This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/usmain.html>

<sup>2</sup>See <http://www.epa.gov>

<sup>3</sup>See <http://www.access.gpo.gov/nara/cfr/index.html>

**NEW SECTION**

**WAC 296-839-500 Definitions.** The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

- Is not a fluid or particle

**AND**

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- Is formed to a specific shape or design during manufacture for a particular end use function

AND

- Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

- An element or mixture of elements

OR

- A compound or mixture of compounds

OR

- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

Chemical name

- The scientific designation of a chemical developed by the

- International union of pure and applied chemistry (IUPAC)

OR

- Chemical abstracts service (CAS) rules of nomenclature

OR

- A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

- Generally in large quantities over time

OR

- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

- Code name or number

OR

- Trade or brand name

OR

- Generic name.

Compressed gas

- A contained gas or mixture of gases with an absolute pressure greater than:

- 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)

OR

- A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Reaction vessels
- Storage tanks
- Rail cars.

Designated representative

- An individual or organization with written authorization from an employee

OR

- A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

- A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

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.

Flammable

A chemical in one of the following categories:

- Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

- Flame projection of more than eighteen inches at full valve opening

OR

- A flashback (a flame extending back to the valve) at any degree of valve opening

- Gases that, at the temperature and pressure of the surrounding area, form a:

- Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

- Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

- Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

- Solids, other than blasting agents or explosives, 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

- That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

- When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.



**Flashpoint**

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

- Tagliabue closed tester. Use this for liquids with a viscosity less than, 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

- Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

- Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

**Hazardous chemical**

A chemical, which is a physical or health hazard.

**Hazard warning**

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

**Health hazard**

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes.

**Identity**

A chemical or common name listed on the material safety data sheet (MSDS) and label.

**Importer**

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

**Label**

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

**Manufacturer**

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

**Material safety data sheet (MSDS)**

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

**Mixture**

A combination of two or more chemicals that retain their chemical identity after being combined.

**Organic peroxide**

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 29 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**

See chapter 296-62 WAC part H, for definition of this term.

**Physical hazards**

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

**Produce**

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

**Pyrophoric**

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

**Responsible party**

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

**Retailer**

See "distributor."

**Threshold limit values (TLVs)**

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).  
Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler

See "distributor."

**WSR 03-01-115**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed December 18, 2002, 3:45 p.m.]

Date of Adoption: December 18, 2002.

Purpose: To adopt rules in new chapter 388-271 WAC that define and describe limited English proficient services, which are available to applicants and recipients of Economic Services Administration programs within DSHS.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-200-1200.

Statutory Authority for Adoption: RCW 74.04.025 and 74.08.090.

Adopted under notice filed as WSR 02-22-063 on November 1, 2002.

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 3, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

December 18, 2002

Bonnie Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Chapter 388-271 WAC**

**LIMITED ENGLISH PROFICIENT SERVICES**

NEW SECTION

**WAC 388-271-0010 What are limited English proficient (LEP) services?** (1) The department provides limited English proficient (LEP) services to you if you are limited in your ability to read, write and/or speak English. These services provide a way for us to communicate with you even though you are limited in your ability to communicate in English. LEP services are provided in your primary language by authorized bilingual workers or by contracted interpreters and translators. Your primary language is the language you have indicated on your application or your eligibility review as the language you wish to communicate in with the department.

(2) LEP services include:

(a) Interpreter (verbal) services in person and/or over the telephone; and

(b) Translation of department forms, letters and other printed materials.

NEW SECTION

**WAC 388-271-0020 What are the department's responsibilities in providing me with an interpreter?** (1) If you have trouble speaking and/or understanding English, and a bilingual worker is not available to assist you, we get a qualified interpreter in your primary language to help you communicate verbally with us. A qualified interpreter is someone who is fluent in English and your primary language and is trained on the Interpreter Code of Professional Conduct.

(2) Interpreter services are provided in-person or over the telephone.

(3) We pay for the interpreter. You do not have to pay anything.

(4) If a worker from our department feels that they are not able to communicate with you well enough to provide

adequate services, they may request the services of an interpreter even if you did not ask for help.

(5) We will provide interpreter services to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC.

**NEW SECTION**

**WAC 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language?** (1) We provide fully translated written communication in your primary language. This includes, but is not limited to:

(a) Department pamphlets, brochures and other informational material that describe department services and client rights and responsibilities;

(b) Department forms, including applications and individual responsibility plans, that we ask you to complete and/or sign; and

(c) Department letters as described in chapter 388-458 WAC.

(2) We pay for the written translation. You do not have to pay anything.

(3) We will provide translated documents to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-200-1200 Translation of written communications with a limited English proficient client.

**WSR 03-01-123**

**PERMANENT RULES**

**WESTERN WASHINGTON UNIVERSITY**

[Filed December 19, 2002, 9:38 a.m.]

Date of Adoption: December 13, 2002.

Purpose: To repeal all existing sections of chapter 516-23 WAC, Student rights and responsibilities code, and adopt new sections. Chapter number will remain the same.

Citation of Existing Rules Affected by this Order: Repealing WAC 516-23-005 through 516-23-145.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 02-16-088 on August 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: Under WAC 516-23-210, the definition of dean of students was broadened to include a designee.

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 38, Amended 0, Repealed 29.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 38, Amended 0, Repealed 29.

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 38, Amended 0, Repealed 29.

Effective Date of Rule: Thirty-one days after filing.

December 18, 2002

Suzanne M. Baker

Rules Coordinator

**NEW SECTION**

**WAC 516-23-200 Preamble.** Western Washington University students enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill their responsibilities as members of the university. As stated in the university's mission, Western is dedicated to the pursuit of truth, learning and the dissemination and development of knowledge, and service to the community.

The objectives of the university conduct system are that students act in a manner consistent with the high standards of scholarship and behavior relevant to an institution of higher education, to sustain campus-wide safety, and to adhere to the university mission. Students are expected to abide by university policies and regulations, as well as federal, state, and local laws. An alleged student violation will be resolved through a process as defined in the code respecting basic fairness for the accused and the victim.

**NEW SECTION**

**WAC 516-23-210 Definitions.** As used in this chapter, the following words and phrases mean:

(1) "Appeals board" refers to the judicial appeals board.

(2) "Bulletin" refers to the Western Washington University bulletin/catalog.

(3) "Campus" refers to all property owned or supervised by the university, including adjacent streets and sidewalks and off-campus program sites.

(4) "Code" refers to the student rights and responsibilities code.

(5) "Dean of students" refers to the director of student life/dean of students, or the vice-president of student affairs/academic support services' designee.

(6) "Student" includes all persons with active student status, full or part time. Matriculated students that have not enrolled are students under this code. Nonmatriculated international students attending language institutes or foreign study programs at the university shall also be considered students under this code.

PERMANENT

(7) "University" refers to the programs, activities, and current members of the Western Washington University community.

(8) "Judicial officer" refers to the university judicial officer.

(9) "WAC" refers to the Washington Administrative Code.

#### NEW SECTION

**WAC 516-23-220 Jurisdiction.** Individual student alleged violations of this code are subject to disciplinary action. While the university does not act as a policing agent for students when they are off campus, the university reserves the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the university and its members.

Sanctions against student organizations are decided by the procedures established by the university administrative unit governing the recognition of each organization. Disciplinary proceedings against individual member(s) of a student organization can be initiated under this code independent of action taken against the student organization.

#### NEW SECTION

**WAC 516-23-230 Principles and violations of the code.** The standards of behavior under the code are higher than those imposed by civil and criminal law. Students must observe the following principles and expectations:

(1) Western students observe the highest standards of academic integrity in the ethical pursuit of truth and learning;

(2) Western students are respectful of the rights, welfare, and property of others;

(3) Western students strive to be involved and productive citizens in a diverse, pluralistic, and democratic society; and

(4) Western students exercise their state and federal constitutional rights to free speech, petition, and assembly in means that do not disrupt the university's functions or interfere with the rights and well-being of others.

Students must comply with policies and regulations that may impact the educational, administrative, or university-sponsored programs or functions. The university may initiate disciplinary action against any student alleged to have committed inappropriate conduct on campus or otherwise under the jurisdiction of this code.

#### NEW SECTION

**WAC 516-23-240 Academic dishonesty.** The policy and procedure regarding academic dishonesty is addressed in the academic dishonesty policy and procedure. Repeated violations of academic dishonesty will be addressed under the student rights and responsibilities code and can result in disciplinary action. Students may not appeal a decision of academic dishonesty through the student rights and responsibilities code.

Students shall not claim as their own the achievements, work, or arguments of others, nor shall they be party to such claims. According to the academic dishonesty policy and

procedure, academic dishonesty consists of misrepresentation by deception or by other fraudulent means. Academic dishonesty compromises the instructor's ability to fairly evaluate a student's work or achievement. For a list of actions that are examples of academic dishonesty, see the bulletin, academic dishonesty policy and procedure. Furthermore, students found to have violated canons of ethical research and scholarship, as defined in the policy and procedural guidelines for misconduct in research and scholarship, may also be subject to disciplinary action. See bulletin, academic dishonesty policy and procedure.

#### NEW SECTION

**WAC 516-23-250 Disruptive behavior.** Disruptive behavior is whenever a student engages in any behavior which interferes with the rights of others or which materially or substantially obstructs or disrupts teaching, learning research, or administrative functions. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others. Disruptive behavior includes, but is not limited to:

(1) Substantial disruption of classes, laboratories, offices, services, meetings, or ceremonies;

(2) Obstructing free movement of people or vehicles: Peaceful picketing is permitted only as long as it takes place outside buildings and does not interfere with the flow of traffic to and from buildings;

(3) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;

(4) Creating noise in such a way as to interfere with university functions or using sound amplification equipment in violation of appropriate use of amplification sound, as administered by the viking union, see policy on exterior space use;

(5) Intentionally or recklessly interfering with any university or student program or activity, including teaching, research, administration, or meetings; and

(6) Inciting others to engage in prohibited conduct.

See WAC 516-24-130 Demonstrations.

#### NEW SECTION

**WAC 516-23-260 Student responsibility for guests.** Students are responsible for the actions of their guests while on campus, at university events and programs, and in other areas supervised by the university. See WAC 516-24-001 Conduct of campus guests and visitors.

#### NEW SECTION

**WAC 516-23-270 Sexual misconduct.** Student sexual misconduct includes, but is not limited to:

(1) Sexual harassment;

(2) Sexual intimidation;

(3) Sexual coercion;

(4) Sexual exploitation;

(5) Sexual assault; and

(6) Any unwanted sexual contact without clear verbal and/or physical prior consent.

Consent for sexual contact must be given in absence of force, threat of force, or coercion and cannot be given while a person is intoxicated, impaired, or mentally incapacitated. Consent must be clearly communicated to both parties, and it must be current to any mutually agreed sexual contact. See bulletin, sexual misconduct policy and procedure.

#### NEW SECTION

**WAC 516-23-280 Violence.** Violence includes, but is not limited to, physical abuse and/or intentional injury or harm of another person.

#### NEW SECTION

**WAC 516-23-290 Harassment and/or threats of violence.** Harassment and threats of violence are behaviors that create a hostile or threatening educational or working environment, to include, but are not limited to:

- (1) Unwanted and/or intimidating contact and/or communication of a threatening nature;
- (2) An expressed or implied threat to an individual's personal safety or property, academic efforts, employment, or participation in university activities;
- (3) Intentionally and/or repeatedly following or contacting another person in a manner that intimidates, harasses, or places another in fear for their personal safety or to their property; and
- (4) Behavior that threatens or intimidates that is motivated on the basis of race, national or ethnic origin, creed, age, sex, marital status, status as a veteran, sexual orientation, or disability.

#### NEW SECTION

**WAC 516-23-300 Theft and intentional damage of property.** Taking, attempting to take, or aiding another to take property belonging to any member of the university community, the university or its guests is a violation of the code. It is prohibited to possess stolen property or to intentionally damage the property of others or the university.

#### NEW SECTION

**WAC 516-23-310 Misuse of computers, electronic data or communication systems.** Improper use of computers, electronic data or communication systems is a violation of the code. Improper use of computer resources includes, but is not limited to, the following:

- (1) Interference with university computers or communication functions, the work of other students, faculty members, or university officials;
- (2) Gaining unauthorized access to computer or communication systems, altering data, or misusing computing facilities;
- (3) Using university computing facilities to send harassing messages or generating unwanted e-mails (as defined in WAC 516-23-290 Harassment and/or threats of violence);
- (4) Commercial use of university computer resources; and

(5) Failure to comply with posted policies including providing officials with current student identification.

See policy for responsible computing and the user agreement for WWU network and computing resources.

#### NEW SECTION

**WAC 516-23-320 Hazing.** Hazing is defined as any act by members of a student organization or individuals which endangers, or is likely to endanger, the mental or physical health or safety of a student, for the purpose of initiation, affiliation with, and as a condition for continued membership and/or participation in an activity, a group or university organization. This includes violation of laws and the destruction or removal of public or private property as requested by a student group or activity.

#### NEW SECTION

**WAC 516-23-330 Student violation of law.** Students are expected to abide by federal, state, and local law while on the university campus or at related programs and activities. Failure to comply with the law is a violation of the code. The university reserves the right to take action on criminal behaviors that have an impact on the educational or administrative functions or the general well-being of the university and its members.

Proceedings under this code may be carried out prior to, simultaneously, or following civil or criminal proceedings in the courts. Since the standard of proof, preponderance of the evidence, under this code is different than criminal law, the disciplinary decision is not subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced by a court of law.

#### NEW SECTION

**WAC 516-23-340 Failure to comply with proper official requests.** Failure to comply with a proper official request is a violation of the code. A student must comply with proper requests of university officials who are acting in performance of their duties.

#### NEW SECTION

**WAC 516-23-350 Forgery and fraud.** Maintaining accurate and credible records and documents is necessary for the university to fulfill its educational mission and to assure the welfare of its students. Providing and/or creating false information is considered a violation of the code. Violations include, but are not limited to, the following:

- (1) Falsely making, completing, or altering any university document, record, or identification;
- (2) Possessing or presenting as authentic any falsified document, record, or identification; and
- (3) Providing any university official, including university police, information known to be false.

NEW SECTION

**WAC 516-23-360 Illegal possession and/or use of alcohol.** Substance abuse by members of the university community impacts the quality of the educational experience of all students. Consumption or possession of alcohol by students in public areas of any university owned or controlled property may occur for students of legal age at university-approved events with an approved liquor permit. It is a violation to illegally possess and/or consume alcoholic beverages, including, but not limited to:

- (1) Buying, selling, serving, or otherwise furnishing alcoholic beverages to minors; and
  - (2) Consumption of alcoholic beverages by minors.
- See bulletin, policy concerning alcohol and other drugs.

NEW SECTION

**WAC 516-23-370 Illegal drugs and misuse of drugs.** Substance abuse by members of the university community impacts the quality of the educational experience of all students. It is a violation to possess, use, manufacture, cultivate, package, distribute, sell, and/or provide a controlled or illegal substance; or to misuse prescription and/or nonprescription drugs on campus. It is a violation to use drug paraphernalia. See bulletin, policy concerning alcohol and other drugs.

NEW SECTION

**WAC 516-23-380 Explosives and weapons prohibited from campus.** Possession or use of firearms, other weapons or explosives on campus is a violation of the code, unless authorized by the university. Explosives, dangerous chemicals, and fireworks are prohibited on campus or on property supervised by the university or at university-sponsored activities, unless authorized by the university. Students may not possess firearms on campus at any time, other than to secure them with the police. Weapons include, but are not limited to:

- (1) Firearms of any sort;
- (2) Look-alike weapons;
- (3) BB, pellet, and paintball guns;
- (4) Swords, knives (other than small closed-blade, three and one-half inch pocket knives or smaller or kitchen utensils);
- (5) Martial art weapons;
- (6) Projectile devices; i.e., catapult or slingshot; and
- (7) Objects used as a weapon to distress or injure another.

See WAC 516-52-020 Firearms and dangerous weapons.

NEW SECTION

**WAC 516-23-390 Obstructing police and safety personnel.** Obstructing police, improper use of safety equipment, and interference with safety personnel is a violation of the code. Students who obstruct, hinder or delay police and other emergency service personnel in the discharge of their duties are subject to disciplinary proceedings. Violations

include, but are not limited to, the improper use or disabling of safety equipment and emergency signs.

NEW SECTION

**WAC 516-23-400 Interference with the judicial process.** Interference of the judicial process is a violation of the code and includes, but is not limited to:

- (1) Giving reports or claims known to be false;
- (2) Attempting to influence the impartiality of witnesses or judicial member(s);
- (3) Failure to properly complete a sanction(s) as specified;
- (4) Participating in, and/or encouraging retribution against complainants or witnesses; and
- (5) Threatening and/or harassing complainants or witnesses.

NEW SECTION

**WAC 516-23-410 Freedom of expression.** The university recognizes, respects, and protects all expressions of opinion and ideas, whether individual or collective, that are within the limits of the law and university regulations. An exercise of the right to speak requires the freedom of the speaker to make his or her statement. Both the speaker and the audience are entitled to proceed without being subjected to substantial interference.

NEW SECTION

**WAC 516-23-420 Demonstrations.** While the university recognizes students' rights to free speech, assembly, and petition, all demonstrations must be orderly and conducted in a manner that allows the university to function toward its established educational goals. Any person or persons persisting in such conduct after being requested to cease by university authorities shall be subject to disciplinary proceedings. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

- (1) Classroom activities and other educational pursuits;
- (2) Recognized university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;
- (3) Pedestrian and vehicular traffic; and
- (4) Preservation and protection of university property and personal property of individuals.

See WAC 516-24-130 Demonstrations.

NEW SECTION

**WAC 516-23-430 Proceedings for violations of the code.** The university does not follow the same procedures used by civil or criminal courts nor the same rules of evidence. Simple preponderance of the evidence is used to determine responsibility under the code. Any student, faculty, or staff member of the university alleging a violation of this code shall deliver or e-mail to university judicial affairs a written statement of the allegations against the student.

If both parties agree to mediate the complaint, and the judicial officer agrees, mediation may be substituted for a conduct meeting. If mediation is unsuccessful, the original complaint will be considered and decided by the judicial officer.

If, in the judicial officer's judgment, there is sufficient basis to consider the charge(s), the judicial officer shall:

- (1) Provide the student with the student rights and responsibilities code;
- (2) State the nature and date of the alleged violation;
- (3) Specify the portion of the code the student is alleged to have violated;
- (4) Notify the accused student of the availability of procedural advice regarding the code; and
- (5) Notify the accused student in writing of the time, date, and place of a meeting (the meeting will occur no less than three and no more than ten business days from the date of notification). The student may elect to waive the three-day notice if an earlier date is mutually agreed upon.

The judicial officer will determine the accuracy and responsibility of the allegation(s) in a meeting with the accused student. Within ten business days of the meeting, the judicial officer shall notify the student in writing of the decision. If there are multiple individuals involved in the incident, and if it is deemed necessary to determine responsibility, individual decision letters will be mailed to each student ten business days after the final meeting for the specific incident. The decision letter will include a statement of the student's option for a review by the appeals board or the dean of students.

A student formally charged with a violation may not avoid judicial proceedings by withdrawing from the university. The student shall be prohibited from enrolling for subsequent quarters until such time as the student does appear for a meeting to consider the allegation. If the student fails to meet with the judicial officer after receiving proper notification, the judicial officer may render a decision on the allegations in the student's absence.

If there is insufficient basis to consider the charge, the individual initiating the complaint will be informed.

#### NEW SECTION

**WAC 516-23-440 Victim rights.** The university is committed to protecting the rights of those who suffer from student misconduct, that is, persons who have been physically, psychologically, and/or financially injured by the student responsible for the misconduct.

Rights include:

- (1) To obtain information and procedural advice from the university;
- (2) To decline to participate in university conduct proceedings;
- (3) When appropriate, to be advised of their options to bring civil or criminal charges against the accused;
- (4) To be accompanied by an advocate of their choice throughout the judicial process. The advocate may advise the student, but may not address the judicial officer, the appeals board, or the dean of students;

(5) To make a statement regarding the impact of the student's conduct, either orally or in writing, to be considered during the sanctioning portion of the conduct and/or the review meetings;

(6) To be informed when a review is made of the judicial officer's decision;

(7) To not be subjected to discussion of his or her history or behavior that does not bear instrumentally on the case being heard;

(8) In cases involving violence, including sexual misconduct/assault, the student will be informed of the finding by the judicial officer and/or the judicial review board or dean of students within ten business days of its conclusion; and

(9) If appropriate, restitution will be provided by the accused.

#### NEW SECTION

**WAC 516-23-450 Rights of accused.** The university is committed to ensuring the rights of a student who is accused of violating the code throughout the judicial process. A student accused of misconduct under this code has certain, specific rights in the disciplinary process. An accused student:

- (1) Is entitled to a fair judicial process;
- (2) Will receive proper written notice of the charge(s) with a clear description of the basis for the charge(s);
- (3) Has an opportunity to meet with the judicial officer or designated representative;
- (4) May obtain information and procedural advice from the university;
- (5) May have one advocate present at the meeting(s). The advocate may give advice to the student, but may not address the judicial officer, appeals board, or the dean of students;
- (6) Must give written permission to record statements made during the meeting;
- (7) May present witnesses and be able to request questions of witnesses, prior to or after a meeting;
- (8) Will receive written notification of the judicial officer's decision within ten business days from the date of the meeting; and
- (9) May request a review of the judicial officer's decision to the appeals board or the dean of students within ten days of receiving the decision letter.

#### NEW SECTION

**WAC 516-23-460 Sanctions.** The following disciplinary sanctions may be given to a student found in violation of the code. A decision may include a combination or modification of the following sanctions that correspond to the circumstances of each particular case.

- (1) Warning: A written reprimand that the student has violated the student rights and responsibilities code;
- (2) Disciplinary probation: Probation is for a designated period of time. Students who violate the code during this probationary period are subject to more severe disciplinary sanctions;

(3) Loss of privileges: Denial of specified privileges (i.e., participation in specific activities, restriction from specific areas of campus) for a designated period of time;

(4) Restriction from contacting others: Restricting the student from direct or indirect physical and/or verbal contact with another person and/or group;

(5) Educational activities: Activities designed to encourage student development may include, but are not limited to, community service, attendance at educational programs, or written assignments;

(6) Assessment, counseling, and treatment programs: Interventions to assist students with possible substance abuse or other types of unsafe behaviors;

(7) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement;

(8) Residence hall relocation: Transfer of living arrangements to another university residence hall or apartment;

(9) Termination of university residences agreement: Removing the student from university residences;

(10) Disciplinary suspension: Removing the student from the university for a designated period of time, after which, the student is eligible to return. Conditions for readmission may be specified. In addition to disciplinary suspension, see chapter 516-28 WAC, Standards and procedures for involuntary administrative withdrawal of students at Western Washington University for behavior from mental disorders;

(11) Deferred suspension: Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting specific conditions. Failure to meet the conditions of the sanctions will result in immediate suspension; or

(12) Disciplinary expulsion: Permanent and complete dismissal of the student from the university.

#### NEW SECTION

**WAC 516-23-470 Procedures for immediate interim suspension.** In order to prevent danger to individuals, substantial destruction of property, or significant disruption of teaching, research, and/or administrative functions, the dean of students or designated representative may temporarily suspend (interim suspension) a student. An interim suspension will be pending a full review and discussion between the student and the dean of students or designee. An interim suspension becomes effective immediately upon written notice. The written notice of an interim suspension must include the stated violation, as determined by the dean of students, and the time, date, and location of the meeting. The written notice will be sent by certified mail or delivered in person to the student.

In all cases of interim suspension, the student is entitled to a meeting before the judicial officer or the dean of students. The meeting shall take place within three business days after the beginning date of interim suspension. During the interim suspension period, the student will be allowed on university property only to the extent deemed permissible by the dean of students and/or the judicial officer. If a student fails to appear at his or her meeting, the suspension will stay in effect until the meeting has been completed and a new

decision is made regarding all of the information and the student's status.

#### NEW SECTION

**WAC 516-23-480 Basis for appeal.** The accused student is allowed one appeal of the judicial officer's decision to either the appeals board or the dean of students. The appeal must be made in writing to the dean of students within ten business days of receiving the written decision of the charges. The appeal must include a statement whether the accused student wishes to have the appeal considered by either the appeals board or the dean of students.

The basis for a review is:

(1) The original meeting was not conducted in conformity with prescribed procedures;

(2) The university judicial officer misinterpreted the code;

(3) The sanction(s) imposed is disproportionate to the student violation; or

(4) The decision reached did not properly consider the information presented.

No sanction will begin while an appeal is pending, except as provided in WAC 516-23-470, Procedures for immediate interim suspension. Temporary relocation of the student to alternative on-campus housing and restrictions between the affected parties may be enforced during an appeal.

#### NEW SECTION

**WAC 516-23-490 Appeal procedures.** (1) Upon acceptance of the appeal, the dean of students or designated representative shall include in the notification to the accused student:

(a) Time, date, and location of the hearing;

(b) Identification of the section of the code that the student has allegedly violated;

(c) Nature and date of the alleged violation; and

(d) A copy of the code.

(2) The appeal hearing shall not be less than three or more than ten business days from the date of notification. The student may elect to waive the three-day notice if an earlier date is mutually agreed upon. If the student fails to appear at the hearing, the appeals board or dean of students may proceed with the appeal based upon consideration of the available information without the student's presence, or may dismiss the appeal. The rights of the accused student are listed under WAC 516-23-450.

(a) The appeals board chair or dean of students and the accused student may call any person to speak concerning the alleged violation.

(b) The board chair or dean of students may limit or exclude testimony that is irrelevant, immaterial, or repetitious.

(c) Five members shall constitute a quorum of the appeals board. Actions by the appeals board require agreement by a majority of those members present at the time of the hearing.



(d) Any member of the board that is unable to render an impartial decision in a particular case shall excuse himself or herself from the board's deliberations in advance and may be replaced by an alternate.

(e) The decision of the appeals board or dean of students may eliminate, reduce, maintain, modify and/or increase the original decision and sanction.

(f) New substantive information that was not presented at the time of the original conduct meeting will not be considered during the appeal. When new substantive information is present prior to the appeal hearing and the new evidence could impact the original decision, the allegation(s) will be reheard by the judicial officer.

(3) The appeals board chair or dean of students shall notify the accused student in writing of the disposition of the case within ten business days of the appeal hearing.

#### NEW SECTION

**WAC 516-23-500 Deviations from established procedures.** Deviations from these procedures will not invalidate a decision or proceedings unless it results in clear prejudice against the accused student. Deviations from the timeline may be granted by request for good cause to the dean of students.

#### NEW SECTION

**WAC 516-23-510 Confidentiality of conduct proceedings and records.** Confidentiality will be maintained in compliance with the university student records policy and state and federal law. Conduct records prepared by the judicial officer, appeals board, and/or the dean of students:

(1) Will be held in the office of student life for six years, except in cases of suspension, interim suspension, or expulsion, which are permanent records; and

(2) Will not be shared with any member of the public except upon the informed written consent of the student(s) involved or as stated in the student records policy.

The disciplinary outcome may be shared with the victim and those within the university involved in the completion and/or supervision of the sanction and/or student. See bulletin and chapter 516-26 WAC, Student records.

#### NEW SECTION

**WAC 516-23-520 Administrative withdrawal due to mental disorders.** As provided in chapter 516-28 WAC, a student who, because of mental disorders, is unable to abide by university policy, regulations, and procedures and who represents a serious threat to themselves or others, may be involuntarily withdrawn from the university. A student accused of misconduct under the student rights and responsibilities code may be diverted from that disciplinary process and withdrawn according to the standards of chapter 516-28 WAC, involuntary withdrawal due to mental disorders. Those standards include:

(1) The student lacks the capacity to respond to pending disciplinary charges due to a mental disorder; and/or

(2) The student does not know the nature of the wrongfulness of the conduct due to a mental disorder at the time of the alleged offense.

Students otherwise subject to disciplinary charges who wish to introduce relevant information of any mental disorder must inform the dean of students or designated representative in writing at least one business day prior to any judicial meeting. The dean of students shall make a determination within five business days after the student's written submission. Verification of any mental disorder may not be considered in any judicial proceeding under this code other than involuntary withdrawal. See chapter 516-28 WAC involuntary withdrawal due to mental disorders.

#### NEW SECTION

**WAC 516-23-530 University conduct system.** The vice-president for student affairs and academic support services is responsible for administration of this code.

(1) The supervision of the code has been delegated to the dean of students or designated representatives.

(2) The judicial officer shall be appointed and supervised by the dean of students.

(3) The judicial officer shall have the authority to adjudicate and administer sanctions for violations of this code.

(4) The appeals board or the dean of students shall have authority to review the judicial officer's decision and to render decisions under the code.

(5) A six-member appeals board shall be appointed at the beginning of each fall quarter term. The appeals board will consist of the following:

(a) Two faculty members nominated by the dean of students and confirmed by faculty senate;

(b) Three students appointed by the associated students board; and

(c) One member of the student affairs and academic support services staff nominated by the dean of students and confirmed by the vice-president for student affairs and academic support services.

There will be one alternate for each of the three areas represented on the appeals board. The alternates will be appointed at the same time by the same authority. Student appointments shall be for one academic year. Faculty and staff appointments shall be for staggered two-year terms.

The dean of students shall request that all appointments be initiated during the first full month of the fall quarter. Should the need arise during the summer term, appeals of the code will be heard by the dean of students or an interim board appointed by the dean of students.

#### NEW SECTION

**WAC 516-23-540 Relationship of the code to university residences.** University residences is responsible for adjudicating most violations of the code committed by residents on university residences' premises or at university residences' sponsored events. In the best interest of the university, the dean of students has the authority to designate which area, university residences and/or university judicial affairs, will consider an alleged violation of the code. General refer-

ral of conduct cases is made after consensus between university residences and university judicial affairs. Conduct cases referred by university residences to university judicial affairs include, but are not limited to:

- (1) Alleged acts and threats of physical violence, and/or sexual misconduct;
- (2) Alleged violations of distribution or sale of illegal drugs or other controlled substances;
- (3) Alleged violations by nonresidential students while on university residences' premises or at events sponsored by university residences;
- (4) Alleged policy violations initiated near the end of or after a student's contract with university residences;
- (5) Alleged computer misconduct when nonresidents are the victims (e.g., sending mass unsolicited e-mails, copyright violations); and
- (6) Alleged violations serious enough to result in suspension or expulsion from the university.

**NEW SECTION**

**WAC 516-23-550 Interpretation of the code.** Final determination in response to any question of interpretation regarding the code, whether in content, procedure, or intent, shall be the responsibility of the dean of students or designee.

**NEW SECTION**

**WAC 516-23-560 Revision of the code and the committee on student rights and responsibilities.** The code shall be reviewed and recommendations made by the university services council's student rights and responsibilities committee to the vice-president for student affairs and academic support services for submission and final approval by the board of trustees. A review of the code should be completed every five years or earlier, if needed. The committee on student rights and responsibilities will be composed of:

- (1) Five students, three appointed by the associated students board of directors, including at least one graduate student, and two students appointed by university residence hall association;
- (2) One member from the student affairs division appointed by the vice-president of student affairs and academic support services;
- (3) One faculty member appointed by the faculty senate;
- (4) The judicial officer;
- (5) One member of the university public safety department appointed by the director of public safety; and
- (6) One member of the university residences' staff.

**NEW SECTION**

**WAC 516-23-570 Referenced policies and regulations in the code.** Policies or regulations referenced in the code must be made available, upon request, in the office of student life and university judicial affairs.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 516-23-005 Preamble.
- WAC 516-23-010 Definitions.
- WAC 516-23-015 Jurisdiction.
- WAC 516-23-020 Relationship between civil and criminal law and university disciplinary proceedings.
- WAC 516-23-025 Actionable offenses.
- WAC 516-23-030 Disruptive behavior.
- WAC 516-23-035 Academic dishonesty.
- WAC 516-23-040 Forgery and fraud.
- WAC 516-23-045 Interference with freedom of expression.
- WAC 516-23-050 Alcohol and other drugs policy violations.
- WAC 516-23-055 Misuse of computers, electronic data or communications.
- WAC 516-23-060 Hazing.
- WAC 516-23-065 Sexual misconduct.
- WAC 516-23-070 Violence and harassment.
- WAC 516-23-075 Judicial structure.
- WAC 516-23-080 Conduct proceedings.
- WAC 516-23-085 Appeals.
- WAC 516-23-090 Basis for appeal.
- WAC 516-23-095 Appeal hearing procedures.
- WAC 516-23-100 Interference of the judicial process.
- WAC 516-23-105 Disciplinary sanctions.
- WAC 516-23-110 Administrative withdrawal due to mental disorders.
- WAC 516-23-115 Record of proceedings.
- WAC 516-23-120 Statement of accused student's rights.
- WAC 516-23-125 Statement of rights of those subjected to student misconduct.
- WAC 516-23-130 Relationship to university residences' conduct system.
- WAC 516-23-135 Interim suspension.
- WAC 516-23-140 Interpretation and revision.
- WAC 516-23-145 Committee on student rights and responsibilities.

PERMANENT

**WSR 03-01-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-294—Filed December 6, 2002, 2:48 p.m., effective December 7, 2002, 8:00 a.m.]

Date of Adoption: December 6, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100J, 220-47-41100I, 220-47-31100K and 220-47-41100J; and amending WAC 220-47-311 and 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: Hatchery egg take needs have been met and harvestable fish continue to be present in the area. The treaty and nontreaty catch are balanced at this time and the Tulalip Tribe will continue to fish through 12:00 noon on December 9, 2002. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 4.

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: December 7, 2002, 8:00 a.m.

December 6, 2002

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 220-47-31100K Purse seine—Open periods.** Notwithstanding the provisions of WAC 220-47-311:

(1) Effective 8:00 a.m. through 4:00 p.m. December 9, 2002, Area 8D is open to purse seines.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to purse seines 24 hours per day 7 days per week.

**NEW SECTION**

**WAC 220-47-41100J Gill net—Open periods.** Notwithstanding the provisions of WAC 220-47-411:

(1) Effective 8:00 a.m. December 7, 2002 through 6:00 p.m. December 9, 2002, Area 8D is open to gill nets using 6-1/4 inch minimum mesh.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets, using 6-1/4 inch minimum mesh, 24 hours per day 7 days per week.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-31100J Purse seine—Open periods. (02-289)

WAC 220-47-41100I Gill net—Open periods. (02-289)

The following sections of the Washington Administrative Code are repealed effective 6:01 p.m. December 9, 2002:

WAC 220-47-31100K Purse seine—Open periods. (02-294)

WAC 220-47-41100J Gill net—Open periods. (02-294)

**WSR 03-01-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-295—Filed December 6, 2002, 2:53 p.m., effective December 10, 2002, 8:00 a.m.]

Date of Adoption: December 6, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000I and 220-52-04600K; and amending WAC 220-52-040 and 220-52-046.

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: Adjustments made to boundaries of noncommercial zones to be consistent with state/tribal management plans. The closures/openers are to maintain state commercial quota plans in those regions. 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

**EMERGENCY**

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 10, 2002, 8:00 a.m.  
December 6, 2002  
Sara G. LaBorde  
for Jeff Koenings  
Director

NEW SECTION

**WAC 220-52-04000K Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040, effective 8:00 a.m. December 10, 2002 until further notice, it is unlawful to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B.

NEW SECTION

**WAC 220-52-04600M Crab fishery—Seasons and areas.** (1) Notwithstanding the provisions of WAC 220-52-046, it is lawful to fish for Dungeness Crab for commercial purposes as provided herein:

(a) Effective immediately until further notice, commercial harvest will be allowed in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(2) Effective immediately until further notice, it is unlawful to fish for or possess crab taken for commercial purposes from those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. December 10, 2002:

WAC 220-52-04000I Commercial crab fishery—Exceptions to permanent rules for pot limits. (02-285)

WAC 220-52-04600K Crab fishery—Seasons and areas. (02-285).

**WSR 03-01-054  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-296—Filed December 11, 2002, 9:32 a.m., effective December 12, 2002]

Date of Adoption: December 10, 2002.  
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300Y; and amending WAC 220-52-073.

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 red and green sea urchins exist in the areas described. Prohibition of all diving within one or two days of scheduled sea urchin 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: December 12, 2002.  
December 10, 2002  
J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 220-52-07300Z Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective December 12, 2002 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

EMERGENCY

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3, and 4 are open only on Mondays, Tuesdays and Fridays of each week. Sea Urchin Districts 6 and 7 are open only on Mondays, Tuesdays, Fridays and Saturdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Monday through Friday of each week. Sea Urchin District 3 is open only on December 18, 19, 20 and 22, 2002. Sea Urchin District 4 is open only on December 20, 22 and 23, 2002. It is unlawful to harvest red sea urchins smaller or larger than the following size (size in largest test diameter exclusive of the spines).

(a) District 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(b) District 3 and 4 - 3.25 minimum to 5.0 maximum inches.

(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 within the following sea urchin Districts on the following days.

(a) Districts 1 and 2 - Saturdays and Sundays of each week

(b) Districts 3 and 4 - December 14, 15 and 21, 2002.

(c) Districts 6 and 7 - Wednesdays, Thursdays and Sundays of each week.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective December 12, 2002:

WAC 220-52-07300Y Sea urchins. (02-279)

**WSR 03-01-063  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-297—Filed December 11, 2002, 4:53 p.m.]

Date of Adoption: December 11, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000J and 220-52-04600L; 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 coastal crab fishery opening was delayed by a work stoppage and severe weather onset near the scheduled opening, thus gear that should have been set was not. This rule provides for safety in setting gear, and

provides for the economic well being of the industry. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 11, 2002

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 220-52-04000L Barging of crab pots by undesignated vessels.** Notwithstanding the provisions of WAC 220-52-040, effective immediately until further notice:

(1) It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear effective immediately through 11:59 p.m. December 24, 2002, provided that:

(a) Such a vessel may not carry aboard more than 250 shellfish pots at any one time.

(b) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-04000J Barging of crab pots by undesignated vessels. (02-288)

WAC 220-52-04600L Crab fishery—Areas and seasons. (02-288)

**WSR 03-01-078  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-299—Filed December 13, 2002, 2:35 p.m.]

Date of Adoption: December 13, 2002.

Purpose: Amend commercial fishing rules.

EMERGENCY

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-72-076.

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 discovery of this disease requires prompt action to prevent the further spread of this shellfish disease into other areas of Washington. 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 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

December 13, 2002

J. P. Koenings

Director

by Larry Peck

#### NEW SECTION

**WAC 220-72-07600E Unlawful acts—Permit required.** Notwithstanding the provisions of WAC 220-72-076, effective immediately until further notice, to control the spread Denman Island Disease it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or within a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.

#### NEW SECTION

**WAC 220-72-08800A Denman Island Disease prohibited area.** Effective immediately until further notice, Denman Island Disease has been confirmed within the following areas, which are hereby designated as Denman Island Disease prohibited areas:

(1) Dungeness Bay - inside and westerly of a line drawn from the tip of Dungeness Spit due south to the mainland.

(2) Deer Harbor - inside and northerly of a line drawn between Pole Pass Point and Steep Point.

#### NEW SECTION

**WAC 220-72-08900A Denman Island Disease surveillance area.** The following waters are designated a Denman Island Disease surveillance area: Those waters and tidelands easterly of a line drawn true north of Cape Flattery to the international boundary line, northerly of a line between the north most tip of Tala Point and the west most tip of Foulweather Bluff, and northerly of a line between the east most point of Apple Cove Point and the west most point of Edwards Point.

**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.

#### NEW SECTION

**WAC 220-72-09000A Denman Island Disease unrestricted area.** All waters and tidelands lying outside of a Denman Island Disease prohibited or surveillance area.

**WSR 03-01-108**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 02-300—Filed December 18, 2002, 11:24 a.m., effective January 2, 2003, 12:01 a.m.]

Date of Adoption: December 17, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-33000Q; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 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 emergency regulation is necessary to maintain allocation requirements in Marine Areas 8-1, 8-2, 9, and 10. 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: January 2, 2003, 12:01 a.m.

December 17, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

**WAC 220-56-33000R Crab—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-330, it is lawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective 12:01 a.m. January 2, 2003, it is unlawful to fish for crab in all waters of Marine Areas 8-1, 8-2, Marine Area 9, north of a line that extends from Foulweather Bluff to Olele Point, and all waters of Marine Area 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 2, 2003:

WAC 220-56-33000Q Crab—Areas and seasons.  
(02-220)

EMERGENCY

DEPARTMENT OF CHEMISTRY

PH.D. THESIS

BY

DR. [Name]

IN

THE

PH.D. PROGRAM

OF

THE

UNIVERSITY OF CHICAGO

19[Year]

CHICAGO, ILLINOIS

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CHICAGO, ILLINOIS



Washington State Register, Issue 03-01

AGENCY RULES COORDINATORS

Designations as of 12/19/02

AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Academic Achievement and Accountability Commission	Christopher M Thompson	(360) 725-6034	P.O. Box 47220 Olympia, WA 98504-7220
Accountancy, Board of	Cheryl Sexton	(360) 664-9194	P.O. Box 43110 Olympia, WA 98504-3110
Administrative Hearings, Office of	Art Wang	(360) 664-8717	P.O. Box 42488 Olympia, WA 98504-2488
Advanced Tuition Payment, Commission on	Betty Lochner	(360) 753-7875	P.O. Box 43450 Olympia, WA 98504-3450
Agriculture, Department of	George Huffman	(360) 902-1802	P.O. Box 42560 Olympia, WA 98504-2560
Arts Commission	Kris Tucker	(360) 586-2423	P.O. Box 42675 Olympia, WA 98504-2675
Asian Pacific American Affairs, Commission on	Patricia M Lee	(206) 464-5820	501 S. Jackson #301 Seattle, WA 98104-2897
Attorney General's Office	Jane Halligan	(360) 753-2681	P.O. Box 40115 Olympia, WA 98504-0115
Auditor, Office of State	Linda Long	(360) 902-0367	P.O. Box 40021 Olympia, WA 98504-0021
Bellevue Community College	Elise Erickson	(425) 641-2301	3000 Landerholm Circle SE Bellevue, WA 98007-6484
Bellingham Technical College	Ronda Laughin	(360) 738-3105	3028 Lindbergh Avenue Bellingham, WA 98225-1599
Big Bend Community College	Ken Turner	(509) 762-5351	7662 Chanute Street Moses Lake, WA 98837-3299
Blind, Department of Services for the	Rebecca Jensen	(360) 586-7022	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Dean O Stenehjelm	(360) 696-6321	2214 E 13th Street Vancouver, WA 98661-4120
Building Code Council	Tim Nogler	(360) 725-2969	P.O. Box 48300 Olympia, WA 98504-8300
Cascadia Community College	Dede Gonzales	(425) 352-8810	18345 Campus Way NE Bothell, WA 98011-9510
Central Washington University	Barbara Hodges	(509) 963-2111	400 E 8th Avenue Ellensburg, WA 98926-7501
Centralia College	Stephen L Ward	(360) 736-9391	600 W Locust Street Centralia, WA 98531-4099
Clark College	Janelle K Farley	(360) 992-2101	1800 E McLoughlin Boulevard Vancouver, WA 98663-3598
Clover Park Technical College	Cherie Steele	(253) 589-5843	4500 Steilacoom Boulevard SW Lakewood, WA 98499-4098
Code Reviser's Office	Kerry S Radcliff	(360) 786-6697	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Louise Meyers	(509) 547-0511	2600 N 20th Avenue Pasco, WA 99301
Community and Technical Colleges, State Board for	DelRae Oderman	(360) 753-2000	P.O. Box 42495 Olympia, WA 98504-2495
Community Economic Revitalization Board	Kate Rothschild	(360) 725-4058	P.O. Box 42525 Olympia, WA 98504-2525

MISC.

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AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Community, Trade and Economic Development, Department of Conservation Commission	Jean Ameluxen	(360) 725-2806	PO Box 48350 Olympia, WA 98504-8350
	Vicki Flynn	(360) 407-6202	P.O. Box 47721 Olympia, WA 98504-7721
Corrections, Department of	John R Nispel	(360) 586-2160	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton	(360) 753-5989	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Sharon Tolton	(206) 835-7345	P.O. Box 40905 Olympia, WA 98504-0905
Dairy Products Commission	Celeste Piette	(425) 672-0687	4201 198th Street SW, Suite 101 Lynnwood, WA 98036
Deaf, Washington State School for the	Chuck McCarthy	(360) 696-6525	611 Grand Boulevard, S26 Vancouver, WA 98661-4918
Deferred Compensation, Committee for	Anne Holdren	(360) 664-7009	P.O. Box 4093 Olympia, WA 98504-0931
Eastern Washington University	Laurie Flinn Connelly	(509) 359-2371	214 Showalter Hall Cheney, WA 99000-2444
Ecology, Department of	Jerry Thielen	(360) 407-7551	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Kathy Beem	(425) 640-1647	20000 68th Avenue W Lynnwood, WA 98036
Education, State Board of	Larry Davis	(360) 725-6025	P.O. Box 47206 Olympia, WA 98504-7206
Employment Security Department	Barney Hilliard	(360) 438-4011	P.O. Box 9046 Olympia, WA 98507-9046
Energy Facility Site Evaluation Council	David W Sjoding	(360) 956-2004	P.O. Box 43172 Olympia, WA 98504-3172
Environmental Hearings Office	Eric Lucas	(360) 459-6332	P.O. Box 40903 Olympia, WA 98504-0903
Everett Community College	Juli Boyington	(425) 388-9572	2000 Tower Street Everett, WA 98201-1352
Evergreen State College, The	Lee Hoemann	(360) 866-6000	Mailstop TA00 Olympia, WA 98505
Executive Ethics Board	Margaret A Grimaldi	(360) 664-0871	P.O. Box 40100 Olympia, WA 98504-0100
Financial Institutions, Department of	Susan Putzier	(360) 902-8764	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Jennifer Strus	(360) 902-0568	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Evan Jacoby	(360) 902-2930	P.O. Box 43147 Olympia, WA 98504-3147
Forensic Investigations Council	Nancy Isham	(360) 753-2175	206 10th Avenue SE Olympia, WA 98501
Forest Practices Board	Patricia Anderson	(360) 902-1413	P.O. Box 47012 Olympia, WA 98504-7012
Freight Mobility Strategic Investment Board	Sandy Jenson	(360) 586-9695	P.O. Box 40965 Olympia, WA 98504-0965
Gambling Commission	Susan Arland	(360) 486-3466	P.O. Box 42400 Olympia, WA 98504-2400

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AGENCY	RULES COORDINATOR	PHONE	ADDRESS
General Administration, Department of	Martin D Casey	(360) 902-7208	P.O. Box 41000 Olympia, WA 98504-1000
Grays Harbor College	Sandy Zelasko	(360) 538-4000	1620 Edward P Smith Drive Aberdeen, WA 98520-7599
Green River Community College	John Ramsey	(253) 288-3360	12401 SE 320th Street Auburn, WA 98092-3699
Growth Management Hearings Boards	William Nielson	(360) 664-8966	P.O. Box 40953 Olympia, WA 98504-0953
Health Care Authority	Melodie Bankers	(360) 923-2728	P.O. Box 42705 Olympia, WA 98504-2705
Health, Department of	Michelle Davis	(360) 236-4044	P.O. Box 47890 Olympia, WA 98504-7890
Higher Education Coordinating Board	Belma Villa	(360) 753-7810	P.O. Box 43430 Olympia, WA 98504-3430
Highline Community College	President's Office	(206) 878-3710	P.O. Box 98000 Des Moines, WA 98198-9800
Historical Society, Eastern Washington State	Maurine Barrett	(509) 363-5304	2316 W First Avenue Spokane, WA 99204-1099
Historical Society, Washington State	Marie DeLong	(253) 798-5901	1911 Pacific Avenue Tacoma, WA 98402-3109
Horse Racing Commission	Patty Sorby	(360) 459-6462	P.O. Box 40906 Olympia, WA 98504-0906
Human Rights Commission	Mary Clogston	(360) 586-5765	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Dennis Marsh	(360) 493-9271	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	David E Threedy	(360) 753-9646	P.O. Box 42401 Olympia, WA 98504-2401
Information Services, Department of	Brian Jenson	(360) 902-2299	P.O. Box 42445 Olympia, WA 98504-2445
Insurance Commissioner, Office of the	Jon Hedegard	(360) 725-7039	P.O. Box 40255 Olympia, WA 98504-0255
Investment Board, State	Scott Huntley	(360) 664-8900	P.O. Box 40916 Olympia, WA 98504-0916
Jail Industries Board	Jill Will	(360) 486-2380	3060 Willamette Drive NE Lacey, WA 98516
Judicial Conduct, Commission on	David Akana	(360) 753-4585	P.O. Box 40928 Olympia, WA 98504-0928
Labor and Industries, Department of	Carmen Moore	(360) 902-4206	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Technical College	Vice President	(425) 739-8100	11605 132nd Avenue NE Kirkland, WA 98034-8506
Library, Washington State	Patricia Davis	(360) 753-2914	P.O. Box 42460 Olympia, WA 98504-2460
Licensing, Department of	Walt Fahrer	(360) 902-3640	P.O. Box 48001 Olympia, WA 98504-8001
Liquor Control Board	Teresa Berntsen	(360) 664-1648	P.O. Box 43080 Olympia, WA 98504-3080
Lottery Commission	Mary Jane Ferguson	(360) 664-4833	P.O. Box 43025 Olympia, WA 98504-3025

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AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Lower Columbia College	Linda Peck	(360) 577-2322	P.O. Box 3010 Longview, WA 98632-0310
Marine Employees' Commission	Kathy Marshall	(360) 586-6354	P.O. Box 40902 Olympia, WA 98504-0902
Military Department	Linda Burton-Ramsey	(253) 512-7950	Camp Murray - Mailstop TA-20 Tacoma, WA 98430-5000
Minority and Women's Business Enterprises, Office of	Juan Huey-Ray	(360) 704-1188	P.O. Box 41160 Olympia, WA 98504-1160
Natural Resources, Department of	Dave Dietzman	(360) 902-1633	P.O. Box 47015 Olympia, WA 98504-7015
Olympic College	Gwendolyn A Garrett	(360) 475-7103	1600 Chester Avenue Bremerton, WA 98310-1699
Outdoor Recreation, Interagency Committee for	Greg Lovelady	(360) 902-3008	P.O. Box 40917 Olympia, WA 98504-0917
Parks and Recreation Commission	Jim French	(360) 586-6607	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Bonnie Cauffman	(360) 417-6212	1502 E Lauridsen Boulevard Port Angeles, WA 98362-6698
Personnel Appeals Board	Don Bennett	(360) 586-1481	P.O. Box 40911 Olympia, WA 98504-0911
Personnel, Department of	Donna Parker	(360) 664-6347	P.O. Box 47500 Olympia, WA 98504-7500
Pierce College	Ruth Ann Hatchett	(253) 840-8495	9401 Farwest Drive SW Lakewood, WA 98498-1999
Pilotage Commissioners, Board of	Peggy Larson	(206) 515-3904	2911 2nd Avenue, Suite 100 Seattle, WA 98121
Pollution Liability Insurance Agency	Terry Taylor	(360) 586-5997	P.O. Box 40930 Olympia, WA 98504-0930
Prosecuting Attorneys, Association of	Thomas A McBride	(360) 753-2175	P.O. Box 40952 Olympia, WA 98504-0952
Public Disclosure Commission	Karen M Copeland	(360) 753-1111	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	Mark S Downing	(360) 570-7305	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Linda K. Harrison	(360) 725-6133	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	John LaRocque	(360) 725-5010	P.O. Box 48319 Olympia, WA 98504-8319
Puget Sound Water Quality Action Team	Duane Fagergren	(360) 407-7303	P.O. Box 40900 Olympia, WA 98504-0900
Redistricting Commission	Darleen Muhly	(360) 586-9000	P.O. Box 40948 Olympia, WA 98504-0948
Renton Technical College	Gary Koppang	(425) 235-2352	3000 NE Fourth Street Renton, WA 98056-4195
Retirement Systems, Department of	Merry Kogut	(360) 664-7291	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Alan Lynn	(360) 570-6125	P.O. Box 47467 Olympia, WA 98504-7467
Salaries for Elected Officials, Washington Citizens' Commission on	Carol Sayer	(360) 407-0785	P.O. Box 43120 Olympia, WA 98504-3120

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AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Seattle Community Colleges	Carin Weiss	(206) 587-4104	1500 Harvard Seattle, WA 98122-3803
Secretary of State	Stephen Excell	(360) 902-4155	P.O. Box 40220 Olympia, WA 98504-0220
Sentencing Guidelines Commission	Sharon Ziegler	(360) 956-2131	P.O. Box 40927 Olympia, WA 98504-0927
Shoreline Community College	Paulette Fleming	(206) 546-4694	16101 Greenwood Avenue N Seattle, WA 98133-5667
Skagit Valley College	Linda Woiwod	(360) 416-7738	2405 E College Way Mt. Vernon, WA 98273-5899
Social and Health Services, Department of	Andy Fernando	(360) 664-6094	P.O. Box 45850 Olympia, WA 98504-5850
South Puget Sound Community College	Diana Toledo	(360) 754-7711	2011 Mottman Road SW Olympia, WA 98512
Spokane, Community Colleges of	Connie Stafford Sherman	(509) 434-5060	N 2000 Greene Street Mailstop I Spokane, WA 99207-5499
Tacoma Community College	Eileen Bushman	(253) 566-5101	6501 S 19th Street Tacoma, WA 98466
Tax Appeals, Board of	Richard A Virant	(360) 753-5446	P.O. Box 40915 Olympia, WA 98504-0915
Tobacco Settlement Authority	Paul Edwards	(206) 287-4462	1000 Second Avenue Suite 2700 Seattle, WA 98104-1046
Toxicologist, State	Beth M Bizzell	(206) 464-5302	2203 Airport Way S Seattle, WA 98134
Traffic Safety Commission	Angie Smith	(360) 753-6197	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Improvement Board	Rich Struna	(360) 586-1140	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Department of	Cathy Downs	(360) 705-7761	P.O. Box 47410 Olympia, WA 98504-7410
Treasurer, Office of the State	Jeanne Ray	(360) 902-9009	P.O. Box 40200 Olympia, WA 98504-0200
University of Washington	Rebecca Goodwin-Dear-dorff	(206) 543-9199	4014 University Way N.E. Seattle, WA 98105-6203
Utilities and Transportation Commission	Karen Caille	(360) 664-1136	P.O. Box 47250 Olympia, WA 98504-7250
Veterans Affairs, Department of	Heidi Audette	(360) 725-2154	P.O. Box 41150 Olympia, WA 98504-1150
Volunteer Firefighters and Reserve Officers, Board for	Brigette K Smith	(360) 753-7318	P.O. Box 40945 Olympia, WA 98504-0945
Walla Walla Community College	Irma Leonetti	(509) 527-4274	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Michael Palios	(360) 753-5966	P.O. Box 42600 Olympia, WA 98504-2600
Wenatchee Valley College	Choi Halladay	(509) 664-2598	1300 5th Street Wenatchee, WA 98801-1799
Western Washington University	Suzanne Baker	(360) 650-3117	516 High Street, Old Main 335 Bellingham, WA 98225-9015

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AGENCY	RULES COORDINATOR	PHONE	ADDRESS
Whatcom Community College	Jennifer Dixon	(360) 676-2170	237 W Kellogg Road Bellingham, WA 98226
Workforce Training and Education Coordinating Board	Lucita Waller	(360) 753-5673	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Valley Community College	Suzanne West	(509) 574-4635	P.O. Box 22520 Yakima, WA 98907-2520

**OFFICE OF THE CODE REVISER  
Quarterly Rule-Making Report  
Covering Registers 02-19 through 02-24**

Type of Activity	New	Amended	Repealed
<b>ACCOUNTANCY, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	10	8	6
Number of Rules Proposed for Permanent Adoption	14	25	6
Number of Sections Adopted at Request of a Nongovernmental Entity	2	6	2
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	6	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	6	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	1
Number of Sections Adopted on the Agency's own Initiative	9	6	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	2	5
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BUILDING CODE COUNCIL</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	7	0
Number of Rules Adopted as Emergency Rules	0	10	0
Number of Rules Proposed for Permanent Adoption	1	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	4	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	8	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	12	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	23	2	0

**COUNTY ROAD ADMINISTRATION BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	10	1

**CRIMINAL JUSTICE TRAINING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	7	0

**DEAF, WASHINGTON STATE SCHOOL FOR THE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	7	0
Number of Sections Adopted on the Agency's own Initiative	6	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**ECOLOGY, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	29	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	28	0
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	28	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	30	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	24	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EDUCATION, STATE BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	19	10
Number of Rules Proposed for Permanent Adoption	2	13	10
Number of Rules Withdrawn	1	20	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	18	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	8
Number of Sections Adopted using Negotiated Rule Making	1	4	8
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EMPLOYMENT SECURITY DEPARTMENT**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	4	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>FISH AND WILDLIFE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	3	6	0
Number of Rules Adopted as Emergency Rules	81	0	82
Number of Rules Proposed for Permanent Adoption	8	26	0
Number of Rules Withdrawn	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	1	0
Number of Sections Adopted on the Agency's own Initiative	85	6	77
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FOREST PRACTICES BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	6	0
<b>HEALTH CARE AUTHORITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HEALTH, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	8	30	2
Number of Rules Proposed for Permanent Adoption	24	14	12
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	25	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	4	2
Number of Sections Adopted on the Agency's own Initiative	2	28	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	23	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
<b>HIGHER EDUCATION COORDINATING BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Proposed for Permanent Adoption	0	8	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	4	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HORSE RACING COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0
<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	8	0
<b>INSURANCE COMMISSIONER, OFFICE OF THE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	44	6	0
Number of Rules Proposed for Permanent Adoption	4	1	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	0	0
Number of Sections Adopted on the Agency's own Initiative	33	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	114	70	77
Number of Rules Adopted as Emergency Rules	2	6	0
Number of Rules Proposed for Permanent Adoption	107	116	51
Number of Rules Withdrawn	11	16	0
Number of Sections Adopted at Request of a Nongovernmental Entity	33	0	11
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	68	50	60
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	3	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	7	0
Number of Sections Adopted on the Agency's own Initiative	66	79	66
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	97	74	66
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LAKE WASHINGTON TECHNICAL COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

**LICENSING, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	28	70	68
Number of Rules Proposed for Permanent Adoption	1	23	3
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	50	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	4	0
Number of Sections Adopted on the Agency's own Initiative	22	25	63
Number of Sections Adopted using Negotiated Rule Making	3	22	0
Number of Sections Adopted using Other Alternative Rule Making	4	28	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

**NATURAL RESOURCES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	7	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PARKS AND RECREATION COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
<b>PERSONNEL, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	6	11	40
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	6	8	40
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	8	0
Number of Sections Adopted on the Agency's own Initiative	1	3	40
Number of Sections Adopted using Negotiated Rule Making	0	0	40
Number of Sections Adopted using Other Alternative Rule Making	1	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC DISCLOSURE COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	5	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	20	16	0
Number of Rules Proposed for Permanent Adoption	23	18	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	19	17	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	19	17	0
Number of Sections Adopted on the Agency's own Initiative	16	17	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	21	1
Number of Rules Proposed for Permanent Adoption	0	11	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	20	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	21	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	20	1
Number of Sections Adopted using Pilot Rule Making	0	1	0

**RETIREMENT SYSTEMS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	4	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**REVENUE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	30	5
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	7	0
Number of Sections Adopted on the Agency's own Initiative	2	31	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	31	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SECRETARY OF STATE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SKAGIT VALLEY COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	12	11
Number of Rules Proposed for Permanent Adoption	0	12	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	12	10
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	60	71	12
Number of Rules Adopted as Emergency Rules	199	72	0
Number of Rules Proposed for Permanent Adoption	203	39	217
Number of Rules Withdrawn	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	179	92	12
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	9	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	8	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	86	39	0
Number of Sections Adopted on the Agency's own Initiative	0	1	8
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	236	145	12
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOUTH PUGET SOUND COMMUNITY COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

**TOBACCO SETTLEMENT AUTHORITY**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	16	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
<b>TRANSPORTATION IMPROVEMENT BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	6	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	6	2	0
Number of Rules Withdrawn	0	1	0
<b>UNIVERSITY OF WASHINGTON</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	19	7	6
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>WASHINGTON STATE PATROL</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	4	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WHATCOM COMMUNITY COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	5	17	14

**TOTALS FOR THE QUARTER:**

Number of Permanent Rules Adopted	324	445	238
Number of Rules Adopted as Emergency Rules	311	106	82
Number of Rules Proposed for Permanent Adoption	432	427	380
Number of Rules Withdrawn	16	47	11
Number of Sections Adopted at Request of a Nongovernmental Entity	35	15	13
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	291	361	102
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	19	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	8	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	139	113	3
Number of Sections Adopted on the Agency's own Initiative	263	308	285
Number of Sections Adopted using Negotiated Rule Making	4	26	48
Number of Sections Adopted using Other Alternative Rule Making	359	387	94
Number of Sections Adopted using Pilot Rule Making	0	1	0

**WSR 03-01-001**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF PERSONNEL**  
 (Personnel Resources Board)  
 [Memorandum—December 4, 2002]

Thursday, July 10  
 Thursday, September 11  
 Thursday, November 13

WASHINGTON PERSONNEL RESOURCES BOARD MEETINGS  
 AND DEPARTMENT OF PERSONNEL DIRECTOR'S MEETINGS FOR  
 2003

The following is a schedule of the 2003 regular meetings of the Washington Personnel Resources Board (WPRB) and the Department of Personnel (DOP) director's meetings. The WPRB meetings will be held at 10:00 a.m. and the DOP director's meetings will be held at 2:30 p.m. These meetings will be held in the DOP Board Room, 521 Capitol Way South, Olympia, WA.

Thursday, January 9  
 Thursday, March 13  
 Thursday, April 10  
 Thursday, May 8

Should you have any questions regarding this matter, please contact Donna Parker at (360) 664-6347.

**WSR 03-01-002**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed December 4, 2002, 3:39 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 229.  
 Subject: Centralized and imaged mail.  
 Effective Date: December 2, 2002.

MISC.



Document Description: This notice explains to DCS staff new procedures for centralizing mail and inputting it into an imaging system.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

December 2, 2002  
Stephanie E. Schiller

**WSR 03-01-003**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed December 4, 2002, 3:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-89 MAA.  
Subject: Year 2003 HO/BH+/PCCM/CHIP Updates.  
Effective Date: January 1, 2003.

Document Description: **Effective for dates of service on and after January 1, 2003**, the changes detailed in this numbered memorandum apply to Healthy Options (HO), Basic Health Plus (BH+), Primary Care Case Management (PCCM), and Children's Health Insurance Program (CHIP) clients.

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 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

November 27, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-01-004**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed December 4, 2002, 3:42 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-88 MAA.  
Subject: Children with special health care needs in managed care.

Effective Date: December 1, 2002.

Document Description: Special safeguards apply to children with special health care needs (CSHCN) who are eligible for Medicaid's managed care programs (Healthy Options and Basic Health Plus) and Children's Health Insur-

ance Program (CHIP). The purpose of this memorandum is to clarify what the safeguards provide, whom they protect, and how the safeguards apply to CSHCN enrolled in managed care.

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 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

November 27, 2002  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 03-01-020**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC DISCLOSURE COMMISSION**

[Memorandum—December 5, 2002]

The following is a list of the regular meetings currently scheduled for the Public Disclosure Commission for the year 2003:

- Tuesday, January 28
- Tuesday, February 25
- Tuesday, March 25
- Tuesday, April 22
- Tuesday, May 27
- Tuesday, June 24
- Tuesday, July 22
- Tuesday, August 26
- Tuesday, September 23
- Tuesday, October 28
- Tuesday, November 18
- Tuesday, December 16

**WSR 03-01-021**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Memorandum—December 5, 2002]

The Commission on Judicial Conduct will hold their year 2003 business meetings at 11:00 a.m. on the following dates and locations:

- February 7, 2003      Holiday Inn Express Hotel & Suites  
   (Formerly the Hawthorn Suites, LTD)  
   19621 International Boulevard  
   SeaTac, WA 98188

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April 4, 2003      Holiday Inn Express Hotel & Suites  
 June 6, 2003      Holiday Inn Express Hotel & Suites  
 August 1, 2003     Holiday Inn Express Hotel & Suites  
 October 3, 2003    Holiday Inn Express Hotel & Suites  
 December 5, 2003   Holiday Inn Express Hotel & Suites

**WSR 03-01-023**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[December 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENTS TO RAP 2.2(a), ) NO. 25700-A-755  
 RAP 2.3(b) AND (e), RAP 2.4, RAP 5.1, )  
 RAP 7.2, RAP 8.1, RAP 9.1, RAP 9.2, )  
 FORM 15, RAP 9.5, FORM 15A, RAP 9.6, )  
 RAP 10.1, RAP 10.2, RAP 10.3, RAP 10.4 )  
 (a)(1), (2) AND (3), RAP 10.5, RAP 10.7, )  
 RAP 10.8, RAP 10.9, RAP 10.10, FORMS )  
 22 AND 23, RAP 11.4, RAP 11.5, RAP )  
 11.6, RAP 12.3, RAP 12.4, RAP 12.7, RAP )  
 13.4, RAP 14.6, RAP 15.2, RAP 17.2, RAP )  
 17.3, RAP 17.4, RAP 18.1, RAP 18.4, RAP )  
 18.13, AND RAP 18.15 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to RAP 2.2(a), RAP 2.3(b) and (e), RAP 2.4, RAP 5.1, RAP 7.2, RAP 8.1, RAP 9.1, RAP 9.2, Form 15, RAP 9.5, Form 15A, RAP 9.6, RAP 10.1, RAP 10.2, RAP 10.3, RAP 10.4 (a)(1), (2) and (3), RAP 10.5, RAP 10.7, RAP 10.8, RAP 10.9, RAP 10.10, Forms 22 and 23, RAP 11.4, RAP 11.5, RAP 11.6, RAP 12.3, RAP 12.4, RAP 12.7, RAP 13.4, RAP 14.6, RAP 15.2, RAP 17.2, RAP 17.3, RAP 17.4, RAP 18.1, RAP 18.4, RAP 18.13, and RAP 18.15, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates and early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of December 2002.

Alexander, C. J.

Smith, J.

Johnson, J.

Madsen, J.

Ireland, J.

Bridge, J.

Chambers, J.

Owens, J.

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 03-03 issue of the Register.

**WSR 03-01-024**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[December 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENT TO RALJ 7.2(d) ) NO. 25700-A-756

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to RALJ 7.2(d), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of December 2002.

Alexander, C. J.

Smith, J.

Johnson, J.

Madsen, J.

Ireland, J.

Bridge, J.

Chambers, J.

Owens, J.

Suggested Rule Change  
**RALJ 7.2 TIME FOR FILING BRIEFS**

(a) - (c) [No change.]

**(d) Briefing Schedule.** If an appeal is preassigned to a judicial department, the court may issue a briefing schedule that allows for complete presentation of all significant issues, and is consistent with the Advisory Case Processing Time Standards endorsed by the Board for Judicial Administration.

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.

MISC.

WSR 03-01-025
RULES OF COURT
STATE SUPREME COURT

[December 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENT TO APR 4 ) NO. 25700-A-757

The Washington State Bar Association having recom-
mended the adoption of the proposed amendment to ARP 4,
and the Court having determined that the proposed amend-
ment will aid in the prompt and orderly administration of jus-
tice and further determined that an emergency exists which
necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR
9(i), the amendment will be published expeditiously and
become effective upon publication.

DATED at Olympia, Washington this 5th day of Decem-
ber 2002.

Alexander, C. J.

Smith, J.

Johnson, J.

Madsen, J.

Ireland, J.

Bridge, J.

Chambers, J.

Owens, J.

SUGGESTED AMENDMENT

ADMISSION TO PRACTICE RULES (APR)

APR 4. BAR EXAMINATIONS; CERTIFICATION OF RESULTS

(a) Bar Examination. [No change].

(b) Certification of Results; Notice. [No change].

(c) Repeating Bar Examination. An applicant failing a
bar examination may apply to take another bar examination;
but after the third failure occurring over any period of time no
applicant shall take any subsequent bar examination until 11
months have elapsed since the date upon which the immedi-
ately preceding bar examination was taken. The 11 month
waiting period shall apply to each succeeding failure on the
bar examination.

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 Reg-
ister pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material
occurred in the copy filed by the State Supreme Court and appears in the
Register pursuant to the requirements of RCW 34.08.040.

WSR 03-01-026
RULES OF COURT
STATE SUPREME COURT

[December 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENT TO APR 8(f) ) NO. 25700-A-758

The Washington State Bar Association having recom-
mended the adoption of the proposed amendment to APR
8(f), and the Court having determined that the proposed
amendment will aid in the prompt and orderly administration
of justice and further determined that an emergency exists
which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR
9(i), the amendment will be published expeditiously and
become effective upon publication.

DATED at Olympia, Washington this 5th day of Decem-
ber 2002.

Alexander, C. J.

Smith, J.

Johnson, J.

Madsen, J.

Ireland, J.

Bridge, J.

Chambers, J.

Owens, J.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 8. SPECIAL ADMISSIONS

(a) [No change].

(b) [No change].

(c) [No change].

(d) [No change].

(e) [No change].

(f) Exception for House Counsel. A lawyer admitted to
the practice of law in a state or territory of the United States
or the District of Columbia may apply to the Board of Govern-
ors for a limited license to practice law as in-house counsel
in this state when the lawyer is employed in Washington as a
lawyer exclusively for a profit or not for profit corporation,
including its subsidiaries and affiliates, association, or other
business entity, that is not a government entity, and whose
lawful business consists of activities other than the practice
of law or the provision of legal services. The lawyer shall
apply by (I) filing an application in the form and manner that
may be prescribed by the Board of Governors, (ii) presenting
satisfactory proof of (I) admission by examination to the
practice of law and current good standing in a state of terri-
tory of the United States or the District of Columbia and (II)
good moral character, (iii) filing an affidavit from an officer,
director, or general counsel of the applicant's employer in this

MISC.

state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee in the amount required of inactive members, and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice law in this state, except in association with an active member of the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and Present at all proceedings, (ii) offering legal services or advice to the public, or (iii) holding oneself out to be so engaged or authorized. Notwithstanding the above, the Practice of a lawyer admitted under this section may include providing legal services for no fee through a qualified legal services provider, as that term is defined in part 8 (e)(2), including without limitation representation before a court or tribunal without associating with an active member of the Washington State Bar Association. The prohibition against compensation in the preceding sentence shall not prevent a qualified legal services provider from reimbursing an in-house counsel admitted under this section for actual expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the in-house counsel.

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Lawyer Discipline, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admit-

ted to the practice of law or the commencement of any formal disciplinary proceeding in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law upon passing the bar exam, or on suspension or disbarment for discipline in a state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by e(iii), the license shall be reinstated.

(g) [No change].

**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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-01-027**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[December 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO GR 14, RAP ) NO. 25700-A-759  
10.4, ER 412, CrR 4.7 AND CrRLJ 4.7 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to GR 14, RAP 10.4, ER 412, CrR 4.7 and CrRLJ 4.7, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2003.

(b) The purpose statement as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2003. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of December 2002.

Gerry L. Alexander

CHIEF JUSTICE

**GR9 Cover Sheet****Proposal to Amend General Rule 14  
Concerning Citation Format****Submitted by the Board of Governors of the Washington  
State Bar Association**

**(C) Purpose:** The Electronic Communications (EC) Committee of the Washington State Bar Association proposed a rule amendment providing for "universal citation" of appellate cases. Universal citation provides an alternative to the traditional way of citing cases. Its goal is to accommodate electronic and other sources of legal materials that weren't available until recently. Universal citation proposes assigning to each decision a unique numerical identifier distinct from that of the Washington Reports or Washington Appellate volumes where decisions have traditionally resided. It is intended to facilitate the organization and retrieval of decisions within all media, not just bound volumes.

For example, the EC Committee suggested that volumes be designated by year and numerical designator range. It also suggested that each decision contain paragraph numbers to allow for "pinpoint" citation by such numbers, rather than by page numbers that can vary by publisher. Thus, a case could be cited "traditionally" and "universally" as *Smith v. Jones*, 150 Wn.2d 175, 181 (2003), 2003 Wa 132 ¶ 14. As the EC Committee noted, other universal citation methods can be envisioned.

The WSBA Court Rules and Procedures Committee endorsed the concept of universal citation. It agreed that traditional page numbers are not practical for electronic versions of opinions and supported the idea of public access to cases independent of commercial vendors. However, the Committee was also concerned that the rule proposed by the EC Committee was too complex - e.g., in dealing with amended or corrected opinions - and would not allow for easy amendment.

The Rules Committee then noted that RAP 10.4(g) addressed citation format, although only for appellate briefs, and that the Reporter of Decisions had developed a "style sheet" incorporating the provisions of the rule along with other requirements. The Committee believed that all citation format requirements could and should be contained in this style sheet, which can be more quickly and easily changed to accommodate new developments than a rule. The Committee thus proposed that a general rule be adopted referring to the style sheet (and requiring that a current version be published as an appendix each year in the rule book as an aid to practitioners). Along with accommodating the universal citation concept, this should lead to more uniformity in citations not only in the appellate courts but in the trial courts (e.g., trial briefs, memoranda in support of motions, etc.) as well.

The Rules Committee therefore recommended this amendment to GR 14, as well as a companion amendment to RAP 10.4(g).

**GENERAL RULE 14****FORMAT FOR PLEADINGS AND OTHER PAPERS**

(a) - (c) Unchanged.

**(d) Citation Format.** Citations shall conform with the format prescribed by the Reporter of Decisions. (See Appendix 1.)

NOTE: The WSBA Court Rules and Procedures Committee recommends that the Appendix consist of the Reporter of Decisions "style sheet," and that an updated version be included in the published rule book each year, thereby allowing any changes to be incorporated easily as they are made and providing a ready reference for practitioners.

**GR9 Cover Sheet****Proposal to Amend RAP 10.4  
Concerning Citation Format****Submitted by the Board of Governors of the Washington  
State Bar Association**

**(C) Purpose:** Please see the purpose statement for the proposed amendment to General Rule (GR) 14.

**RAP 10.4****PREPARATION AND FILING OF BRIEF BY PARTY**

(a) - (f) Unchanged.

**(g) [Reserved. See GR 14(d).] Citations.** Citations must be in conformity with the form used in current volumes of the Washington Reports. Decisions of the Supreme Court and of the Court of Appeals must be cited to the official report thereof and should include the national reporter citation and the year of the decision. The citation of other state court decisions should include both the state and national reporter citations. The citation of a United States Supreme Court decision should include the United States Reports, the United States Supreme Court Reports Lawyers' Edition, and the Supreme Court Reporter. The citation of a decision of any other federal court should include the federal reporter citation and the district of the district court or circuit of the court of appeals deciding the case. Any citation should include the year decided and a reference to and citation of any subsequent decision of the same case.

(h) - (i) Unchanged.

**GR9 Cover Sheet****Proposal to Amend Rule of Evidence 412  
Concerning Evidence of Sexual Behavior****Submitted by the Board of Governors of the Washington  
State Bar Association**

**(A) Purpose:** The proposed amendment would adopt Federal Rule of Evidence 412, as to civil cases, in Washington.

In 1975 (the same year that the original Federal Rules of Evidence were adopted), the Washington State Legislature adopted RCW 9A.44.020, the so-called "rape shield law." This statute, applicable only to criminal cases, restricts the introduction of evidence of a victim's past sexual behavior. It also provides a pretrial procedure for admitting such evidence when it may be arguably proper to do so.

A 1978 amendment to the Federal Rules added Rule 412, limited at that time to criminal cases in a manner similar to Washington's statute; 1994 amendments extended the coverage of FRE 412 to civil cases as well as to all criminal cases. When Washington adopted its Rules of Evidence in 1979, there was no mention of this subject. A 1988 amendment to ER 412 added a "reserved" reference to RCW 9A.44.020. The 1988 comment to ER 412 noted the similarity between the statute and Federal Rule 412 as it existed at that time. The comment also contemplated possible future rulemaking by the Washington Supreme Court in this area.

Thus, current law limits the admissibility of evidence of a victim's sexual behavior or sexual predisposition in federal civil and criminal cases, and in state criminal cases, but *not* in state civil cases. The proposed amendment is intended to close this gap. There appears no logical reason why more evidence of a victim's sexual history should be admissible in a state civil proceeding than in a criminal proceeding where a defendant's liberty, and perhaps his life, is at stake.

The amendment would safeguard against the invasion of privacy, potential embarrassment, and sexual stereotyping that inevitably result from the unnecessary injection of intimate sexual information and innuendo into the fact-finding process. Just as RCW 9A.44.020 was adopted to encourage victims of sexual crimes to come forward, the amendment is designed to encourage victims of sexual misconduct to come forward and obtain civil redress without fear of "revictimization" by the legal process.

The amendment balances the privacy interests of victims with the legitimate need of a defendant who is alleged to have committed sexual misconduct to introduce evidence of the victim's sexual behavior in appropriate circumstances. The rule would give the judge discretion to allow this evidence when it is significantly probative in a particular case.

The amendment adding a new section (a) simply provides a caption for criminal cases and a reference to the existing statute.

New section (b) provides that in a civil proceeding involving alleged sexual misconduct, evidence of an alleged victim's sexual behavior or sexual predisposition is inadmissible except as provided in sections (c) and (d) of the rule. New section (c) sets forth the exceptions: the evidence must be otherwise admissible and its probative value must substantially outweigh the danger of harm to any victim and of unfair prejudice to any party. Evidence of the alleged victim's reputation "is admissible only if it has been placed in controversy by the alleged victim."

New section (d) provides a procedural mechanism whereby a party intending to offer evidence under the exception provision must file a written motion at least 14 days before trial. The court must hold an in camera hearing, at which the parties and the alleged victim have the right to be

present and to be heard. The papers and record of the hearing must be sealed, unless the court orders otherwise.

One of the other effects of the rule could be to give judges an explicit basis in the rules of evidence for granting protective orders regarding discovery of sexual history. A protective order could be justified based on an argument that such discovery would not be "reasonably calculated to the discovery of admissible evidence," CR 26(a).

Federal Rule of Evidence 412 has applied to civil cases for over eight years. A number of other states, including California, Hawaii, Maine, and Tennessee, have adopted a similar rule applicable to civil cases.

For additional information about FRE 412, see Notes of Advisory Committee to the 1994 Amendment, Federal Rules of Evidence, pp. 55-59 (WestGroup 1999).

#### ER 412

#### SEXUAL OFFENSES – VICTIM'S PAST BEHAVIOR (RESERVED)

(a) Criminal Cases. [Reserved. See RCW 9A.44.020.]

(b) Civil Cases; Evidence Generally Inadmissible. The following evidence is not admissible in any civil proceeding involving alleged sexual misconduct except as provided in sections (c) and (d):

(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

(2) Evidence offered to prove any alleged victim's sexual predisposition.

(c) Exceptions. In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

(d) Procedure to determine admissibility.

(1) A party intending to offer evidence under section (c) must:

(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause, requires a different time for filing or permits filing during trial; and

(B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

(2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.

**GR9 Cover Sheet**

**Proposal to Amend Criminal Rule for Criminal Rule 4.7  
Concerning Custody of Discovery Materials**

**Submitted by the Board of Governors of the Washington  
State Bar Association**

**Purpose:** The amendment section (h)(3) is intended to relieve a burden on defense counsel, while recognizing the need to protect victims and witnesses from possible harassment or embarrassment. Under the existing rule as usually interpreted, a defense lawyer may not provide copies of discovery documents to his or her client for review. Rather, the lawyer must remain with the client in a conference room (or in the custodial facility with an incarcerated client). Yet there appears to be no restriction on the client reading the material, taking notes, or even making a verbatim copy of the information contained in the documents.

Proponents argue that changing the rule would enhance the preparation of an effective defense. Not only could the lawyer's time be used more effectively, but the client would have the opportunity to review and reflect upon the documents. Increasing familiarity with the information in the documents may result in new insights or improved recollections. Defense lawyers also report that trial courts routinely grant motions that allow redacted copies to be given to clients. Codifying this practice would eliminate repeated motions to the court.

In fact, full access to and an increased opportunity to review all the evidence may result in additional guilty pleas, reducing the trial burden on the courts. Defendants who feel that evidence is not being hidden from them, or who see the full panoply of evidence against them and have it sink in, may be less likely to insist on a trial. When trials do occur, they may well be more expeditious, with all parties fully prepared from a pretrial review of documents.

Moreover, a pro se defendant would be entitled to the actual documents under the discovery rules. Some defense counsel have expressed concern that certain defendants may be encouraged to become "co-counsel" in their own cases in order to gain access to discovery materials, an approach not favored by the courts. Changing the current rule would likely discourage this practice, by increasing trust between clients and their lawyers, and indeed reducing clients' distrust of the legal system in general.

The purpose of the existing rule is to prevent witness tampering or retaliation that might occur if the defendant learned of a witness's identity and whereabouts. But as the defendant can memorize, copy, or make notes from discovery documents reviewed in the presence of counsel, it is questionable whether the rule truly serves this purpose. The proposed rule in fact may advance privacy concerns, by requiring as a standard practice the excision of addresses, phone numbers, and photographs.

The proposed amendment would permit a defense lawyer to provide a copy of discovery materials to the defendant, but only after all addresses, telephone numbers and other information concerning the location of witnesses (except for

police offices and expert witnesses) has been excised. It would also require that photographs be eliminated from the materials given to the defendant. A defendant, whether pro se or represented by counsel, would be subject to the same general restrictions as a lawyer: that the materials be used "only for the purposes of conducting the party's side of the case.

The sections of the rule providing for protective orders and sanctions would still be available in cases (such as sex crimes) where further protection of the victim is necessary.

**CrR 4.7  
DISCOVERY**

- (a) - (g) Unchanged.
- (h) Regulation of Discovery.**
- (1) - (2) Unchanged.

(3) *Custody of Materials.* Any materials furnished to an attorney pursuant to these rules ~~to a lawyer or to a defendant shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case.~~ A defense lawyer may provide a copy of the discovery to the defendant only after all addresses, telephone numbers and other information concerning the location or whereabouts of witnesses (excluding police officers and expert witnesses) and all photographs of the alleged victim have been excised from the materials. The materials shall be subject to such other terms and conditions as the court may provide.

- (4) - (6) Unchanged.
- (7) *Sanctions.*

(i) if at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance, dismiss the action or enter such other order as it deems just under the circumstances.

(ii) ~~a lawyer's or defendant's willful violation by counsel of an applicable discovery rule or an order issued pursuant thereto may subject counsel the lawyer or defendant to appropriate sanctions by the court.~~

**GR9 Cover Sheet**

**Proposal to Amend Criminal Rule for Courts of Limited  
Jurisdiction 4.7  
Concerning Custody of Discovery Materials**

**Submitted by the Board of Governors of the Washington  
State Bar Association**

**Purpose:** Please see the purpose statement for the proposed amendment to CrR 4.7.

**CrRLJ 4.7  
DISCOVERY**

- (a) - (f) Unchanged.
- (g) Regulation of Discovery.**

MISC.

(1) - (2) Unchanged.

(3) *Custody of Materials.* Any materials furnished to a lawyer pursuant to these rules ~~to a lawyer or to a defendant~~ shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, ~~and~~ A defense lawyer may provide a copy of the discovery to the defendant only after all addresses, telephone numbers and other information concerning the location or whereabouts of witnesses (excluding police officers and expert witnesses) and all photographs of the alleged victim have been excised from the materials. The materials shall be subject to such other terms and conditions as the court may provide.

(4) - (6) Unchanged.

(7) *Sanctions.*

(i) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance, or enter such other order as it deems just under the circumstances.

(ii) The court may at any time dismiss the action if the court determines that failure to comply with an applicable discovery rule or an order issued pursuant thereto is the result of a willful violation or of gross negligence and that the defendant was prejudiced by such failure.

(iii) A lawyer's or defendant's willful violation of an applicable discovery rule or an order issued pursuant thereto may subject the lawyer or defendant to appropriate sanctions by the court.

**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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**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 03-01-028**

**NOTICE OF PUBLIC MEETINGS**

**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—December 6, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, December 19, 2002, 9:00-11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

**WSR 03-01-029**

**NOTICE OF PUBLIC MEETINGS**

**BOARD OF TAX APPEALS**

[Memorandum—December 5, 2002]

The Board of Tax Appeals will hold its regular 2003 meetings at 10 a.m. on March 13, June 12, September 11, and December 11, 2003. The meetings will be held at the board's offices, 910 5th Avenue S.E., Olympia, WA 98504-0915.

**WSR 03-01-030**

**NOTICE OF PUBLIC MEETINGS**

**TACOMA COMMUNITY COLLEGE**

[Memorandum—December 4, 2002]

Pursuant to RCW 42.30.075, the following is the schedule for District 22 Tacoma Community College board of trustees meeting for the 2003 calendar year.

- January 16
- February 20
- February 28 (board retreat)
- March 19 (special meeting starting at 2:30 p.m.)
- March 20
- April 17
- May 15
- June 19
- July 11-12 (board retreat)
- August (no meeting scheduled)
- September 18
- October 16
- November 20
- December 18

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. unless otherwise noted and are held in the Learning Resource Center, Building 7, Baker Room.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail to cbitz@tcc.ctc.edu.

**WSR 03-01-034**

**NOTICE OF PUBLIC MEETINGS**

**LAKE WASHINGTON TECHNICAL COLLEGE**

[Memorandum—December 6, 2002]

Pursuant to RCW 42.30.075, the following dates are when the Lake Washington Technical College board of trustees are scheduled to hold regular meetings during 2003:



January 13  
 February 3  
 March 3  
 April 7  
 May 5  
 June 2  
 September 8  
 October 6  
 November 3  
 December 1

November 10  
 December 8

Work sessions begin at 6:00 p.m. in Room W302E at the college; the regular meeting agenda begins at 7:00 p.m. in Room W305A at the college. The college is located at 11605 132nd Avenue N.E., Kirkland, WA.

In the event it is necessary to change any of these meeting dates appropriate advertising will take place.

**WSR 03-01-035**  
**NOTICE OF PUBLIC MEETINGS**  
**LOWER COLUMBIA COLLEGE**  
 [Memorandum—December 3, 2002]

The board of trustees of Lower Columbia College will be holding a special executive session meeting on Wednesday, March 12, 2003, beginning at 5:00 p.m., in the Conference Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA. Purpose of the meeting is to discuss personnel and real estate.

**WSR 03-01-036**  
**NOTICE OF PUBLIC MEETINGS**  
**COLUMBIA BASIN COLLEGE**  
 [Memorandum—December 5, 2002]

Board of Trustees  
 MEETING SCHEDULE 2002-2003

The Columbia Basin College board of trustees meets the **second Monday** of each month at 5 p.m., with the exception of August when there is no scheduled meeting.

January 13  
 February 10  
 March 10  
 April 14  
 May 12  
 June 9  
 July 14  
 August - no meeting  
 September 8  
 October 13

**WSR 03-01-037**  
**NOTICE OF PUBLIC MEETINGS**  
**JAIL INDUSTRIES BOARD**  
 [Memorandum—December 5, 2002]

**NOTICE OF PUBLIC MEETINGS**  
**JAIL INDUSTRIES BOARD**

**2003 BOARD MEETING SCHEDULE**

January 10, 2003	Criminal Justice Training Center Room #E-290, Burien
May 16, 2003	Criminal Justice Training Center Room #E-103, Burien
September 12, 2003	Criminal Justice Training Center Room #E-103, Burien
November 14, 2003	Criminal Justice Training Center Room #E-290, Burien

All regular meetings run from 10:00 a.m. through 2:00 p.m. For further information, please contact Jill Will, Executive Director, Jail Industries Board at 3060 Willamette Drive N.E., Suite 100, Lacey, WA 98516, phone (360) 486-2440, fax (360) 486-2380, e-mail [jwill@cjtc.state.wa.us](mailto:jwill@cjtc.state.wa.us), web [www.jib.wa.gov](http://www.jib.wa.gov).

**WSR 03-01-040**  
**WASHINGTON STATE UNIVERSITY**  
 [Filed December 9, 2002, 3:40 p.m.]

This is to notify you that as of December 2, 2002, I am the interim public records officer for Washington State University.

Kirsten Pauli  
 Program Administrative  
 Coordinator

**WSR 03-01-041**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE**  
**INTERAGENCY COMMITTEE**  
 (Interagency Committee for Outdoor Recreation)  
 [Memorandum—December 6, 2002]

**2003 Interagency Committee for Outdoor Recreation Meeting Schedule**

At a regular meeting on December 5, 2002, the Interagency Committee for Outdoor Recreation adopted the following meeting schedule:

MISC.

January 23, 2003	Workshop	Seattle
March 13-14, 2003	Regular meeting	Olympia
July 10-11, 2003	Regular meeting	Olympia
September 11-12, 2003	Regular meeting	Eastern Washington
November 20-21, 2003	Regular meeting	Olympia

March 19-21, 2003  
 Educational Service District 113  
 601 McPhee Road S.W.  
 Olympia, WA 98502  
 (360) 586-2933

May 21-23, 2003  
 Sun Mountain Lodge  
 P.O. Box 1000  
 Winthrop, WA 98862-1000  
 (509) 996-2211

June 20, 2003  
 Central Puget Sound Area

August 20-22, 2003  
 Seattle School District

October 22-24, 2003  
 SW Washington Area

**WSR 03-01-042**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (State Capitol Committee)  
 [Memorandum—December 11, 2002]

MEETING

WHEN: December 11, 2002  
 TIME: 10:00 a.m. to 11:15 a.m.  
 LOCATION: General Administration Building, Room 207

**WSR 03-01-043**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE**  
**INTERAGENCY COMMITTEE**  
 (Salmon Recovery Funding Board)  
 [Memorandum—December 6, 2002]

2003 Salmon Recovery Funding Board Meeting Schedule

At a regular meeting on November 14, 2002, the Salmon Recovery Funding Board adopted the following meeting schedule:

January 29, 2003	Regular meeting	Seattle
March 6, 2003	Regular meeting	Olympia
May 1-2, 2003	Funding meeting	To be decided
June 4-5, 2003	Regular meeting	Eastern Washington
July 2, 2003	Regular meeting	Vancouver
September 25-26, 2003	Regular meeting	Anacortes
October 29-30, 2003	Regular meeting	Yakima

**WSR 03-01-046**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
 [Memorandum—December 9, 2002]

State Board of Education Meeting Schedule for 2003

The State Board of Education will meet for regular business at the locations listed on the following dates:

January 15-17, 2003  
 Educational Service District 113  
 601 McPhee Road S.W.  
 Olympia, WA 98502  
 (360) 586-2933

**WSR 03-01-049**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE EMPLOYEES' COMMISSION**  
 [Memorandum—December 10, 2002]

Change in March 2003 Public Meeting

There will be a change in the previously adopted schedule for the 2003 meeting schedule of the Marine Employees' Commission. The March 28, 2003, meeting will be changed to March 21, 2003. The location remains the same: 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way South, and will begin at 10:00 a.m. As previously published, the quarterly management team meeting will be held immediately following the commission meeting.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

MISC.

**WSR 03-01-056**  
**NOTICE OF PUBLIC MEETINGS**  
**BUILDING CODE COUNCIL**  
 [Memorandum—December 10, 2002]

The following is the proposed 2003 meeting schedule for the Washington State Building Code Council.

Date	Meeting	Location	Start Time
January-April	Legislative committee conference call meetings	Thursdays as necessary Monitor Location: 128 Tenth Street S.W., Olympia	1 p.m.
<b>January 9, 2003</b>	Committee meetings Council meeting	Washington State Senate Hearing Room 3 John A. Cherberg Building Olympia, Washington	9 a.m. 1 p.m.
February 14, 2003	BFP/MVE committees	Conference call meeting (if necessary)	10 a.m.
<b>March 14, 2003</b>	Committee meetings Council meeting	SeaTac area (location to be announced)	9 a.m. 1 p.m.
April 11, 2003	BFP/MVE committees	Conference call meeting (if necessary)	10 a.m.
<b>May 9, 2003</b>	Committee meetings Council meeting	Spokane area (location to be announced)	9 a.m. 1 p.m.
June 13, 2003	BFP/MVE committees	Conference call meeting (if necessary)	10 a.m.
<b>July 11, 2003</b>	Committee meetings Council meeting	SeaTac area (location to be announced)	9 a.m. 1 p.m.
August 8, 2003	BFP/MVE committees	Conference call meeting (if necessary)	10 a.m.
<b>September 12, 2003</b>	Committee meetings Council meeting	SeaTac area (location to be announced)	9 a.m. 1 p.m.
October 10, 2003	BFP/MVE committees	Conference call meeting (if necessary)	10 a.m.
<b>November 14, 2003</b>	Committee meetings Council meeting	SeaTac area (location to be announced)	9 a.m. 1 p.m.

**NOTE:** Monthly committee conference calls scheduled but will be canceled if no business is pending. Monitor locations will be in Olympia.

If you would like further information, please contact Patti Thorn at (360) 725-2966, or check our website: [www.sbcc.wa.gov](http://www.sbcc.wa.gov).

ates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2003 will be held on the second Wednesday of each month as follow:

- January 8
- February 12
- March 12
- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, Auditorium Room 32 (ROA-32), 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, [dald461@ecy.wa.gov](mailto:dald461@ecy.wa.gov).

**WSR 03-01-057**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 (Natural Resource Damage Assessment Committee)  
 [Memorandum—December 11, 2002]

**Natural Resource Damage Assessment Committee**  
**January - December 2003 Meeting Schedule**

The Washington State Natural Resource Damage Assessment (NRDA) Committee, which is chaired by the Department of Ecology, includes representatives of the state Departments of Fish and Wildlife, Natural Resources, Health, the Parks and Recreation Commission, and the Office of Archaeology and Historic Preservation. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evalu-

MISC.

## WSR 03-01-058

## AGENDA

PUBLIC EMPLOYMENT  
RELATIONS COMMISSION

[Filed December 11, 2002, 2:51 p.m.]

RULES DEVELOPMENT AGENDA  
OF THE

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

December 11, 2002

This agenda is prepared pursuant to RCW 34.05.314. The commission readopted emergency rules on October 8, 2002, to implement two recent statutory changes: (1) Initiative Measure No. 775 passed by Washington voters in November of 2001, and (2) Personnel System Reform Act of 2002 (chapter 41.80 RCW) passed by the Washington legislature in March of 2002, and signed into law by Governor Locke on April 3, 2002. The commission also adopted emergency rules on October 8, 2002, for the Faculty Collective Bargaining Act (FCBA) (chapter 41.76 RCW), which took effect on October 1, 2002. The FCBA, which provides collective bargaining rights to faculty at public four-year institutions of higher education, was passed by the legislature in March of 2002, and signed into law by Governor Locke (with a partial veto) in April of 2002. The emergency rules adopted on October 8, 2002, became effective on October 17, 2002.

The emergency rules affect the following sections of chapter 391-08 WAC:

- 391-08-001 Application and scope of chapter 391-08 WAC.
- 391-08-670 Decision numbering—Citation of cases—Indexing of decisions.

The emergency rules affect the following sections of chapter 391-25 WAC:

- 391-25-001 Scope—Contents—Other rules.
- 391-25-002 Sequence and numbering of rules—Special provisions.
- 391-25-011 Special provision—Optional coverage of classified employees of institutions of higher education under chapter 41.56 RCW.
- 391-25-036 Special provision—State civil service employees (window period).
- 391-25-051 Special provision—Individual providers under home care quality authority.
- 391-25-076 Special provision—State civil service employees (representation cases pending before Washington Personnel Resources Board (PRB) transferred to commission).
- 391-25-096 Special provision—State civil service employees (employer petition).
- 391-25-136 Special provision—State civil service employees (list of employees).
- 391-25-137 Special provision—Higher education faculty (list of employees).
- 391-25-197 Special provision—Higher education faculty (institution-wide units).

- 391-25-216 Special provision—State civil service employees (intervenor limited to same unit proposed by petitioner).
- 391-25-217 Special provision—Higher education faculty (institution-wide units).
- 391-25-396 Special provision—State civil service employees (cross-check).
- 391-25-416 Special provision—State civil service employees (life of authorization cards for cross-check).
- 391-25-427 Special provision—Higher education faculty (institution-wide units).
- 391-25-476 Special provision—State civil service employees (lists of voters).
- 391-25-496 Special provision—State civil service employees (absentee ballots).

The emergency rules affect the following sections of chapter 391-35 WAC:

- 391-35-001 Scope—Contents—Other rules.
- 391-35-002 Sequence and numbering of rules—Special provisions.
- 391-35-026 Special provision—State civil service employees (until July 1, 2004, allows: (1) Division of existing units into separate units of supervisors and nonsupervisory employees; and (2) perfection of existing units based on five criteria).
- 391-35-326 Special provision—State civil service employees (exclusion of confidential employees).
- 391-35-327 Special provision—Higher education faculty (exclusion of confidential employees).
- 391-35-346 Special provision—State civil service employees (exclusion of supervisors).
- 391-35-347 Special provision—Higher education faculty (exclusion of administrators).

The emergency rules affect the following sections of chapter 391-45 WAC:

- 391-45-001 Scope—Contents—Other rules.
- 391-45-002 Sequence and numbering of rules—Special provisions.
- 391-45-056 Special provision—State civil service employees (unfair labor practice cases pending before PRB transferred to commission).

The emergency rules affect the following sections of chapter 391-55 WAC:

- 391-55-001 Scope—Contents—Other rules.
- 391-55-002 Sequence and numbering of rules—Special provisions.
- 391-55-200 Interest arbitration—Certification of issues.

The emergency rules affect the following sections of chapter 391-65 WAC:

- 391-65-001 Scope—Contents—Other rules.
- 391-65-002 Sequence and numbering of rules—Special provisions.

The emergency rules affect the following sections of chapter 391-95 WAC:

- 391-95-001 Scope—Contents—Other rules.
- 391-95-010 Notice of union security obligation.

The commission will consider permanent adoption of the above-referenced emergency rules at a rule adoption hearing on January 6, 2003, as well as rules in the following sections:

- 391-08-630 Agency structure—Substitution for executive director.
- 391-25-032 Special provision—Educational employees (window period).
- 391-25-037 Special provision—Higher education faculty (window period).
- 391-35-356 Special provision—State civil service employees (less than full-time employees).
- 391-65-110 Grievance arbitration—Conduct of proceedings (Code of Professional Responsibility for Arbitrators).

The agency supports these proposed rule changes, except WAC 391-25-216 and 391-25-476 proposed by the Washington Federation of State Employees. Written comments need to be submitted to the agency by December 30, 2002.

Please contact Mark S. Downing, Rules Coordinator, at (360) 570-7305 if you have any questions concerning this matter.

**WSR 03-01-059**

**NOTICE OF PUBLIC MEETINGS  
HIGHER EDUCATION CONSORTIUM**

[Memorandum—December 6, 2002]

**NSIS Higher Education Consortium  
Board of Directors**

A regular meeting of the NSIS Higher Education Consortium board of directors will be held Wednesday, December 18, 2002, in conference room 213 of the University Center at Everett Station, 3201 Smith Avenue, Everett, WA.

This meeting space is accessible to persons of disability. For information, call the University Center office at (425) 252-9505.

**WSR 03-01-066**

**NOTICE OF PUBLIC MEETINGS  
CONSERVATION COMMISSION**

[Memorandum—December 9, 2002]

WAC 135-04-020 provides that the Washington State Conservation Commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The schedule for 2003 was adopted by the Conservation Commission at its December 4, 2002, regular meeting held in Wenatchee, Washington.

The 2003 regular meeting schedule for the Conservation Commission will be:

- Thursday, January 16, 2003
- Thursday, March 20, 2003
- Thursday, May 15, 2003
- Thursday, July 17, 2003
- Thursday, September 18, 2003
- Wednesday, December 3, 2003

For further information, contact Kristin Bettridge, Conservation Commission, P.O. Box 47721, Olympia, WA 98504-7721, phone (360) 407-6209.

**WSR 03-01-067**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—December 11, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Marketing Committee will be held on **Tuesday, December 17, 2002, at 10:00 a.m.** in Room 305 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 03-01-068**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—December 11, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, December 17, 2002, at 2:00 p.m.** in Room 303, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 03-01-069**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION COMMISSION**

[Memorandum—December 9, 2002]

Following is the Transportation Commission's 2003 meeting schedule:

Thursday and Friday	January 16 and 17
Wednesday and Thursday	February 19 and 20
Wednesday and Thursday	March 19 and 20
Wednesday and Thursday	April 16 and 17
Thursday and Friday	May 22 and 23
Wednesday and Thursday	June 18 and 19

**MISC.**

Wednesday and Thursday	July 16 and 17	Friday, June 27	9:00 a.m.	Pence Union Building Banquet Room 267
Wednesday and Thursday	August 20 and 21	Friday, August 22	9:00 a.m.	Spokane Center Second Floor Mall
Wednesday and Thursday	September 17 and 18	Friday, October 17	12:00 p.m.	Pence Union Building Banquet Room 267
Wednesday and Thursday	October 15 and 16	Friday, December 5	9:00 a.m.	Pence Union Building Banquet Room 267
Wednesday and Thursday	November 19 and 20			
Wednesday and Thursday	December 17 and 18			

The above meetings will be held between 8:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA.

We are still working to finalize two dates for our special local area meetings, however, below are the areas in which we will be meeting:

Everett	Thursday, June 5
Bremerton	Wednesday, October 22
Walla Walla	(Date TBD)
East/South King County	(Date TBD)

Once we have determined all of the dates and locations for the above local area meetings, we will forward the information to you.

Executive session will be held from approximately 12:00 - 1:00 p.m. The open public meeting will reconvene following the executive session.

If you have questions concerning this schedule, please contact Connie Gross at (509) 359-6598.

**WSR 03-01-074**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Hop Commission)  
 [Memorandum—December 10, 2002]

The Washington Hop Commission has adopted a schedule for 2003 regular and annual meetings. Per WAC 16-532-020 (11)(a) we are required to hold four regular and one annual meeting each year. We file the following information, as required by RCW 42.30.075:

February 20	Moxee
April 15	Moxee
June 10	Prosser
October 14	Sunnyside
December 4-5	Yakima (annual meeting)

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of each meeting.

MISC.

**WSR 03-01-073**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—December 10, 2002]

The Eastern Washington University board of trustees' meeting schedule for 2003 (adopted at the October 18, 2002, meeting of the board), was REVISED at the December 6, 2002, meeting of the board. The schedule is as follows:

Friday, January 24	12:00 p.m.	Pence Union Building Banquet Room 267
Friday, March 7	12:00 p.m.	Riverpoint Campus Health Sciences Building
Friday, May 23	9:00 a.m.	Pence Union Building Banquet Room 267

**WSR 03-01-080**  
**AGENDA**  
**DEPARTMENT OF LICENSING**  
 [Filed December 16, 2002, 8:32 a.m.]

**DEPARTMENT OF LICENSING**  
**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT**  
**JANUARY 2003**

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.

CR-101	CR-102	PROGRAM	SUBJECT
97-15-037		Vehicle dealers	Change in vehicle dealer temporary permit requirements.
99-12-018		Master licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-18-126		Title and registration	Chapter 308-57 WAC, Motor vehicle excise tax.
99-18-010		Fuel tax	Chapter 308-97 WAC, Trip permits.
00-08-067		Master licensing	Chapter 308-300 WAC, Consolidated licensing system; specifically WAC 308-300-010 through 308-300-200.
00-10-029		Master licensing	Chapter 308-320 WAC, Commercial telephone solicitation.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-20-101		Timeshare	Update to chapter 308-127 WAC.
01-20-103		Camp resorts	Update to chapter 308-420 WAC.
01-22-061		Professional athletics	Fee adjustment, chapters 36-12, 36-13, and 36-14 WAC.
01-24-057		Landscape architects	WAC 308-13-150 Landscape architects fee adjustment.
02-05-013		Title and registration	WAC 308-56A-640.
02-05-014		Title and registration	WAC 308-56A-300, 308-56A-305, 308-56A-310, 308-56A-315, 308-56A-320, 308-56A-325, and 308-56A-330.
02-05-015		Title and registration	WAC 308-56A-070 and 308-56A-075.
02-15-016		Title and registration	WAC 308-56A-250, 308-56A-265, 308-56A-270, and 308-56A-275.
02-15-017		Title and registration	WAC 308-56A-640.
02-05-018		Title and registration	WAC 308-56A-140, 308-56A-150, 308-56A-160, 308-56A-200, and 308-56A-215.
02-05-019	03-01-014	Title and registration	WAC 308-56A-030, 308-56A-040, 308-56A-056, 308-56A-060, 308-56A-110, 308-56A-115, 308-56A-210, and 308-56A-295.
02-10-079		Title and registration	Chapter 308-99 WAC, Vehicle reciprocity, to include but not limited to WAC 308-99-040.
02-11-097		Title and registration	Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-230.
02-12-006	03-01-015	Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-314 and 308-96A-550.
02-14-003	03-01-013	Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-117 and 308-96A-021.
02-12-096		Dealers	Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-14-026		Title and registration	Chapter 308-93 WAC, to include but not limited to WAC 308-93-390.
02-16-059		Sellers of travel	Update to chapter 308-129 WAC.
02-15-017	02-22-073	Real estate	Amend WAC 308-124H-025 and 308-124H-029.
02-20-086	02-23-059	Private investigator	Aliens to provide proof of firearms license.
02-20-059	02-23-045	Appraisers	Incorporate by reference of the 2003 edition of the Uniform Standards of Professional Appraisal Practice.
02-20-104	02-23-068	Prorate	Chapter 308-99 WAC, including but not limited to WAC 308-99-040.
02-24-001		Title and registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-021.
03-01-006		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.

Walt Fahrner  
Rules Coordinator

**WSR 03-01-082**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Memorandum—December 13, 2002]

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**  
**2003 MEETING SCHEDULE**

Thursday, January 30, 2003	Meeting	Olympia
Thursday, March 27, 2003	Meeting	Olympia
Thursday, June 5, 2003	Dinner	
Friday, June 6, 2003	Meeting	Olympia
Wednesday, July 30, 2003	Retreat	
Thursday, July 31, 2003	Retreat	TBD
Monday, September 29, 2003	Dinner	
Tuesday, September 30, 2003	Meeting	Wenatchee
Tuesday, November 18, 2003	Dinner	
Wednesday, November 19, 2003	Meeting	Vancouver

Please give Mary Reister a call at 753-5660 if you have any questions.

**WSR 03-01-083**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—December 16, 2002]

The board of trustees of Bellingham Technical College will meet in a special session on Monday, December 16, 2002, 11:30-1:30 p.m., in the Cascade Room on the Skagit Valley College campus in Mount Vernon, Washington. This is a joint meeting with the board of trustees of Whatcom Community College and Skagit Valley College. Call 738-3105 ext. 334 for information.

**WSR 03-01-084**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COMMUNITY COLLEGE**  
[Memorandum—December 12, 2002]

Following is the meeting schedule for 2003 for the board of trustees of Community College District 9. All meetings are held in Building 25 and begin with a study session followed by the regular meeting. These meeting dates were approved by the board at their December 12, 2002, meeting.

DATE	STUDY SESSION	MEETING
January 16, 2003	8:00 a.m.	10:00 a.m.
February 13, 2003	8:00 a.m.	10:00 a.m.
March 13, 2003	8:00 a.m.	10:00 a.m.
April 10, 2003	8:00 a.m.	10:00 a.m.
May 8, 2003	8:00 a.m.	10:00 a.m.

DATE	STUDY SESSION	MEETING
June 12, 2003	8:00 a.m.	10:00 a.m.
July 10, 2003	8:00 a.m.	10:00 a.m.
August 2003 - no meeting	8:00 a.m.	10:00 a.m.
September 11, 2003	8:00 a.m.	10:00 a.m.
October 9, 2003	8:00 a.m.	10:00 a.m.
November 13, 2003	8:00 a.m.	10:00 a.m.
December 11, 2003	8:00 a.m.	10:00 a.m.

**WSR 03-01-085**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLEVUE COMMUNITY COLLEGE**  
[Memorandum—December 12, 2002]

**Notice of Public Meetings for 2003**

Meetings of the board of trustees of Community College District VIII for 2003 will be held on the following dates:

- January 29
- February 13
- March 12
- May 14
- June 18
- September 17
- October 29
- December 10

The meetings will begin with a study session at 12:30 p.m. in the Board Room (B201), Bellevue Community College Campus, 3000 Landerholm Circle S.E., Bellevue, WA, followed by a business session at 1:30 p.m. In the event the board of trustees is unable to meet on the scheduled meeting date, a meeting may be scheduled and held as soon as possible, thereafter, or as otherwise announced. In the event the board of trustees is unable to meet, the chair of the board may order that no scheduled meeting of the board of trustees be held that month.

**WSR 03-01-086**  
**NOTICE OF PUBLIC MEETINGS**  
**GRAYS HARBOR COLLEGE**  
[Memorandum—December 12, 2002]

The Grays Harbor College board of trustees will meet in the boardroom in the Joseph A. Malik Administration Building on the following dates at 5:30 p.m.

- January 21, 2003
- February 18, 2003
- March 18, 2003
- April 15, 2003
- May 20, 2003

MISC.



June 17, 2003  
 July 15, 2003  
 September 16, 2003  
 October 21, 2003  
 November 18, 2003

teria at South Campus at Bates Technical College, 2201 South 78th Street, Tacoma, WA 98409. The next meeting is scheduled for January 15, 2003, in the Clyde Hupp Board Room, Downtown Campus, 1101 South Yakima, Tacoma, WA 98405.

**WSR 03-01-087**  
 NOTICE OF PUBLIC MEETINGS  
**WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**  
 [Memorandum—December 16, 2002]

**WSR 03-01-091**  
 RULES COORDINATOR  
**COUNTY ROAD ADMINISTRATION BOARD**  
 [Filed December 16, 2002, 2:47 p.m.]

**2003 Meeting and Public Hearing Schedule**

Following is the designated rules coordinator for our agency: Karen Pendleton, County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, phone (360) 753-5989, e-mail karen@crab.wa.gov.

Jay P. Weber  
 Executive Director

Date	Time/Purpose	Location
January 23, 2003 (Thursday)	8 a.m. - 5 p.m. Elected Officials' Presentations 12-1 p.m. - Lunch Break Possible Continuation of Elected Officials' Presentations Work Session <b>Adopt a Proposed Salary Schedule</b>	General Administration Auditorium 210 11th Avenue S.W. <b>Olympia</b>
February 27, 2003 (Thursday)	6 p.m. - 9 p.m. 6 p.m. - Work Session 7 p.m. Public Hearing and Testimony Resume Work Session	The Heathman Lodge 7801 N.E. Greenwood Drive <b>Vancouver</b>
March 27, 2003 (Thursday)	6 p.m. - 9 p.m. 6 p.m. - Work Session 7 p.m. Public Hearing and Testimony Resume Work Session	Doubletree Hotel 1507 North First Street <b>Yakima</b>
April 24, 2003 (Thursday)	6 p.m. - 9 p.m. 6 p.m. - Work Session 7 p.m. Public Hearing and Testimony Resume Work Session	West Coast River Inn North 700 Division <b>Spokane</b>
May 19, 2003 (Monday)	8 a.m. - 5 p.m. Work Session 9 a.m. - Public Hearing and Testimony Work Session 12-1 p.m. - Lunch Break Work Session <b>Adopt the 2003-04 Salary Schedule</b>	Wyndham Hotel 18118 Pacific Highway South <b>SeaTac</b>

**WSR 03-01-094**  
 INTERPRETIVE AND POLICY STATEMENT  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 [Filed December 17, 2002, 11:31 a.m.]

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department for November 2002.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

**POLICY AND INTERPRETIVE STATEMENTS**  
 for November 2002

**WISHA Services Division**

**WISHA Regional Directive (WRD) 5.25, First Aid Training in General Industry & Agriculture.**

This policy provides guidance to WISHA staff regarding the application of the first-aid training requirements to employers in general industry and agriculture with fewer than fifty employees. It supersedes all previous guidance on the subject, both formal and informal. This policy was issued November 13, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**Insurance Services Division**

**Interim Policy 4.05 Determining the Worker's Employment Pattern for the Purpose of Calculating Wages.**

The policy provides guidelines to be used by state fund, self-insurance and crime victims adjudicators when determining a worker's employment pattern at the time of injury or on the date of manifestation of an occupational disease. This policy was issued November 15, 2002.

**WSR 03-01-090**  
 NOTICE OF PUBLIC MEETINGS  
**BATES TECHNICAL COLLEGE**  
 [Memorandum—December 13, 2002]

The board of trustees of Bates Technical College has cancelled its regularly scheduled meeting of December 18, 2002. The meeting was set to begin at 3:00 p.m. in the cafe-

MISC.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

Carmen Moore, Rules Coordinator  
Legislative and Governmental Affairs Office

**WSR 03-01-098**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—December 11, 2002]

**CORRECTION**

A meeting of the Washington State Convention and Trade Center board of directors Marketing Committee will be held on **Tuesday, December 17, 2002, at 10:00 a.m.** in Room 305 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 03-01-099**

**NOTICE OF PUBLIC MEETINGS  
CASCADIA COMMUNITY COLLEGE**

[Memorandum—December 17, 2002]

2003 Board of Trustees - Meeting Dates  
Third Wednesday of Each Month

All meetings will begin at 1:30 p.m. and will take place in the board room (Room 260) at Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011.

2003 Board Meeting Dates

**Approved by the Board - September 18, 2002**

- January 15, 2003
- February 19, 2003
- March 19, 2003
- April 16, 2003
- May 21, 2003
- June 18, 2003
- September 17, 2003
- October 15, 2003
- November 19, 2003
- December 17, 2003

Please note: No regular meetings will be held during July and August.

**WSR 03-01-100**

**NOTICE OF PUBLIC MEETINGS  
BOARD OF ACCOUNTANCY**

[Memorandum—December 16, 2003]

**2003 BOARD MEETING SCHEDULE**

Please publish in the state register as required by RCW 42.30.075 the following schedule of regular meetings the board plans to hold during 2003:

Date	Day	Meeting	Location
January 31, 2003	Friday	Regular	SeaTac
April 25, 2003	Friday	Regular	SeaTac
July 25, 2003	Friday	Regular	Spokane
October 31, 2003	Friday	Regular	SeaTac
December 12, 2003	Friday	Regular	SeaTac

The exact location of each meeting has not been determined. For persons who wish to attend, please contact Cheryl Sexton at the board office, (360) 664-9194 or fax (360) 664-9190 for the meeting location. Meetings usually begin at 9:00 a.m. The Board of Accountancy schedules all public meetings at barrier free sites. Persons who need special assistance, such as enlarged type materials, please contact Cheryl Sexton at the board office, TDD (800) 833-6384, voice (360) 664-9194, or fax (360) 664-9190.

**WSR 03-01-105**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON SCHOOL  
FOR THE DEAF**

[Memorandum—December 17, 2002]

The Washington School for the Deaf board of trustees has changed the January board meeting to January 10, 2002, instead of January 8, 2002. Time of the meeting will remain the same.

**WSR 03-01-106**

**NOTICE OF PUBLIC MEETINGS  
COMMISSION ON  
JUDICIAL CONDUCT**

[Memorandum—December 17, 2002]

By direction of the chair of the Commission on Judicial Conduct, the 11:00 a.m., Friday, February 7, 2003, regular meeting of the commission will commence at 9:00 a.m., February 7, 2003, at the same location (Holiday Inn Express Hotel and Suites, 19621 International Boulevard, SeaTac, WA 98188).

MISC.

**WSR 03-01-118**  
**NOTICE OF PUBLIC MEETINGS**  
**PRACTICE OF LAW BOARD**  
 [Memorandum—December 18, 2002]

The Practice of Law Board meets the second Friday of each month commencing at 9:00 a.m. at the offices of the Washington State Bar Association, 2101 Fourth Avenue, Suite 400, Seattle, WA 98121-2330. The meeting dates for 2003 are:

- January 10
- February 14
- March 14
- April 11
- May 9
- June 13
- July 11
- August 8
- September 12
- October 10
- November 14
- December 12

All dates and meeting times and places are subject to change. For further information contact the Practice of Law Board at (206) 727-8252.

**WSR 03-01-119**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**  
 [Memorandum—December 19, 2002]

**PIERCE COLLEGE BOARD OF TRUSTEES**  
**2003 REGULAR MEETING SCHEDULE**

The board of trustees of Community College District Number Eleven will hold their regular meetings on the second Wednesday of each month. These meetings will be open to the public and advertised accordingly (RCW 42.30.075). The president shall file, with the code reviser, a schedule of the time and place of such meetings on or before January of each year for publication in the Washington State Register.

**2003 REGULAR MEETING SCHEDULE**

Date	Time	Location
January 8	12:30 p.m.	Lakewood City Hall
February 19	12:30 p.m.	Pierce College Puyallup
March 12	12:30 p.m.	Pierce College Fort Steilacoom <i>Joint Lunch with Foundation Board</i>
April 9	12:30 p.m.	Pierce College at Fort Lewis
May 14	12:30 p.m.	Pierce College Puyallup
June	(date, time, and location to be announced at least twenty days prior)	
July 9	12:30 p.m.	Pierce College Fort Steilacoom
August	(no meeting is scheduled)	
September 10	12:30 p.m.	Puyallup City

Date	Time	Location
October 8	12:30 p.m.	Pierce College Fort Steilacoom
November 12	12:30 p.m.	Pierce College Puyallup
December	(no meeting is scheduled)	

PLEASE NOTE: Special meetings may be called at any time by the chairperson or a majority vote of the board. All special meetings will be publicly advertised at least twenty-four hours prior to being convened. A lunch and study session will take place at 11:30 a.m. prior to each board meeting.

**WSR 03-01-120**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Canola/Rapeseed Commission)  
 [Memorandum—December 17, 2002]

Following is a list of regular meetings of the Washington Canola/Rapeseed Commission to be held for the calendar year of 2003:

**2003 Regularly Scheduled Meetings**

**Tuesday, January 6, 2003**

6:00 p.m.  
 STEEP Research Review  
 Northwest Direct Seed Cropping  
 Systems Conference  
 WestCoast Hotel  
 Pasco, Washington

**Thursday, February 13, 2003**

7:00 a.m.  
 Idaho/Washington Oilseeds Research Review  
 University Inn  
 Moscow, Idaho

**June/July 2003**

(time TBA)  
 University of Idaho  
 PSES Field Day  
 (room TBA)  
 Moscow, Idaho

**November 2003**

Official Annual Meeting  
 (time TBA)  
 (location TBA)

If you have any questions, please do not hesitate to contact Wendy Peay at (509) 547-5538.

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**WSR 03-01-121**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Turfgrass Seed Commission)  
[Memorandum—December 17, 2002]

As required by the Open Public Meetings Act, following is a list of regular meetings of the Washington Turfgrass Seed Commission to be held for the calendar year of 2003:

**2003 Meeting Schedule**

- Friday, January 3, 2003  
9:00 a.m.  
Adams County Public Works Building  
Ritzville, Washington
- Friday, March 7, 2003  
9:00 a.m.  
Public Service Building  
Colfax, Washington
- Friday, June 6, 2003  
8:00 a.m.  
Franklin PUD Auditorium  
Pasco, Washington
- Friday, September 12, 2003  
8:00 a.m.  
Spokane County Conservation District Office  
Spokane, Washington
- Friday, November 7, 2003  
9:00 a.m.  
Michael Jay's Restaurant  
Connell, Washington
- Annual Meeting**  
Friday, December 5, 2003  
9:00 a.m.  
Spokane County Conservation District Office  
Spokane, Washington

If you have any questions, please do not hesitate to contact Wendy Peay at (509) 547-5538.

**WSR 03-01-122**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**  
[Memorandum—December 17, 2002]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Olympic College, District Three, will be held on the fourth Tuesday of the month, beginning at 7:00 p.m., in the 5th Floor Board Room, College Service Center, Olympic College Campus, 15th and Ohio Streets, Bremerton, Washington. The board will meet on the following dates for calendar year 2003:

- January 28, 2003
- February 25, 2003
- March 25, 2003

- April 22, 2003
- May 27, 2003
- June 24, 2003
- September 23, 2003
- October 28, 2003
- November 25, 2003

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

**WSR 03-01-127**  
**RULES COORDINATOR**  
**FOREST PRACTICES BOARD**  
[Filed December 19, 2002, 11:16 a.m.]

Pursuant to RCW 34.05.312, Patricia Anderson is designated as the rules coordinator for the Forest Practices Board. The office and mailing address for the rules coordinator is Patricia Anderson, Forest Practices Board, Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012.

Pat McElroy  
Chair

**WSR 03-01-128**  
**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**  
[Memorandum—December 4, 2002]

**Notice of 2003 Regular and Special Meetings of the Forest Practices Board**

Per WAC 222-08-040, the Forest Practices Board will hold meetings on:

February 12, 2003	Regular meeting cancelled.
February 19, 2003 9 a.m. - 5 p.m. <b>*Special Meeting*</b>	Natural Resources Building 1111 Washington Street S.E. Olympia, Room 172
May 14, 2003 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia, Room 172
August 13, 2003 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia, Room 172
September 9-11, 2003 8 a.m. - 5 p.m. <b>*Special Meeting*</b>	Location undetermined at this time.
November 13, 2003 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia, Room 172

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings.

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To be added to this distribution list, please contact Board Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758, fax (360) 902-1428, e-mail [for-est.practicesboard@wadnr.gov](mailto:for-est.practicesboard@wadnr.gov).

To view this and other board related information on-line, log on to the Forest Practices Board's website at [www.wa.gov/dnr](http://www.wa.gov/dnr).

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.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-410	AMD	02-04-064	4- 25-930	NEW	02-17-051	16-156-035	REP-P	02-04-109
4- 25-520	AMD	02-04-064	16- 89-005	AMD-P	02-20-100	16-156-040	REP-P	02-04-109
4- 25-530	AMD-P	02-13-022	16- 89-005	AMD	02-24-042	16-156-050	REP-P	02-04-109
4- 25-530	AMD-S	02-17-050	16- 89-010	AMD-P	02-20-100	16-156-060	REP-P	02-04-109
4- 25-530	AMD	02-22-083	16- 89-010	AMD	02-24-042	16-156-070	REP-P	02-04-109
4- 25-530	PREP	03-01-102	16- 89-015	AMD-P	02-20-100	16-157	AMD-C	02-07-117
4- 25-540	AMD	02-04-064	16- 89-015	AMD	02-24-042	16-157	PREP	02-16-098
4- 25-610	AMD	02-04-064	16- 89-020	REP-P	02-20-100	16-157	AMD-C	02-24-006
4- 25-610	PREP	02-11-007	16- 89-020	REP	02-24-042	16-157-010	NEW-P	02-04-109
4- 25-620	AMD	02-04-064	16- 89-022	NEW-P	02-20-100	16-157-010	NEW	02-10-090
4- 25-626	AMD	02-04-064	16- 89-022	NEW	02-24-042	16-157-020	NEW-P	02-04-109
4- 25-630	AMD	02-04-064	16- 89-025	NEW-P	02-20-100	16-157-020	NEW	02-10-090
4- 25-631	AMD	02-04-064	16- 89-025	NEW	02-24-042	16-157-020	AMD-P	02-22-088
4- 25-640	AMD-W	02-04-062	16- 89-030	AMD-P	02-20-100	16-157-030	NEW-P	02-04-109
4- 25-640	PREP	02-04-063	16- 89-030	AMD	02-24-042	16-157-030	NEW	02-10-090
4- 25-640	AMD-P	02-17-049	16- 89-050	AMD-P	02-20-100	16-157-030	AMD-P	02-22-088
4- 25-640	AMD	02-22-082	16- 89-050	AMD	02-24-042	16-157-100	NEW-P	02-04-109
4- 25-660	AMD	02-04-064	16- 89-100	AMD-P	02-20-100	16-157-100	NEW	02-10-090
4- 25-710	PREP	02-04-063	16- 89-100	AMD	02-24-042	16-157-100	REP-P	02-22-088
4- 25-710	AMD	02-04-064	16-104	PREP	02-06-050	16-157-110	NEW-P	02-04-109
4- 25-720	AMD	02-04-064	16-108	PREP	02-18-015	16-157-110	NEW	02-10-090
4- 25-720	PREP	03-01-101	16-154-010	REP-P	02-04-109	16-157-110	REP-P	02-22-088
4- 25-721	AMD	02-04-064	16-154-030	REP-P	02-04-109	16-157-120	NEW-P	02-04-109
4- 25-730	AMD	02-04-064	16-154-040	REP-P	02-04-109	16-157-120	NEW	02-10-090
4- 25-735	NEW	02-04-064	16-154-050	REP-P	02-04-109	16-157-200	NEW-P	02-04-109
4- 25-745	AMD	02-04-064	16-154-053	REP-P	02-04-109	16-157-200	NEW	02-10-090
4- 25-746	AMD	02-04-064	16-154-060	REP-P	02-04-109	16-157-200	REP-P	02-22-088
4- 25-750	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-210	NEW-P	02-04-109
4- 25-752	NEW	02-04-064	16-154-080	REP-P	02-04-109	16-157-210	NEW	02-10-090
4- 25-756	NEW	02-04-064	16-154-090	REP-P	02-04-109	16-157-210	NEW	02-10-090
4- 25-783	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-220	NEW-P	02-04-109
4- 25-790	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-157-220	NEW	02-10-090
4- 25-791	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-220	AMD-P	02-22-088
4- 25-792	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-157-230	NEW-P	02-04-109
4- 25-793	NEW	02-04-064	16-156-003	REP-P	02-04-109	16-157-230	NEW	02-10-090
4- 25-795	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-230	AMD-P	02-22-088
4- 25-820	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4- 25-830	AMD	02-04-064	16-156-010	REP-P	02-04-109	16-157-240	NEW	02-10-090
4- 25-910	AMD	02-04-064	16-156-020	REP-P	02-04-109	16-157-240	AMD-P	02-22-088
4- 25-930	NEW-P	02-13-021	16-156-030	REP-P	02-04-109	16-157-245	NEW-P	02-22-088
						16-157-250	NEW-P	02-04-109

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-157-250	NEW	02-10-090	16-164-070	REP-P	02-04-109	16-228-1238	NEW-W	02-12-028
16-157-250	AMD-P	02-22-088	16-164-080	REP-P	02-04-109	16-228-1460	PREP	02-18-111
16-157-255	NEW-P	02-04-109	16-164-085	REP-P	02-04-109	16-228-2000	REP-P	02-14-092
16-157-255	NEW	02-10-090	16-164-090	REP-P	02-04-109	16-228-2000	REP-C	02-18-023
16-157-255	AMD-P	02-22-088	16-164-100	REP-P	02-04-109	16-228-2000	REP-C	02-23-096
16-157-260	NEW-P	02-04-109	16-164-110	REP-P	02-04-109	16-228-2000	REP-C	02-24-016
16-157-260	NEW	02-10-090	16-200-7401	NEW-P	02-21-126	16-228-2000	REP	02-24-025
16-157-260	AMD-P	02-22-088	16-200-7402	NEW-P	02-21-126	16-228-2005	NEW-P	02-14-092
16-157-270	NEW-P	02-04-109	16-200-7403	NEW-P	02-21-126	16-228-2005	NEW-C	02-18-023
16-157-270	NEW	02-10-090	16-200-7404	NEW-P	02-21-126	16-228-2005	NEW-S	02-19-107
16-157-270	AMD-P	02-22-088	16-200-7405	NEW-P	02-21-126	16-228-2005	NEW-C	02-23-096
16-157-275	NEW-P	02-04-109	16-200-7406	NEW-P	02-21-126	16-228-2005	NEW-C	02-24-016
16-157-275	NEW	02-10-090	16-200-7407	NEW-P	02-21-126	16-228-2005	NEW	02-24-025
16-157-280	NEW-P	02-04-109	16-200-750	PREP	02-22-094	16-228-2015	NEW-P	02-14-092
16-157-280	NEW	02-10-090	16-200-755	PREP	02-22-094	16-228-2015	NEW-C	02-18-023
16-157-280	REP-P	02-22-088	16-200-760	PREP	02-22-094	16-228-2015	NEW-C	02-23-096
16-157-290	NEW-P	02-04-109	16-200-770	PREP	02-22-094	16-228-2015	NEW-C	02-24-016
16-157-290	NEW	02-10-090	16-200-790	PREP	02-22-094	16-228-2015	NEW	02-24-025
16-157-290	AMD-P	02-22-088	16-200-795	PREP	02-22-094	16-228-2020	REP-P	02-14-092
16-158-010	REP-P	02-04-109	16-200-805	PREP	02-22-094	16-228-2020	REP-C	02-18-023
16-158-020	REP-P	02-04-109	16-200-815	PREP	02-22-094	16-228-2020	REP-C	02-23-096
16-158-027	REP-P	02-04-109	16-200-820	PREP	02-22-094	16-228-2020	REP-C	02-24-016
16-158-028	REP-P	02-04-109	16-200-830	PREP	02-22-094	16-228-2020	REP	02-24-025
16-158-030	REP-P	02-04-109	16-200-840	PREP	02-22-094	16-228-2025	NEW-P	02-14-092
16-158-040	REP-P	02-04-109	16-200-860	PREP	02-22-094	16-228-2025	NEW-C	02-18-023
16-158-050	REP-P	02-04-109	16-200-865	PREP	02-22-094	16-228-2025	NEW-C	02-23-096
16-158-060	REP-P	02-04-109	16-200-885	PREP	02-22-094	16-228-2025	NEW-C	02-24-016
16-158-080	REP-P	02-04-109	16-200-887	PREP	02-22-094	16-228-2025	NEW	02-24-025
16-158-090	REP-P	02-04-109	16-200-890	PREP	02-22-094	16-228-2030	REP-P	02-14-092
16-158-100	REP-P	02-04-109	16-200-900	PREP	02-22-094	16-228-2030	REP-C	02-18-023
16-158-110	REP-P	02-04-109	16-200-910	PREP	02-22-094	16-228-2030	REP-C	02-23-096
16-158-120	REP-P	02-04-109	16-200-920	PREP	02-22-094	16-228-2030	REP-C	02-24-016
16-158-130	REP-P	02-04-109	16-200-930	PREP	02-22-094	16-228-2030	REP	02-24-025
16-158-135	REP-P	02-04-109	16-200-940	PREP	02-22-094	16-228-2035	NEW-P	02-14-092
16-158-150	REP-P	02-04-109	16-200-950	PREP	02-22-094	16-228-2035	NEW-C	02-18-023
16-160	PREP	02-16-097	16-219-010	PREP	02-22-093	16-228-2035	NEW-S	02-19-107
16-160	AMD-C	02-24-005	16-219-016	PREP	02-22-093	16-228-2035	NEW-C	02-23-096
16-160-010	AMD-P	02-22-087	16-228	PREP	02-22-093	16-228-2035	NEW-C	02-24-016
16-160-020	AMD-P	02-22-087	16-228-1231	AMD	02-04-041	16-228-2035	NEW	02-24-025
16-160-025	REP-P	02-22-087	16-228-1231	PREP	02-22-091	16-228-2040	REP-P	02-14-092
16-160-035	AMD-P	02-22-087	16-228-1235	NEW-E	02-06-048	16-228-2040	REP-C	02-18-023
16-160-060	AMD-P	02-22-087	16-228-1235	NEW-P	02-07-080	16-228-2040	REP-C	02-23-096
16-160-070	AMD-P	02-22-087	16-228-1235	NEW-C	02-11-070	16-228-2040	REP-C	02-24-016
16-162-010	REP-P	02-04-109	16-228-1235	NEW	02-12-017	16-228-2040	REP	02-24-025
16-162-025	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048	16-228-2045	NEW-P	02-14-092
16-162-030	REP-P	02-04-109	16-228-12351	NEW-P	02-07-080	16-228-2045	NEW-S	02-19-107
16-162-034	REP-P	02-04-109	16-228-12351	NEW-C	02-11-070	16-228-2045	NEW-C	02-23-096
16-162-036	REP-P	02-04-109	16-228-12351	NEW	02-12-017	16-228-2045	NEW-C	02-24-016
16-162-037	REP-P	02-04-109	16-228-12352	NEW-E	02-06-048	16-228-2045	NEW	02-24-025
16-162-040	REP-P	02-04-109	16-228-12352	NEW-P	02-07-080	16-228-2050	NEW-P	02-14-092
16-162-045	REP-P	02-04-109	16-228-12352	NEW-C	02-11-070	16-228-2050	NEW-C	02-18-023
16-162-050	REP-P	02-04-109	16-228-12352	NEW	02-12-017	16-228-2050	NEW-C	02-23-096
16-162-070	REP-P	02-04-109	16-228-1237	NEW-E	02-06-048	16-228-2050	NEW-C	02-24-016
16-162-100	REP-P	02-04-109	16-228-1237	NEW-P	02-07-080	16-228-2050	NEW	02-24-025
16-164-010	REP-P	02-04-109	16-228-1237	NEW-C	02-11-070	16-228-2060	NEW-P	02-14-092
16-164-020	REP-P	02-04-109	16-228-1237	NEW	02-12-017	16-228-2060	NEW-C	02-18-023
16-164-035	REP-P	02-04-109	16-228-12371	NEW-E	02-06-048	16-228-2060	NEW-C	02-23-096
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16-302-091	AMD-P	02-09-059	16-303-310	PREP	02-22-076	16-458-075	AMD-P	02-17-101
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16-302-410	AMD-P	02-09-059	16-324-398	AMD	02-12-010	16-462-055	AMD-P	02-08-085
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36- 13-040	AMD-P	02-17-103	36- 14-410	AMD-P	02-17-103	51- 11-0625	AMD-P	02-21-113
36- 13-040	AMD	02-20-094	36- 14-410	AMD	02-20-094	51- 11-0625	AMD-E	02-21-117
36- 13-050	AMD-P	02-16-060	44- 10	PREP	02-06-046	51- 11-0625	AMD	02-24-076
36- 13-050	AMD-W	02-17-059	44- 10-010	AMD-P	02-10-060	51- 11-0625	AMD-E	02-24-077
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36- 13-050	AMD	02-20-094	44- 10-050	AMD-P	02-10-060	51- 11-0800	AMD	02-24-076
36- 13-060	REP-P	02-16-060	44- 10-050	AMD	02-12-093	51- 11-0800	AMD-E	02-24-077
36- 13-060	REP-W	02-17-059	44- 10-060	AMD-P	02-10-060	51- 40-0403	AMD-P	02-20-042
36- 13-060	REP-P	02-17-103	44- 10-060	AMD	02-12-093	51- 40-0403	AMD	03-01-055
36- 13-060	REP	02-20-094	44- 10-070	AMD-P	02-10-060	51- 40-1004	PREP	02-15-103
36- 13-070	REP-P	02-16-060	44- 10-070	AMD	02-12-093	51- 40-1004	AMD-P	02-20-042
36- 13-070	REP-W	02-17-059	44- 10-080	AMD-P	02-10-060	51- 40-1004	AMD	03-01-055
36- 13-070	REP-P	02-17-103	44- 10-080	AMD	02-12-093	51- 40-905	PREP	02-15-103
36- 13-070	REP	02-20-094	44- 10-100	AMD-P	02-10-060	51- 40-905	NEW-P	02-20-042
36- 13-080	REP-P	02-16-060	44- 10-100	AMD	02-12-093	51- 40-905	NEW	03-01-055
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36- 13-090	REP-W	02-17-059	44- 10-130	AMD-P	02-10-060	98- 08-001	NEW	02-19-018
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98-08-040	REP	02-19-018	98-08-510	REP	02-19-018	106-116-201	AMD	02-18-077
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98-08-050	REP	02-19-018	98-08-520	REP	02-19-018	106-116-208	AMD	02-18-077
98-08-060	REP-P	02-14-058	98-08-530	REP-P	02-14-058	106-116-304	AMD-P	02-15-116
98-08-060	REP	02-19-018	98-08-530	REP	02-19-018	106-116-304	AMD	02-18-077
98-08-070	REP-P	02-14-058	98-08-540	REP-P	02-14-058	106-116-305	AMD-P	02-15-116
98-08-070	REP	02-19-018	98-08-540	REP	02-19-018	106-116-305	AMD	02-18-077
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98-08-080	REP	02-19-018	98-08-550	REP	02-19-018	106-116-308	AMD	02-18-077
98-08-090	REP-P	02-14-058	98-08-560	REP-P	02-14-058	106-116-514	AMD-P	02-15-116
98-08-090	REP	02-19-018	98-08-560	REP	02-19-018	106-116-514	AMD	02-18-077
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98-08-100	REP	02-19-018	98-08-570	REP	02-19-018	106-116-601	AMD	02-18-077
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98-08-120	REP	02-19-018	98-08-590	REP	02-19-018	106-116-701	AMD	02-18-077
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98-08-130	REP	02-19-018	98-14-050	AMD	02-19-018	106-116-856	AMD	02-18-077
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98-08-140	REP	02-19-018	98-14-060	AMD	02-19-018	106-116-859	AMD	02-18-077
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98-08-150	REP	02-19-018	98-14-070	AMD	02-19-018	106-276-100	AMD	02-18-064
98-08-170	REP-P	02-14-058	98-14-080	AMD-P	02-14-058	118-65-020	AMD-P	02-09-072
98-08-170	REP	02-19-018	98-14-080	AMD	02-19-018	118-65-020	AMD	02-12-053
98-08-190	REP-P	02-14-058	98-15-010	NEW-P	02-14-058	118-65-030	AMD-P	02-09-072
98-08-190	REP	02-19-018	98-15-010	NEW	02-19-018	118-65-030	AMD	02-12-053
98-08-200	REP-P	02-14-058	98-15-020	NEW-P	02-14-058	118-65-040	AMD-P	02-09-072
98-08-200	REP	02-19-018	98-15-020	NEW	02-19-018	118-65-040	AMD	02-12-053
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98-08-210	REP	02-19-018	98-40-010	REP	02-19-018	118-65-050	AMD	02-12-053
98-08-220	REP-P	02-14-058	98-40-020	REP-P	02-14-058	118-65-060	AMD-P	02-09-072
98-08-220	REP	02-19-018	98-40-020	REP	02-19-018	118-65-060	AMD	02-12-053
98-08-370	REP-P	02-14-058	98-40-030	REP-P	02-14-058	118-65-070	AMD-P	02-09-072
98-08-370	REP	02-19-018	98-40-030	REP	02-19-018	118-65-070	AMD	02-12-053
98-08-380	REP-P	02-14-058	98-40-040	REP-P	02-14-058	118-65-081	AMD-P	02-09-072
98-08-380	REP	02-19-018	98-40-040	REP	02-19-018	118-65-081	AMD	02-12-053
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98-08-390	REP	02-19-018	98-40-050	REP	02-19-018	118-65-090	AMD	02-12-053
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98-08-400	REP	02-19-018	98-40-060	REP	02-19-018	130-14-010	AMD	02-06-043
98-08-410	REP-P	02-14-058	98-40-070	REP-P	02-14-058	130-14-030	AMD-P	02-03-131
98-08-410	REP	02-19-018	98-40-070	REP	02-19-018	130-14-030	AMD	02-06-043
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98-08-450	REP	02-19-018	98-80-030	NEW	02-19-018	131-12-041	AMD	02-20-013
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98-08-460	REP	02-19-018	98-80-040	NEW	02-19-018	132D-120-010	AMD-P	02-21-081
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98-08-470	REP	02-19-018	98-80-050	NEW	02-19-018	132D-120-020	AMD-P	02-21-081
98-08-480	REP-P	02-14-058	98-80-060	NEW-P	02-14-058	132D-120-020	AMD	02-24-062
98-08-480	REP	02-19-018	98-80-060	NEW	02-19-018	132D-120-030	AMD-P	02-21-081
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132D-120-110	AMD	02-24-062	132H-140-020	AMD-P	02-09-071	132N-150-020	NEW	02-04-068
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132D-120-120	AMD	02-24-062	132H-140-030	AMD-P	02-09-071	132N-150-040	NEW	02-04-068
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132D-120-130	REP	02-24-062	132H-140-030	AMD	02-14-007	132N-150-060	NEW	02-04-068
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132D-120-150	REP	02-24-062	132H-140-050	AMD	02-14-007	132N-150-100	NEW	02-04-068
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132D-120-170	REP-P	02-21-081	132H-140-065	NEW-P	02-09-071	132N-150-130	NEW	02-04-068
132D-120-170	REP	02-24-062	132H-140-065	NEW	02-14-007	132N-150-140	NEW	02-04-068
132D-120-180	REP-P	02-21-081	132H-140-070	AMD-P	02-09-071	132N-150-150	NEW	02-04-068
132D-120-180	REP	02-24-062	132H-140-070	AMD	02-14-007	132N-150-160	NEW	02-04-068
132D-120-190	REP-P	02-21-081	132H-140-080	REP-P	02-09-071	132N-150-170	NEW	02-04-068
132D-120-190	REP	02-24-062	132H-140-080	REP	02-14-007	132N-150-180	NEW	02-04-068
132D-120-200	REP-P	02-21-081	132H-140-085	NEW-P	02-09-071	132N-150-190	NEW	02-04-068
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132D-120-210	REP-P	02-21-081	132H-140-090	REP-P	02-09-071	132N-150-210	NEW	02-04-068
132D-120-210	REP	02-24-062	132H-140-090	REP	02-14-007	132N-150-220	NEW	02-04-068
132D-120-220	REP-P	02-21-081	132H-140-100	REP-P	02-09-071	132N-150-230	NEW	02-04-068
132D-120-220	REP	02-24-062	132H-140-100	REP	02-14-007	132N-150-240	NEW	02-04-068
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132U-120-050	AMD-C	02-20-066	132U-120-260	AMD-P	02-19-056	132Z-116-080	NEW-E	02-04-061
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132U-120-075	NEW	03-01-072	132U-120-290	REP-C	02-20-066	132Z-116-110	NEW	02-11-048
132U-120-080	AMD-P	02-19-056	132U-120-290	REP	03-01-072	132Z-116-110	NEW-E	02-12-056
132U-120-080	AMD-C	02-20-066	132U-120-300	REP-P	02-19-056	132Z-116-200	NEW-P	02-03-089
132U-120-080	AMD	03-01-072	132U-120-300	REP-C	02-20-066	132Z-116-200	NEW-E	02-04-061
132U-120-090	REP-P	02-19-056	132U-120-300	REP	03-01-072	132Z-116-200	NEW	02-11-048
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132U-120-090	REP	03-01-072	132U-120-310	REP-C	02-20-066	132Z-116-210	NEW-P	02-03-089
132U-120-095	NEW-P	02-19-056	132U-120-310	REP	03-01-072	132Z-116-210	NEW-E	02-04-061
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132U-120-095	NEW	03-01-072	132U-120-320	AMD-C	02-20-066	132Z-116-210	NEW-E	02-12-056
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132U-120-100	AMD-C	02-20-066	132U-120-330	AMD-P	02-19-056	132Z-116-220	NEW-E	02-04-061
132U-120-100	AMD	03-01-072	132U-120-330	AMD-C	02-20-066	132Z-116-220	NEW	02-11-048
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132U-120-110	AMD-C	02-20-066	132X- 60-065	PREP	02-20-107	132Z-116-230	NEW-P	02-03-089
132U-120-110	AMD	03-01-072	132X- 60-065	AMD-P	02-23-046	132Z-116-230	NEW-E	02-04-061
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132U-120-130	REP-P	02-19-056	132Z-116-005	NEW-E	02-12-056	132Z-116-240	NEW-E	02-04-061
132U-120-130	REP-C	02-20-066	132Z-116-010	NEW-P	02-03-089	132Z-116-240	NEW	02-11-048
132U-120-130	REP	03-01-072	132Z-116-010	NEW-E	02-04-061	132Z-116-240	NEW-E	02-12-056
132U-120-140	AMD-P	02-19-056	132Z-116-010	NEW	02-11-048	132Z-116-250	NEW-P	02-03-089
132U-120-140	AMD-C	02-20-066	132Z-116-010	NEW-E	02-12-056	132Z-116-250	NEW-E	02-04-061
132U-120-140	AMD	03-01-072	132Z-116-020	NEW-P	02-03-089	132Z-116-250	NEW	02-11-048
132U-120-150	AMD-P	02-19-056	132Z-116-020	NEW-E	02-04-061	132Z-116-250	NEW-E	02-12-056
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132U-120-190	REP-P	02-19-056	132Z-116-030	NEW-P	02-03-089	132Z-116-260	NEW	02-11-048
132U-120-190	REP-C	02-20-066	132Z-116-030	NEW-E	02-04-061	132Z-116-260	NEW-E	02-12-056
132U-120-190	REP	03-01-072	132Z-116-030	NEW	02-11-048	132Z-116-270	NEW-P	02-03-089
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132U-120-200	REP	03-01-072	132Z-116-040	NEW-E	02-04-061	132Z-116-270	NEW-E	02-12-056
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132U-120-220	REP-P	02-19-056	132Z-116-050	NEW-E	02-04-061	132Z-116-280	NEW-E	02-12-056
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132U-120-220	REP	03-01-072	132Z-116-050	NEW-E	02-12-056	132Z-116-300	NEW-E	02-04-061
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132Z-116-410	NEW-E	02-04-061	136-130-030	AMD	02-11-008	139- 35-015	AMD-P	02-21-088
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136- 10-020	REP	02-18-017	136-150-060	NEW-P	02-23-007	148-100-010	NEW	02-22-059
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136- 10-030	REP	02-18-017	137- 28	PREP	02-03-075	148-100-020	NEW	02-22-059
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136- 10-035	REP	02-18-017	137- 28-160	AMD	02-12-023	148-100-030	NEW	02-22-059
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136- 10-040	REP	02-18-017	137- 28-220	AMD	02-12-023	148-100-040	NEW	02-22-059
136- 10-050	REP-P	02-11-122	137- 28-240	AMD-P	02-09-002	148-100-050	NEW-P	02-17-002
136- 10-050	REP	02-18-017	137- 28-240	AMD	02-12-023	148-100-050	NEW	02-22-059
136- 10-060	REP-P	02-11-122	137- 28-260	AMD-P	02-09-002	148-100-200	NEW-P	02-17-002
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173- 50-170	AMD-P	02-11-151	173-157-030	NEW-P	02-15-181	173-201A-420	NEW-P	03-01-124
173- 50-170	AMD	02-20-090	173-157-040	NEW-P	02-15-181	173-201A-430	NEW-P	03-01-124
173- 50-180	AMD-P	02-11-151	173-157-050	NEW-P	02-15-181	173-201A-440	NEW-P	03-01-124
173- 50-180	AMD	02-20-090	173-157-100	NEW-P	02-15-181	173-201A-450	NEW-P	03-01-124
173- 50-190	AMD-P	02-11-151	173-157-110	NEW-P	02-15-181	173-201A-500	RECOD-P	03-01-124
173- 50-190	AMD	02-20-090	173-157-120	NEW-P	02-15-181	173-201A-510	RECOD-P	03-01-124
173- 50-200	AMD-P	02-11-151	173-157-130	NEW-P	02-15-181	173-201A-520	RECOD-P	03-01-124
173- 50-200	AMD	02-20-090	173-157-140	NEW-P	02-15-181	173-201A-530	RECOD-P	03-01-124
173- 50-210	AMD-P	02-11-151	173-157-150	NEW-P	02-15-181	173-201A-600	NEW-P	03-01-124
173- 50-210	AMD	02-20-090	173-157-160	NEW-P	02-15-181	173-201A-602	NEW-P	03-01-124
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173-153-020	AMD	03-01-039	173-158-030	AMD-P	02-06-040	173-222-010	REP-X	02-07-099
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173-153-040	AMD-P	02-17-062	173-158-070	AMD	02-15-093	173-222-015	REP-W	02-07-098
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173-153-080	AMD	03-01-039	173-201A-050	DECOD-P	03-01-124	173-222-050	REP-X	02-07-038
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173-153-150	AMD	03-01-039	173-201A-170	DECOD-P	03-01-124	173-222-080	REP-X	02-07-099
173-153-160	AMD-P	02-17-062	173-201A-180	DECOD-P	03-01-124	173-222-080	REP	02-11-149
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173-153-170	AMD-P	02-17-062	173-201A-210	NEW-P	03-01-124	173-222-090	REP-W	02-07-098
173-153-170	AMD	03-01-039	173-201A-230	NEW-P	03-01-124	173-222-090	REP-X	02-07-099
173-153-180	AMD-P	02-17-062	173-201A-240	RECOD-P	03-01-124	173-222-090	REP	02-11-149
173-153-180	AMD	03-01-039	173-201A-250	RECOD-P	03-01-124	173-222-100	REP-X	02-07-038
173-153-190	AMD-P	02-17-062	173-201A-260	NEW-P	03-01-124	173-222-100	REP-W	02-07-098
173-153-190	AMD	03-01-039	173-201A-300	NEW-P	03-01-124	173-222-100	REP-X	02-07-099
173-153-200	AMD-P	02-17-062	173-201A-310	NEW-P	03-01-124	173-222-100	REP	02-11-149
173-153-200	AMD	03-01-039	173-201A-320	NEW-P	03-01-124	173-222-110	REP-X	02-07-038
173-157	NEW-C	02-19-077	173-201A-330	NEW-P	03-01-124	173-222-110	REP-W	02-07-098

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173-222-110	REP-X	02-07-099	173-303-505	AMD-S	02-19-099	173-350-710	NEW-P	02-14-061
173-222-110	REP	02-11-149	173-303-506	AMD-P	02-11-101	173-350-715	NEW-P	02-14-061
173-224-015	REP-X	02-07-038	173-303-506	AMD-S	02-19-099	173-350-900	NEW-P	02-14-061
173-224-015	REP-W	02-07-098	173-303-510	AMD-P	02-11-101	173-350-990	NEW-P	02-14-061
173-224-020	REP-X	02-07-038	173-303-510	AMD-S	02-19-099	173-400-075	AMD-X	02-10-107
173-224-020	REP-W	02-07-098	173-303-520	AMD-P	02-11-101	173-400-075	AMD	02-15-068
173-224-030	AMD-P	02-06-091	173-303-520	AMD-S	02-19-099	173-401	PREP	02-05-011
173-224-030	REP-X	02-07-038	173-303-522	AMD-P	02-11-101	173-401-200	AMD-P	02-10-031
173-224-030	REP-W	02-07-098	173-303-522	AMD-S	02-19-099	173-401-200	AMD	02-19-078
173-224-030	AMD	02-12-059	173-303-525	AMD-P	02-11-101	173-401-300	AMD-P	02-10-031
173-224-040	AMD-P	02-06-091	173-303-525	AMD-S	02-19-099	173-401-300	AMD	02-19-078
173-224-040	REP-X	02-07-038	173-303-578	AMD-P	02-11-101	173-401-500	AMD-P	02-10-031
173-224-040	REP-W	02-07-098	173-303-578	AMD-S	02-19-099	173-401-500	AMD	02-19-078
173-224-040	AMD	02-12-059	173-303-620	AMD-S	02-19-099	173-401-530	AMD-P	02-10-031
173-224-050	AMD-P	02-06-091	173-303-645	AMD-P	02-11-101	173-401-530	AMD	02-19-078
173-224-050	REP-X	02-07-038	173-303-645	AMD-S	02-19-099	173-401-615	AMD-P	02-10-031
173-224-050	REP-W	02-07-098	173-303-646	AMD-P	02-11-101	173-401-615	AMD	02-19-078
173-224-050	AMD	02-12-059	173-303-646	AMD-S	02-19-099	173-401-710	AMD-P	02-10-031
173-224-060	REP-X	02-07-038	173-303-690	AMD-P	02-11-101	173-401-710	AMD	02-19-078
173-224-060	REP-W	02-07-098	173-303-690	AMD-S	02-19-099	173-401-722	AMD-P	02-10-031
173-224-080	REP-X	02-07-038	173-303-691	AMD-P	02-11-101	173-401-722	AMD	02-19-078
173-224-080	REP-W	02-07-098	173-303-691	AMD-S	02-19-099	173-422	PREP	02-05-071
173-224-090	REP-X	02-07-038	173-303-692	AMD-P	02-11-101	173-422-020	AMD-P	02-09-066
173-224-090	REP-W	02-07-098	173-303-692	AMD-S	02-19-099	173-422-020	AMD	02-12-072
173-224-100	REP-X	02-07-038	173-303-806	AMD-P	02-11-101	173-422-030	AMD-P	02-09-066
173-224-100	REP-W	02-07-098	173-303-806	AMD-S	02-19-099	173-422-030	AMD	02-12-072
173-224-110	REP-X	02-07-038	173-303-830	AMD-P	02-11-101	173-422-031	AMD-P	02-09-066
173-224-110	REP-W	02-07-098	173-303-830	AMD-S	02-19-099	173-422-031	AMD	02-12-072
173-224-120	REP-X	02-07-038	173-303-920	NEW-P	02-11-101	173-422-060	AMD-P	02-09-066
173-224-120	REP-W	02-07-098	173-303-920	NEW-W	02-24-054	173-422-060	AMD	02-12-072
173-226-090	AMD	02-05-055	173-312-010	AMD	02-05-070	173-422-065	AMD-P	02-09-066
173-303	PREP	02-05-054	173-312-020	AMD	02-05-070	173-422-065	AMD	02-12-072
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173-303-045	AMD-S	02-19-099	173-312-050	AMD	02-05-070	173-422-070	AMD	02-12-072
173-303-070	AMD-P	02-11-101	173-312-060	AMD	02-05-070	173-422-075	AMD-P	02-09-066
173-303-070	AMD-S	02-19-099	173-312-070	AMD	02-05-070	173-422-075	AMD	02-12-072
173-303-071	AMD-E	02-04-030	173-312-080	AMD	02-05-070	173-422-190	AMD-P	02-09-066
173-303-071	AMD-P	02-11-101	173-312-090	AMD	02-05-070	173-422-190	AMD	02-12-072
173-303-071	AMD-E	02-11-102	173-312-100	AMD	02-05-070	173-422-195	AMD-P	02-09-066
173-303-071	AMD-E	02-19-079	173-350-010	NEW-P	02-14-061	173-422-195	AMD	02-12-072
173-303-071	AMD-S	02-19-099	173-350-020	NEW-P	02-14-061	173-434	PREP	02-07-097
173-303-100	AMD-P	02-11-101	173-350-025	NEW-P	02-14-061	173-500	PREP	02-23-065
173-303-100	AMD-S	02-19-099	173-350-030	NEW-P	02-14-061	173-505	PREP	02-23-065
173-303-110	AMD-P	02-11-101	173-350-040	NEW-P	02-14-061	173-531A	PREP-W	02-21-111
173-303-110	AMD-S	02-19-099	173-350-100	NEW-P	02-14-061	173-531A	PREP	02-21-112
173-303-140	AMD-P	02-11-101	173-350-200	NEW-P	02-14-061	173-563	PREP-W	02-21-111
173-303-140	AMD-S	02-19-099	173-350-210	NEW-P	02-14-061	173-563	PREP	02-21-112
173-303-170	AMD-P	02-11-101	173-350-220	NEW-P	02-14-061	173-700-010	NEW-W	02-12-058
173-303-170	AMD-S	02-19-099	173-350-230	NEW-P	02-14-061	173-700-020	NEW-W	02-12-058
173-303-200	AMD-P	02-11-101	173-350-240	NEW-P	02-14-061	173-700-030	NEW-W	02-12-058
173-303-200	AMD-S	02-19-099	173-350-300	NEW-P	02-14-061	173-700-040	NEW-W	02-12-058
173-303-283	AMD-P	02-11-101	173-350-310	NEW-P	02-14-061	173-700-100	NEW-W	02-12-058
173-303-283	AMD-S	02-19-099	173-350-320	NEW-P	02-14-061	173-700-200	NEW-W	02-12-058
173-303-380	AMD-P	02-11-101	173-350-330	NEW-P	02-14-061	173-700-201	NEW-W	02-12-058
173-303-380	AMD-S	02-19-099	173-350-350	NEW-P	02-14-061	173-700-202	NEW-W	02-12-058
173-303-390	AMD-P	02-11-101	173-350-360	NEW-P	02-14-061	173-700-203	NEW-W	02-12-058
173-303-390	AMD-S	02-19-099	173-350-400	NEW-P	02-14-061	173-700-204	NEW-W	02-12-058
173-303-400	AMD-P	02-11-101	173-350-410	NEW-P	02-14-061	173-700-205	NEW-W	02-12-058
173-303-400	AMD-S	02-19-099	173-350-490	NEW-P	02-14-061	173-700-220	NEW-W	02-12-058
173-303-500	AMD-P	02-11-101	173-350-500	NEW-P	02-14-061	173-700-221	NEW-W	02-12-058
173-303-500	AMD-S	02-19-099	173-350-600	NEW-P	02-14-061	173-700-222	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-350-700	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058	180-16-006	REP-E	02-08-038
173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058	180-16-006	REP-E	02-14-114
173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058	180-16-006	REP-P	02-14-117
173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058	180-16-006	REP	02-18-056
173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058	180-16-162	AMD-P	02-14-126
173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058	180-16-162	AMD	02-18-053
173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058	180-16-191	AMD-P	02-14-126
173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058	180-16-191	AMD	02-18-053
173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058	180-16-195	AMD-E	02-08-038
173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058	180-16-195	AMD-E	02-14-114
173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058	180-16-195	AMD-P	02-14-117
173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058	180-16-195	AMD	02-18-056
173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058	180-16-215	AMD-P	02-14-126
173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058	180-16-215	AMD	02-18-053
173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058	180-16-220	AMD-E	02-08-038
173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058	180-16-220	AMD-E	02-14-114
173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058	180-16-220	AMD-P	02-14-117
173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058	180-16-220	AMD	02-18-056
173-700-300	NEW-W	02-12-058	173-700-710	NEW-W	02-12-058	180-16-227	NEW-E	02-08-038
173-700-310	NEW-W	02-12-058	173-700-720	NEW-W	02-12-058	180-16-227	NEW-E	02-14-114
173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058	180-16-227	NEW-P	02-14-117
173-700-320	NEW-W	02-12-058	173-700-731	NEW-W	02-12-058	180-16-227	NEW	02-18-056
173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058	180-18	PREP	02-08-039
173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058	180-18-010	AMD-E	02-08-038
173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058	180-18-010	AMD-E	02-14-114
173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058	180-18-010	AMD-P	02-14-117
173-700-352	NEW-W	02-12-058	180-08	PREP	02-08-041	180-18-010	AMD	02-18-056
173-700-353	NEW-W	02-12-058	180-08	AMD-P	02-14-115	180-18-020	REP-E	02-08-038
173-700-354	NEW-W	02-12-058	180-08	AMD	02-18-054	180-18-020	REP-E	02-14-114
173-700-355	NEW-W	02-12-058	180-08-001	NEW-P	02-14-115	180-18-020	REP-P	02-14-117
173-700-356	NEW-W	02-12-058	180-08-001	NEW	02-18-054	180-18-020	REP	02-18-056
173-700-357	NEW-W	02-12-058	180-08-002	NEW-P	02-14-115	180-20	PREP	02-10-049
173-700-358	NEW-W	02-12-058	180-08-002	NEW	02-18-054	180-20	PREP	02-10-084
173-700-359	NEW-W	02-12-058	180-08-003	REP-P	02-14-115	180-20-005	AMD-P	02-14-116
173-700-360	NEW-W	02-12-058	180-08-003	REP	02-18-054	180-20-005	AMD	02-18-055
173-700-361	NEW-W	02-12-058	180-08-004	NEW-P	02-14-115	180-20-007	NEW-P	02-14-116
173-700-370	NEW-W	02-12-058	180-08-004	NEW	02-18-054	180-20-007	NEW	02-18-055
173-700-371	NEW-W	02-12-058	180-08-005	REP-P	02-14-115	180-20-009	NEW-P	02-14-116
173-700-372	NEW-W	02-12-058	180-08-005	REP	02-18-054	180-20-009	NEW	02-18-055
173-700-373	NEW-W	02-12-058	180-08-006	NEW-P	02-14-115	180-20-030	REP-P	02-14-116
173-700-374	NEW-W	02-12-058	180-08-006	NEW	02-18-054	180-20-030	REP	02-18-055
173-700-375	NEW-W	02-12-058	180-08-008	NEW-P	02-14-115	180-20-031	AMD-P	02-14-116
173-700-376	NEW-W	02-12-058	180-08-008	NEW	02-18-054	180-20-031	AMD	02-18-055
173-700-380	NEW-W	02-12-058	180-10	PREP	02-08-041	180-20-034	REP-P	02-14-116
173-700-390	NEW-W	02-12-058	180-10-001	REP-P	02-14-115	180-20-034	REP	02-18-055
173-700-391	NEW-W	02-12-058	180-10-003	REP-P	02-14-115	180-20-090	REP-P	02-14-116
173-700-392	NEW-W	02-12-058	180-10-005	REP-P	02-14-115	180-20-090	REP	02-18-055
173-700-393	NEW-W	02-12-058	180-10-007	REP-P	02-14-115	180-20-095	REP-P	02-14-116
173-700-394	NEW-W	02-12-058	180-10-010	REP-P	02-14-115	180-20-095	REP	02-18-055
173-700-395	NEW-W	02-12-058	180-10-015	REP-P	02-14-115	180-20-101	AMD-P	02-14-116
173-700-400	NEW-W	02-12-058	180-10-020	REP-P	02-14-115	180-20-101	AMD	02-18-055
173-700-401	NEW-W	02-12-058	180-10-025	REP-P	02-14-115	180-20-111	AMD-P	02-14-116
173-700-402	NEW-W	02-12-058	180-10-030	REP-P	02-14-115	180-20-111	AMD	02-18-055
173-700-403	NEW-W	02-12-058	180-10-035	REP-P	02-14-115	180-20-115	REP-P	02-14-116
173-700-404	NEW-W	02-12-058	180-10-040	REP-P	02-14-115	180-20-115	REP	02-18-055
173-700-405	NEW-W	02-12-058	180-10-045	REP-P	02-14-115	180-20-120	AMD-P	02-14-116
173-700-410	NEW-W	02-12-058	180-16	PREP	02-08-039	180-20-120	AMD	02-18-055
173-700-411	NEW-W	02-12-058	180-16	PREP	02-08-044	180-20-123	REP-P	02-14-116
173-700-412	NEW-W	02-12-058	180-16-002	AMD-E	02-08-038	180-20-123	REP	02-18-055
173-700-413	NEW-W	02-12-058	180-16-002	AMD-E	02-14-114	180-20-125	REP-P	02-14-116
173-700-414	NEW-W	02-12-058	180-16-002	AMD-P	02-14-117	180-20-125	REP	02-18-055
173-700-415	NEW-W	02-12-058	180-16-002	AMD	02-18-056	180-20-130	REP-P	02-14-116

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180-20-130	REP	02-18-055	180-23-105	REP	02-18-052	180-38-045	AMD-P	02-14-140
180-20-135	AMD-P	02-14-116	180-23-110	REP-P	02-14-118	180-38-045	AMD-E	02-18-051
180-20-135	AMD	02-18-055	180-23-110	REP	02-18-052	180-38-045	AMD	02-24-019
180-22	PREP	02-08-045	180-23-115	REP-P	02-14-118	180-38-050	AMD-P	02-14-140
180-22-100	AMD-P	02-14-118	180-23-115	REP	02-18-052	180-38-050	AMD-E	02-18-051
180-22-100	AMD	02-18-052	180-23-120	REP-P	02-14-118	180-38-050	AMD	02-24-019
180-22-105	REP-P	02-14-118	180-23-120	REP	02-18-052	180-38-055	REP-P	02-14-140
180-22-105	REP	02-18-052	180-24	PREP	02-06-052	180-38-055	REP-E	02-18-051
180-22-140	AMD-P	02-14-118	180-24-400	AMD-E	02-08-035	180-38-055	REP	02-24-019
180-22-140	AMD	02-18-052	180-24-400	AMD-P	02-10-053	180-38-060	REP-P	02-14-140
180-22-150	AMD-P	02-14-118	180-24-400	AMD	02-14-113	180-38-060	REP-E	02-18-051
180-22-150	AMD	02-18-052	180-24-405	REP-E	02-08-035	180-38-060	REP	02-24-019
180-22-201	NEW-P	02-14-118	180-24-405	REP-P	02-10-053	180-38-065	AMD-P	02-14-140
180-22-201	NEW	02-18-052	180-24-405	REP	02-14-113	180-38-065	REP-E	02-18-051
180-22-205	NEW-P	02-14-118	180-24-410	AMD-E	02-08-035	180-38-065	REP-X	02-24-020
180-22-205	NEW	02-18-052	180-24-410	AMD-P	02-10-053	180-38-070	REP-P	02-14-140
180-22-210	NEW-P	02-14-118	180-24-410	AMD	02-14-113	180-38-070	REP-E	02-18-051
180-22-210	NEW	02-18-052	180-24-415	AMD-E	02-08-035	180-38-070	REP	02-24-019
180-22-215	NEW-P	02-14-118	180-24-415	AMD-P	02-10-053	180-38-080	NEW-E	02-18-051
180-22-215	NEW	02-18-052	180-24-415	AMD	02-14-113	180-38-080	NEW-X	02-24-020
180-22-220	NEW-P	02-14-118	180-25	PREP	02-06-053	180-39	PREP	02-06-061
180-22-220	NEW	02-18-052	180-26	PREP	02-06-054	180-40	PREP	02-06-062
180-22-225	NEW-P	02-14-118	180-27	PREP	02-06-055	180-41	PREP	02-06-063
180-22-225	NEW	02-18-052	180-29	PREP	02-06-056	180-43	PREP	02-08-042
180-23	PREP	02-08-045	180-31	PREP	02-06-057	180-43-005	AMD-P	02-14-123
180-23-037	REP-P	02-14-118	180-32	PREP	02-06-058	180-43-005	AMD	02-18-062
180-23-037	REP	02-18-052	180-33	PREP	02-06-059	180-43-010	AMD-P	02-14-123
180-23-040	REP-P	02-14-118	180-34	PREP	02-08-046	180-43-010	AMD	02-18-062
180-23-040	REP	02-18-052	180-34-005	REP-P	02-14-119	180-43-015	AMD-P	02-14-123
180-23-043	REP-P	02-14-118	180-34-010	REP-P	02-14-119	180-43-015	AMD	02-18-062
180-23-043	REP	02-18-052	180-36	PREP	02-06-060	180-44	PREP	02-06-064
180-23-047	REP-P	02-14-118	180-37-005	PREP	02-10-051	180-46	PREP	02-06-065
180-23-047	REP	02-18-052	180-37-005	NEW-P	02-14-120	180-46	PREP	03-01-075
180-23-050	REP-P	02-14-118	180-37-005	NEW	02-18-060	180-50	PREP	02-06-066
180-23-050	REP	02-18-052	180-37-010	PREP	02-10-051	180-50-135	PREP	02-15-026
180-23-055	REP-P	02-14-118	180-37-010	NEW-P	02-14-120	180-50-315	AMD-P	02-24-048
180-23-055	REP	02-18-052	180-37-010	NEW	02-18-060	180-52-070	NEW-P	02-08-092
180-23-058	REP-P	02-14-118	180-38	PREP	02-08-043	180-52-070	NEW-P	02-10-089
180-23-058	REP	02-18-052	180-38	AMD-P	02-14-140	180-52-070	NEW	02-14-125
180-23-060	REP-P	02-14-118	180-38	AMD-E	02-18-051	180-52-070	NEW-W	02-21-054
180-23-060	REP	02-18-052	180-38	AMD	02-24-019	180-53	PREP	02-08-039
180-23-065	REP-P	02-14-118	180-38-005	AMD-P	02-14-140	180-53-005	REP-E	02-08-038
180-23-065	REP	02-18-052	180-38-005	AMD-E	02-18-051	180-53-005	REP-E	02-14-114
180-23-070	REP-P	02-14-118	180-38-005	AMD	02-24-019	180-53-005	REP-P	02-14-117
180-23-070	REP	02-18-052	180-38-010	REP-P	02-14-140	180-53-005	REP	02-18-056
180-23-075	REP-P	02-14-118	180-38-010	REP-E	02-18-051	180-53-010	REP-E	02-08-038
180-23-075	REP	02-18-052	180-38-010	REP	02-24-019	180-53-010	REP-E	02-14-114
180-23-077	REP-P	02-14-118	180-38-020	AMD-P	02-14-140	180-53-010	REP-P	02-14-117
180-23-077	REP	02-18-052	180-38-020	AMD-E	02-18-051	180-53-010	REP	02-18-056
180-23-078	REP-P	02-14-118	180-38-020	AMD	02-24-019	180-53-020	REP-E	02-08-038
180-23-078	REP	02-18-052	180-38-025	REP-P	02-14-140	180-53-020	REP-E	02-14-114
180-23-080	REP-P	02-14-118	180-38-025	REP-E	02-18-051	180-53-020	REP-P	02-14-117
180-23-080	REP	02-18-052	180-38-025	REP	02-24-019	180-53-020	REP	02-18-056
180-23-085	REP-P	02-14-118	180-38-030	REP-P	02-14-140	180-53-025	REP-E	02-08-038
180-23-085	REP	02-18-052	180-38-030	REP-E	02-18-051	180-53-025	REP-E	02-14-114
180-23-090	REP-P	02-14-118	180-38-030	REP	02-24-019	180-53-025	REP-P	02-14-117
180-23-090	REP	02-18-052	180-38-035	REP-P	02-14-140	180-53-025	REP	02-18-056
180-23-095	REP-P	02-14-118	180-38-035	REP-E	02-18-051	180-53-030	REP-E	02-08-038
180-23-095	REP	02-18-052	180-38-035	REP	02-24-019	180-53-030	REP-E	02-14-114
180-23-100	REP-P	02-14-118	180-38-040	REP-P	02-14-140	180-53-030	REP-P	02-14-117
180-23-100	REP	02-18-052	180-38-040	REP-E	02-18-051	180-53-030	REP	02-18-056
180-23-105	REP-P	02-14-118	180-38-040	REP	02-24-019	180-53-035	REP-E	02-08-038

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180-53-035	REP	02-18-056	180-55-050	REP-E	02-14-114	180-55-150	NEW	02-18-056
180-53-040	REP-E	02-08-038	180-55-050	REP-P	02-14-117	180-57	PREP	02-16-007
180-53-040	REP-E	02-14-114	180-55-050	REP	02-18-056	180-57-050	AMD-P	02-24-046
180-53-040	REP-P	02-14-117	180-55-070	REP-E	02-08-038	180-57-055	AMD-P	02-24-046
180-53-040	REP	02-18-056	180-55-070	REP-E	02-14-114	180-57-070	AMD-P	02-24-046
180-53-045	REP-E	02-08-038	180-55-070	REP-P	02-14-117	180-72	PREP	02-06-067
180-53-045	REP-E	02-14-114	180-55-070	REP	02-18-056	180-77	AMD	02-04-018
180-53-045	REP-P	02-14-117	180-55-075	REP-E	02-08-038	180-77	PREP	02-06-068
180-53-045	REP	02-18-056	180-55-075	REP-E	02-14-114	180-77-002	AMD	02-04-018
180-53-050	REP-E	02-08-038	180-55-075	REP-P	02-14-117	180-77-003	AMD	02-04-018
180-53-050	REP-E	02-14-114	180-55-075	REP	02-18-056	180-77-005	AMD	02-04-018
180-53-050	REP-P	02-14-117	180-55-080	REP-E	02-08-038	180-77-012	AMD	02-04-018
180-53-050	REP	02-18-056	180-55-080	REP-E	02-14-114	180-77-014	AMD	02-04-018
180-53-055	REP-E	02-08-038	180-55-080	REP-P	02-14-117	180-77-020	AMD	02-04-018
180-53-055	REP-E	02-14-114	180-55-080	REP	02-18-056	180-77-025	AMD	02-04-018
180-53-055	REP-P	02-14-117	180-55-085	REP-E	02-08-038	180-77-031	AMD	02-04-018
180-53-055	REP	02-18-056	180-55-085	REP-E	02-14-114	180-77-041	AMD	02-04-018
180-53-060	REP-E	02-08-038	180-55-085	REP-P	02-14-117	180-77-041	PREP	02-10-048
180-53-060	REP-E	02-14-114	180-55-085	REP	02-18-056	180-77-041	AMD-P	02-14-106
180-53-060	REP-P	02-14-117	180-55-090	REP-E	02-08-038	180-77-041	AMD	02-18-039
180-53-060	REP	02-18-056	180-55-090	REP-E	02-14-114	180-77-068	AMD	02-04-018
180-53-070	REP-E	02-08-038	180-55-090	REP-P	02-14-117	180-77-070	AMD	02-04-018
180-53-070	REP-E	02-14-114	180-55-090	REP	02-18-056	180-77-075	AMD	02-04-018
180-53-070	REP-P	02-14-117	180-55-095	REP-E	02-08-038	180-77-080	AMD	02-04-018
180-53-070	REP	02-18-056	180-55-095	REP-E	02-14-114	180-77-110	AMD	02-04-018
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180-55-005	AMD-E	02-14-114	180-55-100	REP-E	02-08-038	180-77A	AMD	02-04-018
180-55-005	AMD-P	02-14-117	180-55-100	REP-E	02-14-114	180-77A	PREP	02-06-069
180-55-005	AMD	02-18-056	180-55-100	REP-P	02-14-117	180-77A-004	AMD	02-04-018
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180-55-010	REP-E	02-14-114	180-55-105	REP-E	02-08-038	180-77A-025	AMD	02-04-018
180-55-010	REP-P	02-14-117	180-55-105	REP-E	02-14-114	180-77A-029	AMD	02-04-018
180-55-010	REP	02-18-056	180-55-105	REP-P	02-14-117	180-77A-030	AMD	02-04-018
180-55-015	AMD-E	02-08-038	180-55-105	REP	02-18-056	180-77A-033	AMD	02-04-018
180-55-015	AMD-E	02-14-114	180-55-110	REP-E	02-08-038	180-77A-037	AMD	02-04-018
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180-55-020	AMD-E	02-14-114	180-55-115	REP-E	02-08-038	180-77A-180	AMD	02-04-018
180-55-020	AMD-P	02-14-117	180-55-115	REP-E	02-14-114	180-77A-195	AMD	02-04-018
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180-55-025	REP-E	02-14-114	180-55-120	REP-E	02-08-038	180-78A-010	AMD	02-18-037
180-55-025	REP-P	02-14-117	180-55-120	REP-E	02-14-114	180-78A-100	AMD-P	02-14-109
180-55-025	REP	02-18-056	180-55-120	REP-P	02-14-117	180-78A-100	AMD	02-18-037
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180-55-030	REP-E	02-14-114	180-55-120	REP	02-18-056	180-78A-200	AMD	02-18-037
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180-55-032	NEW-E	02-14-114	180-55-125	REP	02-18-056	180-78A-250	AMD	02-18-037
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180-55-034	NEW-E	02-08-038	180-55-130	REP-E	02-14-114	180-78A-261	AMD	02-04-014
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180-55-035	REP-E	02-08-038	180-55-135	REP-E	02-14-114	180-78A-270	AMD	02-18-037
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180-55-035	REP-P	02-14-117	180-55-135	REP	02-18-056	180-78A-325	AMD	02-18-037
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180- 78A-500	AMD	02-18-037	180- 82-105	AMD	02-18-038	180- 86-075	AMD	02-19-050
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180- 78A-507	NEW	02-18-037	180- 82A-002	NEW	02-04-013	180- 86-116	AMD-W	02-23-023
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180- 78A-535	AMD	02-18-037	180- 82A-200	NEW	02-04-013	180- 86-130	AMD-P	02-14-122
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180- 78A-535	AMD-P	02-24-080	180- 82A-202	NEW	02-04-013	180- 86-130	AMD-W	02-23-023
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180- 78A-540	AMD	02-18-037	180- 82A-206	NEW	02-04-013	180- 86-140	AMD-P	02-14-122
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180- 79A-015	REP-P	02-14-109	180- 85	PREP	02-15-027	180- 86-145	AMD-P	02-14-122
180- 79A-015	REP	02-18-037	180- 85-025	AMD-P	02-14-107	180- 86-145	AMD	02-19-050
180- 79A-020	REP-P	02-14-109	180- 85-025	AMD	02-18-050	180- 86-145	AMD-W	02-23-023
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180- 79A-022	REP	02-18-037	180- 85-035	AMD	02-04-017	180- 86-160	AMD	02-19-050
180- 79A-030	AMD	02-04-015	180- 85-075	AMD	02-04-017	180- 86-160	AMD-W	02-23-023
180- 79A-107	NEW-E	02-14-036	180- 85-075	PREP	02-06-081	180- 86-170	AMD-P	02-10-052
180- 79A-117	AMD	02-04-018	180- 85-075	AMD-P	02-10-086	180- 86-170	AMD-P	02-14-122
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180- 79A-140	AMD	02-13-027	180- 86-011	AMD	02-19-050	180- 86-180	AMD	02-19-050
180- 79A-140	AMD-P	02-14-109	180- 86-011	AMD-W	02-23-023	180- 86-180	AMD-W	02-23-023
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180- 79A-145	AMD-P	02-14-109	180- 86-013	AMD-P	02-14-122	180- 86-185	AMD-P	02-14-122
180- 79A-145	AMD	02-18-037	180- 86-013	AMD	02-19-050	180- 86-185	AMD	02-19-050
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180- 79A-155	AMD-P	02-24-043	180- 86-020	REP-W	02-23-023	180- 90-105	AMD-W	02-14-110
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180- 79A-211	AMD	02-18-037	180- 86-055	REP-P	02-10-052	180- 90-110	REP-W	02-14-110
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180- 79A-250	AMD-P	02-14-109	180- 86-065	AMD-W	02-23-023	180- 90-112	AMD-P	02-14-124
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180- 81	PREP	02-06-072	180- 86-070	AMD-P	02-14-122	180- 90-112	AMD-W	02-24-050
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180-90-115	REP-P	02-14-124	180-90-160	AMD-W	02-24-050	182-25-010	AMD-E	02-18-090
180-90-115	REP-P	02-24-049	180-95	PREP	02-06-079	182-25-010	AMD-P	02-21-134
180-90-115	REP-W	02-24-050	180-96	PREP	02-06-080	182-25-010	AMD	02-24-051
180-90-119	REP-E	02-08-037	180-97	PREP	02-08-040	182-25-020	AMD-P	02-15-176
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180-90-119	REP-P	02-14-124	180-97-003	AMD	02-18-061	182-25-040	AMD	02-19-054
180-90-119	REP-P	02-24-049	180-97-005	REP-E	02-08-034	182-25-041	NEW-E	02-18-090
180-90-119	REP-W	02-24-050	180-97-005	REP-P	02-14-121	182-25-080	AMD-P	02-15-176
180-90-120	REP-E	02-08-037	180-97-005	REP	02-18-061	182-25-080	AMD	02-19-053
180-90-120	REP-P	02-10-088	180-97-010	AMD-E	02-08-034	182-25-085	AMD-P	02-15-180
180-90-120	REP-W	02-14-110	180-97-010	AMD-P	02-14-121	182-25-085	AMD	02-19-054
180-90-120	REP-P	02-14-124	180-97-010	AMD	02-18-061	182-25-090	AMD-P	02-15-180
180-90-120	REP-P	02-24-049	180-97-015	REP-E	02-08-034	182-25-090	AMD	02-19-054
180-90-120	REP-W	02-24-050	180-97-015	REP-P	02-14-121	192-16-013	REP-X	02-08-071
180-90-123	REP-E	02-08-037	180-97-015	REP	02-18-061	192-16-013	REP	02-14-035
180-90-123	REP-P	02-10-088	180-97-020	REP-E	02-08-034	192-16-021	REP	02-08-072
180-90-123	REP-W	02-14-110	180-97-020	REP-P	02-14-121	192-16-033	REP-E	02-03-074
180-90-123	REP-P	02-14-124	180-97-020	REP	02-18-061	192-16-033	PREP	02-07-064
180-90-123	REP-P	02-24-049	180-97-040	AMD-E	02-08-034	192-16-033	REP-E	02-07-065
180-90-123	REP-W	02-24-050	180-97-040	AMD-P	02-14-121	192-16-033	REP-P	03-01-103
180-90-125	REP-E	02-08-037	180-97-040	AMD	02-18-061	192-16-036	REP-E	02-03-074
180-90-125	REP-P	02-10-088	180-97-050	REP-E	02-08-034	192-16-036	PREP	02-07-064
180-90-125	REP-W	02-14-110	180-97-050	REP-P	02-14-121	192-16-036	REP-P	02-07-065
180-90-125	REP-P	02-14-124	180-97-050	REP	02-18-061	192-16-036	REP-P	03-01-103
180-90-125	REP-P	02-24-049	180-97-060	AMD-E	02-08-034	192-16-040	REP-E	02-03-074
180-90-125	REP-W	02-24-050	180-97-060	AMD-P	02-14-121	192-16-040	PREP	02-07-064
180-90-130	AMD-E	02-08-037	180-97-060	AMD	02-18-061	192-16-040	REP-P	02-07-065
180-90-130	AMD-P	02-10-088	180-97-070	REP-E	02-08-034	192-16-040	REP-P	03-01-103
180-90-130	AMD-W	02-14-110	180-97-070	REP-W	02-14-121	192-16-042	REP-E	02-03-074
180-90-130	AMD-P	02-14-124	180-97-070	REP	02-18-061	192-16-042	PREP	02-07-064
180-90-130	AMD-P	02-24-049	180-97-080	AMD-E	02-08-034	192-16-042	REP-P	02-07-065
180-90-130	AMD-W	02-24-050	180-97-080	AMD-P	02-14-121	192-16-042	REP-P	03-01-103
180-90-133	REP-E	02-08-037	180-97-080	AMD	02-18-061	192-16-045	REP-E	02-03-074
180-90-133	REP-P	02-10-088	180-97-090	REP-E	02-08-034	192-16-045	PREP	02-07-064
180-90-133	REP-W	02-14-110	180-97-090	REP-P	02-14-121	192-16-045	REP-P	02-07-065
180-90-133	REP-P	02-14-124	180-97-090	REP	02-18-061	192-16-045	REP-P	03-01-103
180-90-133	REP-P	02-24-049	180-97-100	REP-E	02-08-034	192-16-047	REP-E	02-03-074
180-90-133	REP-W	02-24-050	180-97-100	REP-P	02-14-121	192-16-047	PREP	02-07-064
180-90-135	REP-E	02-08-037	180-97-100	REP	02-18-061	192-16-047	REP-P	02-07-065
180-90-135	REP-P	02-10-088	181-01-001	NEW-P	02-17-100	192-16-047	REP-P	03-01-103
180-90-135	REP-W	02-14-110	181-01-001	NEW	02-21-014	192-150	PREP	02-20-095
180-90-135	REP-P	02-14-124	182	PREP	02-11-034	192-150-055	NEW-X	02-08-071
180-90-135	REP-P	02-24-049	182	PREP	02-11-035	192-150-055	NEW	02-14-035
180-90-135	REP-W	02-24-050	182-08-190	AMD-P	02-15-178	192-150-060	NEW	02-08-072
180-90-137	REP-E	02-08-037	182-08-190	AMD	02-18-088	192-170	PREP	02-20-095
180-90-137	REP-P	02-10-088	182-12-111	AMD-P	02-15-177	192-170-050	NEW	02-08-072
180-90-137	REP-W	02-14-110	182-12-111	AMD	02-18-087	192-180-010	PREP	02-20-095
180-90-137	REP-P	02-14-124	182-12-117	PREP	02-21-133	192-180-012	NEW	02-08-072
180-90-137	REP-P	02-24-049	182-12-119	AMD-P	02-15-177	192-180-015	PREP	02-20-095
180-90-137	REP-W	02-24-050	182-12-119	AMD	02-18-087	192-210-005	AMD-P	02-12-126
180-90-141	AMD-E	02-08-037	182-12-132	AMD-P	02-15-177	192-210-005	AMD-E	02-12-127
180-90-141	AMD-P	02-10-088	182-12-132	AMD	02-18-087	192-210-005	AMD	02-19-009
180-90-141	AMD-W	02-14-110	182-12-220	AMD-P	02-15-178	192-210-015	AMD-P	02-12-126
180-90-141	AMD-P	02-14-124	182-12-220	AMD	02-18-088	192-210-015	AMD-E	02-12-127
180-90-141	AMD-P	02-24-049	182-12-230	NEW-P	02-05-078	192-210-015	AMD	02-19-009
180-90-141	AMD-W	02-24-050	182-12-230	NEW	02-08-047	192-210-020	NEW-P	02-12-126
180-90-160	AMD-E	02-08-037	182-12-230	AMD-P	02-15-177	192-210-020	NEW-E	02-12-127
180-90-160	AMD-P	02-10-088	182-12-230	AMD	02-18-087	192-210-020	NEW	02-19-009
180-90-160	AMD-W	02-14-110	182-20-250	NEW-P	02-15-179	192-240-010	NEW-E	02-03-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-240-010	NEW-P	03-01-103	204- 36-040	AMD	02-07-055	212- 12-025	AMD	02-16-023
192-240-015	NEW-E	02-03-074	204- 36-060	AMD	02-07-055	212- 12-030	PREP	02-07-018
192-240-015	NEW-P	03-01-103	204- 91A-010	AMD	02-07-056	212- 12-030	AMD-P	02-11-038
192-240-020	NEW-E	02-03-074	204- 91A-030	AMD	02-07-056	212- 12-030	AMD	02-16-023
192-240-020	NEW-P	03-01-103	204- 91A-060	AMD	02-07-056	212- 12-035	PREP	02-07-018
192-240-025	NEW-E	02-03-074	204- 91A-090	AMD	02-07-056	212- 12-035	AMD-P	02-11-038
192-240-025	NEW-P	03-01-103	204- 91A-120	AMD	02-07-056	212- 12-035	AMD	02-16-023
192-240-030	NEW-E	02-03-074	204- 91A-130	AMD	02-07-056	212- 12-040	PREP	02-07-018
192-240-030	NEW-E	02-07-065	204- 91A-140	AMD	02-07-056	212- 12-040	AMD-P	02-11-038
192-240-030	NEW-P	03-01-103	204- 91A-170	AMD	02-07-056	212- 12-040	AMD	02-16-023
192-240-035	NEW-E	02-03-074	204- 91A-180	AMD	02-07-056	212- 12-044	PREP	02-07-018
192-240-035	NEW-P	03-01-103	204- 95	PREP	02-11-037	212- 12-044	AMD-P	02-11-038
192-240-040	NEW-E	02-03-074	204- 95-030	AMD-P	02-16-046	212- 12-044	AMD	02-16-023
192-240-040	NEW-E	02-07-065	204- 95-030	AMD	02-21-001	212- 12-200	NEW-E	02-03-060
192-240-040	NEW-P	03-01-103	204- 95-080	AMD-P	02-16-046	212- 12-200	NEW-P	02-17-102
192-240-045	NEW-E	02-07-065	204- 95-080	AMD	02-21-001	212- 12-210	NEW-E	02-03-060
192-240-045	NEW-P	03-01-103	208-424-010	NEW-P	02-11-010	212- 12-210	NEW-P	02-17-102
196- 09	PREP	02-13-079	208-424-010	NEW	02-14-038	212- 12-220	NEW-E	02-03-060
196- 24-041	PREP	02-13-079	208-424-020	NEW-P	02-11-010	212- 12-220	NEW-P	02-17-102
196- 26-020	REP-P	02-08-075	208-424-020	NEW	02-14-038	212- 12-230	NEW-E	02-03-060
196- 26-020	REP	02-13-080	208-424-030	NEW-P	02-11-010	212- 12-230	NEW-P	02-17-102
196- 26-030	REP-P	02-08-075	208-424-030	NEW	02-14-038	212- 12-240	NEW-E	02-03-060
196- 26-030	REP	02-13-080	208-472	AMD	02-04-094	212- 12-240	NEW-P	02-17-102
196- 26A-010	NEW-P	02-08-075	208-472-010	AMD	02-04-094	212- 12-250	NEW-E	02-03-060
196- 26A-010	NEW	02-13-080	208-472-012	REP	02-04-094	212- 12-250	NEW-P	02-17-102
196- 26A-020	NEW-P	02-08-075	208-472-015	AMD	02-04-094	212- 12-260	NEW-E	02-03-060
196- 26A-020	NEW	02-13-080	208-472-020	AMD	02-04-094	212- 12-260	NEW-P	02-17-102
196- 26A-025	NEW-P	02-08-075	208-472-025	AMD	02-04-094	212- 12-270	NEW-E	02-03-060
196- 26A-025	NEW	02-13-080	208-472-030	NEW	02-04-094	212- 12-270	NEW-P	02-17-102
196- 26A-030	NEW-P	02-08-075	208-472-035	NEW	02-04-094	212- 12-280	NEW-E	02-03-060
196- 26A-030	NEW	02-13-080	208-472-041	REP	02-04-094	212- 12-280	NEW-P	02-17-102
196- 26A-035	NEW-P	02-08-075	208-472-045	REP	02-04-094	212- 12-290	NEW-E	02-03-060
196- 26A-035	NEW	02-13-080	208-472-050	REP	02-04-094	212- 12-290	NEW-P	02-17-102
196- 26A-040	NEW-P	02-08-075	208-472-060	REP	02-04-094	212- 12-300	NEW-E	02-03-060
196- 26A-040	NEW	02-13-080	208-472-065	REP	02-04-094	212- 12-300	NEW-P	02-17-102
196- 26A-045	NEW-P	02-08-075	208-472-070	REP	02-04-094	212- 12-310	NEW-E	02-03-060
196- 26A-045	NEW	02-13-080	208-472-075	REP	02-04-094	212- 12-310	NEW-P	02-17-102
196- 26A-050	NEW-P	02-08-075	208-472-080	REP	02-04-094	212- 12-320	NEW-E	02-03-060
196- 26A-050	NEW	02-13-080	208-620-160	AMD-P	02-12-004	212- 12-320	NEW-P	02-17-102
196- 26A-055	NEW-P	02-08-075	208-620-160	AMD	02-21-101	212- 12-330	NEW-E	02-03-060
196- 26A-055	NEW	02-13-080	208-660-125	AMD-P	02-12-003	212- 12-330	NEW-P	02-17-102
196- 26A-060	NEW-P	02-08-075	208-660-125	AMD	02-21-100	212- 12-340	NEW-E	02-03-060
196- 26A-060	NEW	02-13-080	212- 12-001	PREP	02-07-018	212- 12-340	NEW-P	02-17-102
196- 26A-070	NEW-P	02-08-075	212- 12-001	AMD-P	02-11-038	212- 12-350	NEW-E	02-03-060
196- 26A-070	NEW	02-13-080	212- 12-001	AMD	02-16-023	212- 12-350	NEW-P	02-17-102
196- 27-010	REP-P	02-15-139	212- 12-005	PREP	02-07-018	212- 12-360	NEW-E	02-03-060
196- 27-010	REP	02-23-027	212- 12-005	AMD-P	02-11-038	212- 12-360	NEW-P	02-17-102
196- 27-020	REP-P	02-15-139	212- 12-005	AMD	02-16-023	212- 12-370	NEW-E	02-03-060
196- 27-020	REP	02-23-027	212- 12-010	PREP	02-07-018	212- 12-370	NEW-P	02-17-102
196- 27A-010	NEW-P	02-15-139	212- 12-010	AMD-P	02-11-038	212- 12-380	NEW-E	02-03-060
196- 27A-010	NEW	02-23-027	212- 12-010	AMD	02-16-023	212- 12-380	NEW-P	02-17-102
196- 27A-020	NEW-P	02-15-139	212- 12-011	PREP	02-07-018	212- 12-390	NEW-E	02-03-060
196- 27A-020	NEW	02-23-027	212- 12-011	AMD-P	02-11-038	212- 12-390	NEW-P	02-17-102
196- 27A-030	NEW-P	02-15-139	212- 12-011	AMD	02-16-023	212- 12-400	NEW-E	02-03-060
196- 27A-030	NEW	02-23-027	212- 12-015	PREP	02-07-018	212- 12-400	NEW-P	02-17-102
197- 11	PREP	02-20-080	212- 12-015	AMD-P	02-11-038	212- 12-410	NEW-E	02-03-060
197- 11	PREP-W	02-21-030	212- 12-015	AMD	02-16-023	212- 12-410	NEW-P	02-17-102
204- 24-030	AMD-P	02-15-072	212- 12-020	PREP	02-07-018	212- 12-420	NEW-E	02-03-060
204- 24-030	AMD	02-19-055	212- 12-020	AMD-P	02-11-038	212- 12-420	NEW-P	02-17-102
204- 24-050	AMD-P	02-15-072	212- 12-020	AMD	02-16-023	220- 12-005	NEW-P	02-13-107
204- 24-050	AMD	02-19-055	212- 12-025	PREP	02-07-018	220- 12-005	NEW	02-19-007
204- 36-030	AMD	02-07-055	212- 12-025	AMD-P	02-11-038	220- 12-020	AMD-P	02-21-094

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-12-090	NEW-P	02-13-107	220-32-05100L	NEW-E	02-04-073	220-33-01000S	REP-E	02-20-010
220-12-090	NEW	02-19-007	220-32-05100L	REP-E	02-04-073	220-33-01000T	NEW-E	02-20-010
220-12-09000A	NEW-E	02-15-001	220-32-05100L	REP-E	02-07-011	220-33-01000T	REP-E	02-20-010
220-16-028	AMD	02-08-048	220-32-05100M	NEW-E	02-07-011	220-33-01000T	REP-E	02-20-038
220-16-410	AMD-W	02-05-035	220-32-05100M	REP-E	02-07-011	220-33-01000U	NEW-E	02-20-038
220-16-480	AMD	02-08-027	220-32-05100M	REP-E	02-07-044	220-33-01000U	REP-E	02-20-038
220-16-760	NEW	02-08-048	220-32-05100N	NEW-E	02-07-044	220-33-01000V	NEW-E	02-20-064
220-16-760	AMD-P	02-13-088	220-32-05100N	REP-E	02-07-044	220-33-01000V	REP-E	02-20-064
220-16-760	NEW-W	02-15-088	220-32-05100P	NEW-E	02-10-042	220-33-01000W	NEW-E	02-21-033
220-16-760	AMD	02-17-017	220-32-05100P	REP-E	02-10-042	220-33-01000W	REP-E	02-21-033
220-16-770	NEW-W	02-15-088	220-32-05100Q	NEW-E	02-11-003	220-33-01000W	REP-E	02-22-016
220-16-780	NEW	02-08-048	220-32-05100Q	REP-E	02-11-003	220-33-01000X	NEW-E	02-22-016
220-16-780	AMD-P	02-13-088	220-32-05100R	NEW-E	02-11-049	220-33-01000X	REP-E	02-22-016
220-16-780	NEW-W	02-15-088	220-32-05100R	REP-E	02-11-049	220-33-03000S	NEW-E	02-11-014
220-16-780	AMD	02-17-017	220-32-05100S	NEW-E	02-11-085	220-33-03000S	REP-E	02-11-014
220-16-78000A	NEW-E	02-10-118	220-32-05100S	REP-E	02-11-085	220-33-04000N	REP-E	02-04-072
220-16-790	NEW	02-08-048	220-32-05100S	REP-E	02-11-146	220-33-04000P	NEW-E	02-04-072
220-16-790	AMD-P	02-13-088	220-32-05100T	NEW-E	02-14-138	220-33-04000P	REP-E	02-04-072
220-16-790	NEW-W	02-15-088	220-32-05100T	REP-E	02-14-138	220-33-04000P	REP-E	02-04-102
220-16-790	AMD	02-17-017	220-32-05100U	NEW-E	02-17-064	220-33-04000Q	NEW-E	02-04-102
220-16-79000A	NEW-E	02-10-118	220-32-05100U	REP-E	02-18-079	220-33-04000Q	REP-E	02-04-102
220-16-800	NEW-W	02-15-088	220-32-05100V	NEW-E	02-18-079	220-33-04000Q	REP-E	02-06-036
220-20-001	NEW-P	02-13-085	220-32-05100V	REP-E	02-19-074	220-33-04000R	NEW-E	02-06-036
220-20-001	NEW	02-16-069	220-32-05100W	NEW-E	02-19-074	220-33-04000R	REP-E	02-06-036
220-20-010	AMD	02-08-048	220-32-05100W	REP-E	02-19-074	220-36-02300B	NEW-E	02-16-050
220-20-015	AMD-X	02-15-025	220-32-05100X	NEW-E	02-20-008	220-36-02300B	REP-E	02-16-103
220-20-015	AMD	02-23-002	220-32-05100X	REP-E	02-20-008	220-36-02300C	NEW-E	02-16-103
220-20-016	PREP	02-06-107	220-32-05100Y	NEW-E	02-21-047	220-36-02300C	REP-E	02-19-038
220-20-016	AMD-X	02-11-073	220-32-05100Y	REP-E	02-21-047	220-36-02300D	NEW-E	02-19-038
220-20-016	AMD-C	02-16-002	220-32-05500E	NEW-E	02-11-146	220-36-02300D	REP-E	02-22-031
220-20-016	AMD-W	02-24-053	220-32-05500E	REP-E	02-11-146	220-36-02300E	NEW-E	02-22-031
220-20-020	AMD-X	02-15-025	220-32-05700P	NEW-E	02-11-146	220-36-02300E	REP-E	02-22-031
220-20-020	AMD	02-23-002	220-32-05700P	REP-E	02-11-146	220-40-02100W	NEW-E	02-15-040
220-20-025	AMD	02-08-048	220-32-05700Q	NEW-E	02-20-033	220-40-02100W	REP-E	02-15-040
220-20-025	AMD-X	02-15-025	220-32-05700Q	REP-E	02-20-033	220-40-027	AMD-X	02-11-072
220-20-025	AMD	02-23-002	220-32-05700Q	REP-E	02-22-017	220-40-027	AMD	02-16-021
220-20-075	NEW	02-05-046	220-32-05700R	NEW-E	02-22-017	220-40-02700A	NEW-E	02-20-065
220-20-080	NEW-P	02-13-134	220-32-05700R	REP-E	02-22-017	220-40-02700A	REP-E	02-20-065
220-20-080	NEW-S	02-21-115	220-33-01000I	NEW-E	02-04-077	220-40-02700Z	NEW-E	02-20-018
220-20-08000A	NEW-E	02-14-089	220-33-01000I	REP-E	02-04-077	220-40-02700Z	REP-E	02-20-018
220-20-08000A	REP-E	02-22-015	220-33-01000J	NEW-E	02-05-056	220-44-05000H	REP-E	02-04-060
220-20-08000B	NEW-E	02-22-015	220-33-01000J	REP-E	02-05-056	220-44-05000I	NEW-E	02-04-060
220-20-100	NEW	02-08-048	220-33-01000J	REP-E	02-07-010	220-44-05000I	REP-E	02-07-093
220-20-100	NEW-W	02-15-088	220-33-01000K	NEW-E	02-07-010	220-44-05000J	NEW-E	02-07-093
220-22-40000D	NEW-E	02-19-040	220-33-01000K	REP-E	02-07-010	220-44-05000J	REP-E	02-11-042
220-24-04000B	NEW-E	02-10-078	220-33-01000K	REP-E	02-07-094	220-44-05000K	NEW-E	02-11-042
220-24-04000B	REP-E	02-10-078	220-33-01000L	NEW-E	02-07-094	220-44-05000K	REP-E	02-15-036
220-24-04000B	REP-E	02-10-120	220-33-01000L	REP-E	02-07-094	220-44-05000L	NEW-E	02-15-036
220-24-04000C	NEW-E	02-10-120	220-33-01000L	REP-E	02-08-014	220-44-05000L	REP-E	02-16-019
220-24-04000C	REP-E	02-10-120	220-33-01000M	NEW-E	02-08-014	220-44-05000M	NEW-E	02-16-019
220-24-04000C	REP-E	02-13-003	220-33-01000M	REP-E	02-08-025	220-44-05000M	REP-E	02-18-081
220-24-04000D	NEW-E	02-14-090	220-33-01000N	NEW-E	02-08-025	220-44-05000N	NEW-E	02-18-081
220-24-04000D	REP-E	02-14-090	220-33-01000N	REP-E	02-08-025	220-44-05000N	REP-E	02-20-009
220-24-04000E	NEW-E	02-15-041	220-33-01000P	NEW-E	02-16-063	220-44-05000P	NEW-E	02-20-009
220-24-04000E	REP-E	02-15-041	220-33-01000P	REP-E	02-16-063	220-44-05000P	REP-E	02-24-024
220-24-04000F	NEW-E	02-16-013	220-33-01000Q	NEW-E	02-17-021	220-44-05000Q	NEW-E	02-23-017
220-24-04000F	REP-E	02-16-013	220-33-01000Q	REP-E	02-17-021	220-44-05000R	NEW-E	02-24-024
220-24-04000G	NEW-E	02-17-010	220-33-01000R	NEW-E	02-17-063	220-47-301	AMD-X	02-11-073
220-24-04000G	REP-E	02-17-010	220-33-01000R	REP-E	02-17-063	220-47-301	AMD-W	02-16-003
220-24-04000H	NEW-E	02-18-010	220-33-01000R	REP-E	02-19-073	220-47-311	AMD-X	02-11-073
220-24-04000H	REP-E	02-18-010	220-33-01000S	NEW-E	02-19-073	220-47-311	AMD	02-16-004
220-32-05100K	REP-E	02-04-073	220-33-01000S	REP-E	02-19-073	220-47-31100C	NEW-E	02-21-009

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220-47-31100C	REP-E	02-21-009	220-48-05100Q	NEW-E	02-19-051	220-52-05100G	REP-E	02-16-049
220-47-31100C	REP-E	02-21-085	220-48-06200A	NEW-E	02-21-093	220-52-05100H	NEW-E	02-16-049
220-47-31100D	NEW-E	02-21-085	220-48-06200A	REP-E	02-24-031	220-52-05100H	REP-E	02-17-020
220-47-31100D	REP-E	02-21-085	220-49-013	AMD	02-08-026	220-52-05100I	NEW-E	02-17-020
220-47-31100D	REP-E	02-22-014	220-49-02000M	NEW-E	02-21-093	220-52-05100I	REP-E	02-17-037
220-47-31100E	NEW-E	02-22-014	220-49-02000M	REP-E	02-24-031	220-52-05100J	NEW-E	02-17-037
220-47-31100E	REP-E	02-22-014	220-49-056	AMD	02-08-026	220-52-05100J	REP-E	02-18-021
220-47-31100E	REP-E	02-22-062	220-49-05600A	NEW-E	02-21-093	220-52-05100K	NEW-E	02-18-021
220-47-31100F	NEW-E	02-22-062	220-49-05600A	REP-E	02-24-031	220-52-05100K	REP-E	02-18-059
220-47-31100F	REP-E	02-23-019	220-52-03000R	NEW-E	02-11-043	220-52-05100L	NEW-E	02-18-059
220-47-31100G	NEW-E	02-23-019	220-52-03000R	REP-E	02-11-043	220-52-05100L	REP-E	02-19-002
220-47-31100G	REP-E	02-23-044	220-52-04000F	REP-E	02-03-068	220-52-05100M	NEW-E	02-19-002
220-47-31100H	NEW-E	02-23-044	220-52-04000G	NEW-E	02-15-124	220-52-05100M	REP-E	02-19-111
220-47-31100H	REP-E	02-23-058	220-52-04000G	REP-E	02-15-124	220-52-05100N	NEW-E	02-19-111
220-47-31100I	NEW-E	02-23-058	220-52-04000H	NEW-E	02-19-040	220-52-05100N	REP-E	02-21-058
220-47-31100I	REP-E	02-24-007	220-52-04000H	REP-E	02-21-068	220-52-05100Y	NEW-E	02-09-021
220-47-31100J	NEW-E	02-24-007	220-52-04000I	NEW-E	02-23-035	220-52-05100Y	REP-E	02-09-067
220-47-31100J	REP-E	03-01-032	220-52-04000I	REP-E	03-01-033	220-52-05100Z	NEW-E	02-09-067
220-47-31100K	NEW-E	03-01-032	220-52-04000J	NEW-E	02-24-018	220-52-05100Z	REP-E	02-10-004
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220-47-401	AMD-X	02-11-073	220-52-04000K	NEW-E	03-01-033	220-52-071	AMD	02-17-016
220-47-401	AMD	02-16-004	220-52-04000L	NEW-E	03-01-063	220-52-07100W	NEW-E	02-15-002
220-47-40100D	NEW-E	02-19-039	220-52-04000A	REP-E	02-03-024	220-52-07100W	REP-E	02-16-012
220-47-40100D	REP-E	02-19-039	220-52-04600B	NEW-E	02-03-024	220-52-07100X	NEW-E	02-16-012
220-47-411	AMD-X	02-11-073	220-52-04600B	REP-E	02-03-050	220-52-07100X	REP-E	02-17-066
220-47-411	AMD	02-16-004	220-52-04600C	NEW-E	02-03-050	220-52-07100Y	NEW-E	02-17-066
220-47-41100C	NEW-E	02-21-010	220-52-04600C	REP-E	02-04-093	220-52-07100Y	REP-E	02-18-022
220-47-41100C	REP-E	02-21-010	220-52-04600D	NEW-E	02-04-093	220-52-07100Z	NEW-E	02-18-022
220-47-41100C	REP-E	02-22-014	220-52-04600D	REP-E	02-07-037	220-52-07100Z	REP-E	02-20-047
220-47-41100D	NEW-E	02-22-014	220-52-04600E	NEW-E	02-07-037	220-52-073	AMD-P	02-13-090
220-47-41100D	REP-E	02-22-014	220-52-04600E	REP-E	02-07-075	220-52-073	AMD	02-17-016
220-47-41100D	REP-E	02-22-062	220-52-04600F	NEW-E	02-07-075	220-52-07300Q	REP-E	02-03-025
220-47-41100E	NEW-E	02-22-062	220-52-04600F	REP-E	02-08-070	220-52-07300R	NEW-E	02-03-025
220-47-41100E	REP-E	02-23-019	220-52-04600G	NEW-E	02-08-070	220-52-07300R	REP-E	02-03-067
220-47-41100F	NEW-E	02-23-019	220-52-04600G	REP-E	02-08-070	220-52-07300S	NEW-E	02-03-067
220-47-41100F	REP-E	02-23-044	220-52-04600H	NEW-E	02-19-040	220-52-07300S	REP-E	02-03-090
220-47-41100G	NEW-E	02-23-044	220-52-04600H	REP-E	02-22-042	220-52-07300T	NEW-E	02-03-090
220-47-41100G	REP-E	02-23-058	220-52-04600I	NEW-E	02-22-042	220-52-07300T	REP-E	02-04-035
220-47-41100H	NEW-E	02-23-058	220-52-04600I	REP-E	02-23-018	220-52-07300U	NEW-E	02-04-035
220-47-41100H	REP-E	02-24-007	220-52-04600J	NEW-E	02-23-018	220-52-07300U	REP-E	02-04-078
220-47-41100I	NEW-E	02-24-007	220-52-04600J	REP-E	02-23-035	220-52-07300V	NEW-E	02-04-078
220-47-41100I	REP-E	03-01-032	220-52-04600K	NEW-E	02-23-035	220-52-07300V	REP-E	02-07-046
220-47-41100J	NEW-E	03-01-032	220-52-04600K	REP-E	03-01-033	220-52-07300W	NEW-E	02-07-092
220-47-41100J	REP-E	03-01-032	220-52-04600L	NEW-E	02-24-018	220-52-07300W	REP-E	02-07-092
220-47-42700B	NEW-E	02-17-042	220-52-04600L	REP-E	03-01-063	220-52-07300X	NEW-E	02-21-032
220-47-428	AMD-X	02-11-073	220-52-04600M	NEW-E	03-01-033	220-52-07300X	REP-E	02-23-016
220-47-428	AMD	02-16-004	220-52-04700J	NEW-E	02-19-040	220-52-07300Y	NEW-E	02-23-016
220-47-430	AMD-X	02-11-073	220-52-050	AMD-W	02-11-026	220-52-07300Y	REP-E	03-01-054
220-47-430	AMD	02-16-004	220-52-05000E	NEW-E	02-15-013	220-52-07300Z	NEW-E	03-01-054
220-47-901	NEW-E	02-16-056	220-52-05100A	NEW-E	02-10-004	220-52-07500D	NEW-E	02-09-021
220-47-902	NEW-E	02-18-007	220-52-05100A	REP-E	02-10-043	220-52-07500D	REP-E	02-10-004
220-47-902	REP-E	02-18-007	220-52-05100B	NEW-E	02-10-043	220-52-07500E	NEW-E	02-10-004
220-48-005	AMD	02-08-026	220-52-05100B	REP-E	02-13-023	220-55-001	AMD-P	02-13-084
220-48-015	AMD-W	02-15-086	220-52-05100C	NEW-E	02-13-023	220-55-001	AMD	02-16-070
220-48-01500P	NEW-E	02-17-012	220-52-05100C	REP-E	02-14-068	220-55-00100A	NEW-E	02-10-106
220-48-029	AMD-P	02-13-108	220-52-05100D	NEW-E	02-14-068	220-55-100	AMD-P	02-13-084
220-48-029	AMD-W	02-15-086	220-52-05100D	REP-E	02-15-031	220-55-100	AMD	02-16-070
220-48-02900A	NEW-E	02-21-093	220-52-05100E	NEW-E	02-15-031	220-55-200	NEW-P	02-12-130
220-48-02900A	REP-E	02-24-031	220-52-05100E	REP-E	02-15-104	220-55-200	NEW	02-15-038
220-48-032	AMD-P	02-13-108	220-52-05100F	NEW-E	02-15-104	220-55-20000A	REP-P	02-12-130
220-48-03200A	NEW-E	02-21-093	220-52-05100F	REP-E	02-16-011	220-55-20000A	REP	02-15-038
220-48-03200A	REP-E	02-24-031	220-52-05100G	NEW-E	02-16-011	220-55-20000B	NEW-E	02-13-045

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220-56-100	AMD	02-08-048	220-56-285	AMD	02-08-048	220-56-33000P	REP-E	02-19-003
220-56-105	AMD	02-08-048	220-56-28500B	NEW-E	02-05-010	220-56-33000Q	NEW-E	02-19-003
220-56-105	AMD-P	02-21-094	220-56-28500B	REP-E	02-10-063	220-56-33000Q	REP-E	03-01-108
220-56-115	AMD	02-09-001	220-56-28500C	NEW-E	02-11-006	220-56-33000R	NEW-E	03-01-108
220-56-116	AMD	02-08-048	220-56-28500C	REP-E	02-11-006	220-56-335	AMD	02-08-048
220-56-124	AMD-X	02-10-127	220-56-28500C	REP-E	02-11-039	220-56-350	AMD	02-08-048
220-56-124	AMD	02-15-097	220-56-28500D	NEW-E	02-11-039	220-56-350	AMD-P	02-13-091
220-56-128	AMD	02-08-048	220-56-307	REP	02-08-048	220-56-350	AMD	02-17-019
220-56-129	NEW-P	02-21-094	220-56-310	AMD	02-08-048	220-56-350	AMD-P	02-21-094
220-56-15600A	NEW-E	02-10-108	220-56-31000U	NEW-E	02-09-003	220-56-35000J	REP-E	02-06-035
220-56-175	AMD-P	02-21-059	220-56-31000U	REP-E	02-09-003	220-56-35000K	NEW-E	02-06-035
220-56-193	NEW-P	02-10-124	220-56-315	AMD	02-08-048	220-56-35000K	REP-E	02-10-029
220-56-193	NEW	02-13-026	220-56-315	AMD-P	02-15-106	220-56-35000L	NEW-E	02-10-029
220-56-194	NEW-P	02-10-124	220-56-315	AMD	02-19-014	220-56-35000L	REP-E	02-13-011
220-56-194	NEW	02-13-026	220-56-31500A	NEW-E	02-09-003	220-56-35000M	NEW-E	02-13-011
220-56-195	AMD-X	02-10-127	220-56-31500A	REP-E	02-09-003	220-56-35000M	REP-E	02-20-011
220-56-195	AMD	02-15-097	220-56-31500B	NEW-E	02-11-020	220-56-355	AMD	02-08-048
220-56-195001	NEW-E	02-11-086	220-56-31500C	NEW-E	02-19-037	220-56-355	AMD-P	02-13-091
220-56-195001	REP-E	02-11-086	220-56-320	AMD-P	02-21-094	220-56-355	AMD	02-17-019
220-56-19500J	NEW-E	02-17-038	220-56-325	AMD-P	02-21-094	220-56-35500B	NEW-E	02-07-076
220-56-19500J	REP-E	02-17-038	220-56-32500A	NEW-E	02-15-125	220-56-35500C	NEW-E	02-15-120
220-56-210	AMD	02-08-048	220-56-32500A	REP-E	02-16-044	220-56-36000L	NEW-E	02-03-053
220-56-230	AMD-P	02-21-094	220-56-32500B	NEW-E	02-16-044	220-56-36000L	REP-E	02-03-053
220-56-235	AMD	02-09-001	220-56-32500B	REP-E	02-21-058	220-56-36000L	REP-E	02-04-039
220-56-235	AMD-P	02-21-094	220-56-32500T	NEW-E	02-08-028	220-56-36000M	NEW-E	02-04-039
220-56-23500L	NEW-E	02-03-002	220-56-32500T	REP-E	02-09-003	220-56-36000M	REP-E	02-04-039
220-56-23500L	REP-E	02-07-004	220-56-32500U	NEW-E	02-10-028	220-56-36000N	NEW-E	02-07-012
220-56-23500M	NEW-E	02-07-004	220-56-32500U	REP-E	02-11-013	220-56-36000N	REP-E	02-07-012
220-56-23500M	REP-E	02-15-003	220-56-32500V	NEW-E	02-11-013	220-56-36000P	NEW-E	02-10-012
220-56-23500N	NEW-E	02-15-003	220-56-32500V	REP-E	02-11-041	220-56-36000P	REP-E	02-10-012
220-56-23500P	NEW-E	02-21-092	220-56-32500W	NEW-E	02-11-041	220-56-36000Q	NEW-E	02-11-012
220-56-23500P	REP-E	02-24-031	220-56-32500W	REP-E	02-11-134	220-56-36000Q	REP-E	02-11-012
220-56-250	AMD-P	02-21-094	220-56-32500X	NEW-E	02-11-134	220-56-380	AMD	02-08-048
220-56-25000C	NEW-E	02-15-105	220-56-32500X	REP-E	02-12-054	220-56-380	AMD-P	02-21-094
220-56-25000D	NEW-E	02-07-025	220-56-32500Y	NEW-E	02-12-054	220-56-38000C	REP-E	02-06-035
220-56-25000D	REP-E	02-07-025	220-56-32500Y	REP-E	02-14-004	220-56-38000D	NEW-E	02-06-035
220-56-255	AMD-W	02-15-087	220-56-32500Z	NEW-E	02-14-004	220-56-38000D	REP-E	02-10-029
220-56-255	AMD-P	02-21-094	220-56-32500Z	REP-E	02-15-125	220-56-38000E	NEW-E	02-10-029
220-56-25500A	NEW-E	02-14-139	220-56-33000D	NEW-E	02-03-051	220-69	PREP	02-10-105
220-56-25500A	REP-E	02-15-024	220-56-33000D	REP-E	02-05-001	220-69-240	AMD-P	02-13-134
220-56-25500B	NEW-E	02-15-024	220-56-33000E	NEW-E	02-05-001	220-69-240	AMD-S	02-21-115
220-56-25500B	REP-E	02-15-105	220-56-33000E	REP-E	02-07-037	220-69-24000A	NEW-E	02-10-004
220-56-25500C	REP-E	02-15-109	220-56-33000F	NEW-E	02-07-037	220-69-24000A	REP-E	02-10-043
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220-56-25500X	NEW-E	02-09-045	220-56-33000G	NEW-E	02-07-075	220-69-24000B	REP-E	02-13-023
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220-56-25500Y	REP-E	02-13-044	220-56-33000H	REP-E	02-11-050	220-69-24000D	NEW-E	02-14-068
220-56-25500Z	NEW-E	02-13-044	220-56-33000H	REP-E	02-11-094	220-69-24000E	NEW-E	02-19-040
220-56-25500Z	REP-E	02-14-139	220-56-33000I	NEW-E	02-11-050	220-69-241	AMD-P	02-13-134
220-56-265	AMD	02-08-048	220-56-33000I	REP-E	02-11-094	220-69-241	AMD-S	02-21-115
220-56-265	AMD-P	02-21-094	220-56-33000J	NEW-E	02-11-094	220-72-07600E	NEW-E	03-01-078
220-56-270	AMD	02-08-048	220-56-33000J	REP-E	02-11-132	220-72-08800A	NEW-E	03-01-078
220-56-27000L	REP-E	02-06-036	220-56-33000K	NEW-E	02-11-132	220-72-08900A	NEW-E	03-01-078
220-56-27000M	NEW-E	02-06-036	220-56-33000K	REP-E	02-13-002	220-72-09000A	NEW-E	03-01-078
220-56-27000M	REP-E	02-06-036	220-56-33000L	NEW-E	02-13-002	220-74-020	AMD-P	02-06-109
220-56-282	AMD	02-08-048	220-56-33000L	REP-E	02-14-025	220-74-020	AMD	02-10-023
220-56-28200D	NEW-E	02-06-017	220-56-33000M	NEW-E	02-14-025	220-76-100	NEW-P	02-21-114
220-56-28200D	REP-E	02-06-017	220-56-33000M	REP-E	02-15-039	220-76-110	NEW-P	02-21-114
220-56-28200E	NEW-E	02-10-119	220-56-33000N	NEW-E	02-15-039	220-76-120	NEW-P	02-21-114
220-56-28200F	NEW-E	02-15-014	220-56-33000N	REP-E	02-18-004	220-76-130	NEW-P	02-21-114
220-56-28200F	REP-E	02-15-095	220-56-33000P	NEW-E	02-18-004	220-76-140	NEW-P	02-21-114

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220- 77-020	AMD	02-06-018	230- 04-202	AMD-P	02-17-032	232- 12-016	NEW-P	02-13-107
220- 77-040	AMD	02-06-018	230- 04-202	AMD	03-01-031	232- 12-016	NEW	02-19-007
220- 77-09000A	NEW-E	02-04-069	230- 04-203	AMD-P	02-13-111	232- 12-01600A	NEW-E	02-15-001
220- 77-09000A	REP-E	02-04-089	230- 04-203	AMD-W	02-16-024	232- 12-017	AMD-P	02-13-107
220- 77-09000B	NEW-E	02-04-089	230- 04-203	AMD-P	02-17-032	232- 12-017	AMD	02-19-007
220- 77-095	AMD-P	02-13-136	230- 04-203	AMD	03-01-031	232- 12-019	AMD	02-08-048
220- 77-095	AMD	02-17-015	230- 04-204	AMD-P	02-17-032	232- 12-073	NEW-P	02-13-089
220- 77-100	NEW-W	02-11-027	230- 04-204	AMD	03-01-031	232- 12-073	NEW	03-01-077
220- 77-105	NEW-W	02-11-027	230- 04-315	REP-P	02-13-111	232- 12-104	AMD-P	02-21-131
220- 88C-04000	NEW-E	02-13-051	230- 04-315	REP	02-18-043	232- 12-104	AMD-W	02-24-027
220- 88C-04000	REP-E	02-19-072	230- 08-017	AMD-P	02-17-032	232- 12-106	AMD-P	02-21-131
220- 88C-04000	NEW-E	02-19-071	230- 08-017	AMD	03-01-031	232- 12-114	AMD-P	02-21-131
220- 88C-04000	REP-E	02-19-072	230- 08-255	AMD-P	02-06-037	232- 12-117	AMD-P	02-21-131
220- 88C-04000	NEW-E	02-19-072	230- 08-255	AMD	02-10-002	232- 12-147	REP	02-08-048
220- 88C-04000	REP-E	02-20-019	230- 12-045	NEW-P	02-07-081	232- 12-151	REP	02-08-048
220- 95-100	AMD-P	02-13-086	230- 12-045	NEW	02-11-084	232- 12-168	AMD	02-08-048
220- 95-100	AMD	02-17-014	230- 12-050	AMD-P	02-07-081	232- 12-16800B	NEW-E	02-07-095
220- 95-110	AMD-P	02-13-086	230- 12-050	AMD	02-11-084	232- 12-16800B	REP-E	02-07-095
220- 95-110	AMD	02-17-014	230- 12-090	AMD-P	02-13-111	232- 12-181	AMD-P	02-17-118
220-130-040	AMD-W	02-02-089	230- 12-090	AMD	02-17-035	232- 12-243	AMD-P	02-13-133
222- 10-040	AMD-P	02-05-087	230- 12-330	AMD-P	02-06-038	232- 12-243	AMD	02-17-013
222- 10-040	AMD	02-11-075	230- 12-330	AMD	02-10-003	232- 12-245	NEW-W	02-11-025
222- 10-041	AMD-P	02-05-087	230- 12-340	AMD-P	02-06-038	232- 12-253	NEW	02-05-021
222- 10-041	AMD	02-11-075	230- 12-340	AMD	02-10-003	232- 12-253	AMD-P	02-10-125
222- 16-050	AMD-E	02-05-086	230- 20-002	NEW-P	02-13-111	232- 12-253	AMD	02-16-043
222- 16-050	PREP	02-07-023	230- 20-002	NEW	02-17-035	232- 12-267	AMD-P	02-10-128
222- 16-050	AMD-P	02-11-138	230- 20-005	NEW-P	02-13-111	232- 12-267	AMD	02-15-018
222- 16-050	AMD-E	02-15-083	230- 20-005	NEW	02-17-035	232- 12-272	NEW	02-08-048
222- 16-050	AMD	02-17-099	230- 20-070	AMD-P	02-13-111	232- 12-31500I	NEW-E	02-24-028
222- 21	PREP	02-17-098	230- 20-070	AMD	02-17-035	232- 12-619	AMD	02-08-048
222- 21-010	AMD	02-05-084	230- 20-104	AMD-P	02-13-111	232- 12-619	AMD-P	02-21-059
222- 21-010	AMD-P	02-22-051	230- 20-104	AMD	02-17-035	232- 12-619	AMD-P	02-21-094
222- 21-020	AMD	02-05-084	230- 20-111	REP-P	02-07-081	232- 12-828	AMD-P	02-13-135
222- 21-030	AMD-P	02-22-051	230- 20-111	REP	02-11-084	232- 28-02220	AMD-P	02-06-124
222- 21-035	AMD-P	02-22-051	230- 20-125	REP-P	02-07-081	232- 28-02220	AMD	02-11-069
222- 21-040	AMD-P	02-22-051	230- 20-125	REP	02-11-084	232- 28-02240	AMD-P	02-06-124
222- 21-045	AMD	02-05-084	230- 20-170	AMD-P	02-13-111	232- 28-02240	AMD	02-11-069
222- 21-045	AMD-P	02-22-051	230- 20-170	AMD	02-17-035	232- 28-248	AMD-P	02-06-124
222- 21-050	AMD	02-05-084	230- 20-230	REP-P	02-07-081	232- 28-248	AMD	02-11-069
222- 21-050	AMD-P	02-22-051	230- 20-230	REP	02-11-084	232- 28-266	AMD-P	02-06-121
222- 21-061	NEW	02-05-084	230- 20-244	AMD	02-06-006	232- 28-266	AMD-W	02-19-087
226- 01-040	AMD-X	02-03-038	230- 20-246	AMD	02-06-006	232- 28-271	AMD-P	02-21-131
226- 01-040	AMD	02-08-076	230- 20-249	AMD	02-06-006	232- 28-273	AMD-P	02-06-121
226- 01-050	AMD-X	02-03-038	230- 30-033	AMD	02-06-007	232- 28-273	AMD	02-11-069
226- 01-050	AMD	02-08-076	230- 30-045	AMD	02-06-007	232- 28-275	AMD-P	02-21-131
226- 12-080	AMD-X	02-03-038	230- 30-072	AMD	02-06-007	232- 28-276	AMD-P	02-10-128
226- 12-080	AMD	02-08-076	230- 30-106	AMD-P	02-06-038	232- 28-276	AMD	02-15-018
226- 16-160	AMD-X	02-03-038	230- 30-106	AMD	02-10-003	232- 28-277	AMD-P	02-06-125
226- 16-160	AMD	02-08-076	230- 40-120	AMD-W	02-14-103	232- 28-277	REP-P	02-10-128
226- 20-010	AMD-X	02-03-038	230- 40-610	AMD-P	02-12-076	232- 28-277	AMD	02-11-069
226- 20-010	AMD	02-08-076	230- 40-610	AMD	02-17-033	232- 28-277	REP	02-15-019
230- 02-145	REP-P	02-07-081	230- 40-800	AMD-P	02-07-081	232- 28-278	AMD-P	02-06-126
230- 02-145	REP	02-11-084	230- 40-800	AMD	02-11-084	232- 28-278	AMD	02-11-069
230- 02-205	AMD-S	02-03-077	230- 40-897	REP-P	02-07-081	232- 28-279	AMD-P	02-06-123
230- 02-205	AMD-W	02-16-083	230- 40-897	REP	02-11-084	232- 28-279	AMD	02-11-069
230- 04-064	AMD-P	02-06-037	230- 50-010	AMD-P	02-13-111	232- 28-279	AMD-P	02-13-138
230- 04-064	AMD	02-10-002	230- 50-010	AMD	02-17-035	232- 28-279	AMD	02-18-005
230- 04-180	AMD-P	02-13-112	232- 12-011	AMD-P	02-06-122	232- 28-282	NEW-P	02-10-128
230- 04-180	AMD	02-17-034	232- 12-011	AMD	02-08-048	232- 28-282	NEW	02-15-019
230- 04-202	AMD-W	02-02-090	232- 12-011	AMD	02-11-069	232- 28-282	AMD-P	02-21-130
230- 04-202	AMD-P	02-13-111	232- 12-014	AMD-P	02-06-122	232- 28-291	AMD-P	02-21-131

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-299	AMD-P	02-10-128	232- 28-61900K	NEW-E	02-19-005	232- 28-61900W	NEW-E	02-22-012
232- 28-299	AMD	02-15-018	232- 28-61900K	REP-E	02-19-005	232- 28-61900W	REP-E	02-22-032
232- 28-425	REP-P	02-13-137	232- 28-61900L	NEW-E	02-03-015	232- 28-61900X	NEW-E	02-07-019
232- 28-425	REP	02-18-005	232- 28-61900L	REP-E	02-03-015	232- 28-61900X	REP-E	02-07-019
232- 28-42500C	NEW-E	02-03-052	232- 28-61900L	NEW-E	02-11-040	232- 28-61900X	NEW-E	02-15-032
232- 28-42500C	REP-E	02-03-052	232- 28-61900L	NEW-E	02-19-075	232- 28-61900X	REP-E	02-17-036
232- 28-426	NEW-P	02-13-137	232- 28-61900L	REP-E	02-22-013	232- 28-61900X	NEW-E	02-22-032
232- 28-426	NEW	02-18-005	232- 28-61900M	NEW-E	02-03-066	232- 28-61900X	REP-E	02-23-020
232- 28-42600A	NEW-E	02-21-046	232- 28-61900M	REP-E	02-10-063	232- 28-61900Y	NEW-E	02-07-066
232- 28-42600A	REP-E	02-21-046	232- 28-61900M	NEW-E	02-11-068	232- 28-61900Y	REP-E	02-07-066
232- 28-619	AMD	02-08-048	232- 28-61900M	REP-E	02-11-068	232- 28-61900Y	NEW-E	02-15-037
232- 28-619	AMD-X	02-10-127	232- 28-61900M	NEW-E	02-20-012	232- 28-61900Y	REP-E	02-15-037
232- 28-619	AMD-P	02-13-088	232- 28-61900N	NEW-E	02-04-019	232- 28-61900Y	NEW-E	02-22-038
232- 28-619	AMD	02-15-097	232- 28-61900N	REP-E	02-04-019	232- 28-61900Y	REP-E	02-22-038
232- 28-619	AMD-P	02-15-106	232- 28-61900N	NEW-E	02-11-071	232- 28-61900Z	NEW-E	02-07-096
232- 28-619	AMD	02-20-082	232- 28-61900N	REP-E	02-11-071	232- 28-61900Z	REP-E	02-07-096
232- 28-619	AMD-P	02-21-094	232- 28-61900N	NEW-E	02-20-048	232- 28-61900Z	NEW-E	02-15-095
232- 28-61900A	NEW-E	02-08-022	232- 28-61900N	REP-E	02-20-048	232- 28-61900Z	REP-E	02-16-022
232- 28-61900A	REP-E	02-11-001	232- 28-61900P	NEW-E	02-04-103	232- 28-61900Z	NEW-E	02-23-020
232- 28-61900A	NEW-E	02-15-159	232- 28-61900P	REP-E	02-12-013	232- 28-61900Z	REP-E	02-23-033
232- 28-61900A	REP-E	02-15-159	232- 28-61900P	NEW-E	02-21-023	232- 28-620	AMD-X	02-10-127
232- 28-61900A	NEW-E	02-23-033	232- 28-61900P	REP-E	02-21-023	232- 28-620	AMD	02-15-097
232- 28-61900B	NEW-E	02-08-004	232- 28-61900Q	NEW-E	02-05-007	232- 28-62000D	NEW-E	02-11-086
232- 28-61900B	REP-E	02-08-004	232- 28-61900Q	REP-E	02-11-040	232- 28-62000D	REP-E	02-11-086
232- 28-61900B	NEW-E	02-16-001	232- 28-61900Q	NEW-E	02-11-086	232- 28-62000D	REP-E	02-15-121
232- 28-61900B	REP-E	02-16-001	232- 28-61900Q	REP-E	02-11-086	232- 28-62000E	NEW-E	02-15-121
232- 28-61900B	NEW-E	02-24-030	232- 28-61900Q	REP-E	02-12-013	232- 28-62000E	REP-E	02-17-011
232- 28-61900C	NEW-E	02-09-023	232- 28-61900Q	NEW-E	02-21-043	232- 28-62000F	NEW-E	02-17-011
232- 28-61900C	REP-E	02-09-023	232- 28-61900R	NEW-E	02-05-008	232- 28-62000F	REP-E	02-17-065
232- 28-61900C	NEW-E	02-16-022	232- 28-61900R	REP-E	02-05-008	232- 28-62000G	NEW-E	02-17-065
232- 28-61900C	REP-E	02-17-041	232- 28-61900R	NEW-E	02-11-114	232- 28-62000G	REP-E	02-18-009
232- 28-61900D	REP-E	02-05-075	232- 28-61900R	REP-E	02-11-114	232- 28-62000H	NEW-E	02-18-009
232- 28-61900D	NEW-E	02-09-009	232- 28-61900R	NEW-E	02-21-045	232- 28-62000H	REP-E	02-18-080
232- 28-61900D	REP-E	02-10-063	232- 28-61900R	REP-E	02-24-030	232- 28-62000I	NEW-E	02-18-080
232- 28-61900D	NEW-E	02-17-036	232- 28-61900S	NEW-E	02-05-010	232- 28-62000I	REP-E	02-19-006
232- 28-61900D	REP-E	02-19-075	232- 28-61900S	REP-E	02-09-009	232- 28-62000J	NEW-E	02-19-006
232- 28-61900E	NEW-E	02-10-024	232- 28-61900S	NEW-E	02-12-013	232- 28-621	AMD	02-08-048
232- 28-61900E	REP-E	02-10-024	232- 28-61900S	REP-E	02-13-052	232- 28-621	AMD-X	02-10-127
232- 28-61900E	NEW-E	02-17-041	232- 28-61900S	NEW-E	02-21-078	232- 28-621	AMD	02-15-097
232- 28-61900E	REP-E	02-20-012	232- 28-61900S	REP-E	02-21-078	232- 28-621	AMD-P	02-21-094
232- 28-61900F	NEW-E	02-10-077	232- 28-61900T	NEW-E	02-05-075	232- 28-62100G	NEW-E	02-11-086
232- 28-61900F	NEW-E	02-18-008	232- 28-61900T	REP-E	02-07-096	232- 28-62100G	REP-E	02-11-086
232- 28-61900F	REP-E	02-18-011	232- 28-61900T	NEW-E	02-12-019	232- 28-62100G	REP-E	02-14-069
232- 28-61900F	REP-E	02-21-045	232- 28-61900T	REP-E	02-12-019	232- 28-62100H	NEW-E	02-14-069
232- 28-61900G	NEW-E	02-10-062	232- 28-61900T	NEW-E	02-21-079	232- 28-62100H	REP-E	02-15-033
232- 28-61900G	NEW-E	02-18-011	232- 28-61900T	REP-E	02-22-012	232- 28-62100I	NEW-E	02-15-033
232- 28-61900H	REP-E	02-03-014	232- 28-61900U	REP-E	02-03-022	232- 28-62100I	REP-E	02-15-096
232- 28-61900H	NEW-E	02-10-063	232- 28-61900U	NEW-E	02-06-100	232- 28-62100J	NEW-E	02-15-096
232- 28-61900H	REP-E	02-11-006	232- 28-61900U	REP-E	02-06-100	236- 48	PREP	02-16-025
232- 28-61900H	NEW-E	02-18-058	232- 28-61900U	NEW-E	02-13-052	236- 48-002	PREP	02-16-025
232- 28-61900H	REP-E	02-18-058	232- 28-61900U	REP-E	02-14-046	236- 48-003	PREP	02-16-025
232- 28-61900I	NEW-E	02-03-022	232- 28-61900U	NEW-E	02-21-086	236- 48-123	PREP	02-19-048
232- 28-61900I	REP-E	02-03-022	232- 28-61900U	REP-E	02-21-086	236- 49	PREP	02-16-026
232- 28-61900I	NEW-E	02-11-001	232- 28-61900V	NEW-E	02-06-099	236- 56	PREP	02-19-049
232- 28-61900I	NEW-E	02-18-057	232- 28-61900V	REP-E	02-06-099	236- 70	PREP	02-13-127
232- 28-61900J	NEW-E	02-03-023	232- 28-61900V	NEW-E	02-14-046	246- 12-040	AMD-X	02-09-042
232- 28-61900J	NEW-E	02-11-006	232- 28-61900V	REP-E	02-15-032	246- 12-040	AMD-W	02-22-033
232- 28-61900J	REP-E	02-11-039	232- 28-61900V	NEW-E	02-22-013	246- 50	PREP-W	02-09-027
232- 28-61900J	NEW-E	02-18-073	232- 28-61900W	NEW-E	02-07-061	246-100-011	AMD-P	02-16-102
232- 28-61900K	NEW-E	02-03-014	232- 28-61900W	REP-E	02-07-061	246-100-011	AMD-S	02-22-107
232- 28-61900K	NEW-E	02-11-039	232- 28-61900W	NEW-E	02-15-030	246-100-036	AMD-P	02-16-102
232- 28-61900K	REP-E	02-11-039	232- 28-61900W	REP-E	02-18-008	246-100-036	AMD-S	02-22-107

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246-100-040	NEW-P	02-16-102	246-205-580	AMD-P	02-21-127	246-229-0040	NEW-P	02-07-021
246-100-040	NEW-S	02-22-107	246-205-590	NEW-P	02-21-127	246-229-0040	NEW	02-14-050
246-100-045	NEW-P	02-16-102	246-215-150	AMD-P	02-04-091	246-229-0050	NEW-P	02-07-021
246-100-045	NEW-S	02-22-107	246-215-150	AMD	02-09-028	246-229-0050	NEW	02-14-050
246-100-050	NEW-P	02-16-102	246-217-010	PREP	02-20-075	246-229-0060	NEW-P	02-07-021
246-100-050	NEW-S	02-22-107	246-217-015	PREP	02-20-075	246-229-0060	NEW	02-14-050
246-100-055	NEW-P	02-16-102	246-217-025	AMD-P	02-18-031	246-229-0070	NEW-P	02-07-021
246-100-055	NEW-S	02-22-107	246-217-025	AMD	02-22-079	246-229-0070	NEW	02-14-050
246-100-060	NEW-P	02-16-102	246-224	AMD-P	02-07-021	246-229-0080	NEW-P	02-07-021
246-100-060	NEW-S	02-22-107	246-224	AMD	02-14-050	246-229-0080	NEW	02-14-050
246-100-065	NEW-P	02-16-102	246-224-0001	NEW-P	02-07-021	246-229-0090	NEW-P	02-07-021
246-100-065	NEW-S	02-22-107	246-224-0001	NEW	02-14-050	246-229-0090	NEW	02-14-050
246-100-070	NEW-P	02-16-102	246-224-001	REP-P	02-07-021	246-229-0100	NEW-P	02-07-021
246-100-070	NEW-S	02-22-107	246-224-001	REP	02-14-050	246-229-0100	NEW	02-14-050
246-100-166	PREP	02-10-066	246-224-0010	NEW-P	02-07-021	246-229-020	REP-P	02-07-021
246-100-166	AMD-E	02-14-075	246-224-0010	NEW	02-14-050	246-229-020	REP	02-14-050
246-100-206	AMD-P	02-08-018	246-224-0020	NEW-P	02-07-021	246-229-030	REP-P	02-07-021
246-100-206	AMD	02-12-106	246-224-0020	NEW	02-14-050	246-229-030	REP	02-14-050
246-100-207	AMD-P	02-08-018	246-224-0030	NEW-P	02-07-021	246-229-050	REP-P	02-07-021
246-100-207	AMD	02-12-106	246-224-0030	NEW	02-14-050	246-229-050	REP	02-14-050
246-100-208	AMD-P	02-08-018	246-224-0040	NEW-P	02-07-021	246-229-060	REP-P	02-07-021
246-100-208	AMD	02-12-106	246-224-0040	NEW	02-14-050	246-229-060	REP	02-14-050
246-101-505	AMD-P	02-16-102	246-224-0050	NEW-P	02-07-021	246-229-070	REP-P	02-07-021
246-101-505	AMD-S	02-22-107	246-224-0050	NEW	02-14-050	246-229-070	REP	02-14-050
246-145-001	NEW	02-11-109	246-224-0060	NEW-P	02-07-021	246-229-080	REP-P	02-07-021
246-145-010	NEW	02-11-109	246-224-0060	NEW	02-14-050	246-229-080	REP	02-14-050
246-145-020	NEW	02-11-109	246-224-0070	NEW-P	02-07-021	246-229-090	REP-P	02-07-021
246-145-030	NEW	02-11-109	246-224-0070	NEW	02-14-050	246-229-090	REP	02-14-050
246-145-040	NEW	02-11-109	246-224-0080	NEW-P	02-07-021	246-229-100	REP-P	02-07-021
246-205-010	AMD-P	02-21-127	246-224-0080	NEW	02-14-050	246-229-100	REP	02-14-050
246-205-020	REP-P	02-21-127	246-224-0090	NEW-P	02-07-021	246-229-110	REP-P	02-07-021
246-205-021	NEW-P	02-21-127	246-224-0090	NEW	02-14-050	246-229-110	REP	02-14-050
246-205-030	REP-P	02-21-127	246-224-010	REP-P	02-07-021	246-252-030	AMD-X	02-11-021
246-205-031	NEW-P	02-21-127	246-224-010	REP	02-14-050	246-252-030	AMD	02-17-005
246-205-040	REP-P	02-21-127	246-224-0100	NEW-P	02-07-021	246-254-053	AMD-P	02-04-034
246-205-041	NEW-P	02-21-127	246-224-0100	NEW	02-14-050	246-254-053	AMD	02-07-085
246-205-050	REP-P	02-21-127	246-224-0110	NEW-P	02-07-021	246-254-070	AMD	02-04-025
246-205-051	NEW-P	02-21-127	246-224-0110	NEW	02-14-050	246-254-080	AMD	02-04-025
246-205-060	REP-P	02-21-127	246-224-0120	NEW-P	02-07-021	246-254-090	AMD	02-04-025
246-205-061	NEW-P	02-21-127	246-224-0120	NEW	02-14-050	246-254-100	AMD	02-04-025
246-205-070	REP-P	02-21-127	246-224-020	REP-P	02-07-021	246-254-120	AMD	02-04-025
246-205-071	NEW-P	02-21-127	246-224-020	REP	02-14-050	246-272	PREP	02-03-137
246-205-080	REP-P	02-21-127	246-224-050	REP-P	02-07-021	246-282-990	AMD-P	02-12-102
246-205-081	NEW-P	02-21-127	246-224-050	REP	02-14-050	246-282-990	AMD	02-15-094
246-205-090	REP-P	02-21-127	246-224-060	REP-P	02-07-021	246-290	PREP	02-19-061
246-205-091	NEW-P	02-21-127	246-224-060	REP	02-14-050	246-291	PREP	02-19-060
246-205-100	REP-P	02-21-127	246-224-070	REP-P	02-07-021	246-310	PREP	02-14-047
246-205-101	NEW-P	02-21-127	246-224-070	REP	02-14-050	246-310-132	REP-P	03-01-112
246-205-110	REP-P	02-21-127	246-224-090	REP-P	02-07-021	246-310-261	AMD-P	03-01-112
246-205-111	NEW-P	02-21-127	246-224-090	REP	02-14-050	246-310-262	AMD-P	03-01-112
246-205-120	REP-P	02-21-127	246-224-100	REP-P	02-07-021	246-310-263	NEW-P	03-01-112
246-205-121	NEW-P	02-21-127	246-224-100	REP	02-14-050	246-310-990	AMD-P	02-10-064
246-205-131	NEW-P	02-21-127	246-229-0001	NEW-P	02-07-021	246-310-990	AMD	02-14-051
246-205-510	NEW-P	02-21-127	246-229-0001	NEW	02-14-050	246-320	PREP	02-11-076
246-205-520	AMD-P	02-21-127	246-229-001	REP-P	02-07-021	246-320	PREP-W	02-17-056
246-205-530	AMD-P	02-21-127	246-229-001	REP	02-14-050	246-320-990	AMD-P	02-10-131
246-205-531	NEW-P	02-21-127	246-229-0010	NEW-P	02-07-021	246-320-990	AMD	02-13-061
246-205-540	AMD-P	02-21-127	246-229-0010	NEW	02-14-050	246-322-990	AMD-P	02-10-131
246-205-541	NEW-P	02-21-127	246-229-0020	NEW-P	02-07-021	246-322-990	AMD	02-13-061
246-205-550	AMD-P	02-21-127	246-229-0020	NEW	02-14-050	246-323-990	AMD-P	02-13-058
246-205-560	AMD-P	02-21-127	246-229-0030	NEW-P	02-07-021	246-323-990	AMD	02-16-068
246-205-570	AMD-P	02-21-127	246-229-0030	NEW	02-14-050	246-324-990	AMD-P	02-10-131

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246-324-990	AMD	02-13-061	246-331-100	REP	02-18-026	246-335-100	NEW	02-18-026
246-325-990	AMD-P	02-13-059	246-331-105	REP-P	02-12-103	246-335-105	NEW-P	02-12-103
246-325-990	AMD	02-20-040	246-331-105	REP	02-18-026	246-335-105	NEW	02-18-026
246-326-990	AMD-P	02-13-059	246-331-115	REP-P	02-12-103	246-335-110	NEW-P	02-12-103
246-326-990	AMD	02-20-040	246-331-115	REP	02-18-026	246-335-110	NEW	02-18-026
246-327-010	REP-P	02-12-103	246-331-125	REP-P	02-12-103	246-335-115	NEW-P	02-12-103
246-327-010	REP	02-18-026	246-331-125	REP	02-18-026	246-335-115	NEW	02-18-026
246-327-025	REP-P	02-12-103	246-331-135	REP-P	02-12-103	246-335-120	NEW-P	02-12-103
246-327-025	REP	02-18-026	246-331-135	REP	02-18-026	246-335-120	NEW	02-18-026
246-327-030	REP-P	02-12-103	246-331-165	REP-P	02-12-103	246-335-125	NEW-P	02-12-103
246-327-030	REP	02-18-026	246-331-165	REP	02-18-026	246-335-125	NEW	02-18-026
246-327-035	REP-P	02-12-103	246-331-185	REP-P	02-12-103	246-335-130	NEW-P	02-12-103
246-327-035	REP	02-18-026	246-331-185	REP	02-18-026	246-335-130	NEW	02-18-026
246-327-065	REP-P	02-12-103	246-331-990	REP-P	02-12-103	246-335-135	NEW-P	02-12-103
246-327-065	REP	02-18-026	246-331-990	REP	02-18-026	246-335-135	NEW	02-18-026
246-327-077	REP-P	02-12-103	246-333-010	REP-X	02-10-132	246-335-140	NEW-P	02-12-103
246-327-077	REP	02-18-026	246-333-010	REP	02-15-164	246-335-140	NEW	02-18-026
246-327-085	REP-P	02-12-103	246-333-020	REP-X	02-10-132	246-335-145	NEW-P	02-12-103
246-327-085	REP	02-18-026	246-333-020	REP	02-15-164	246-335-145	NEW	02-18-026
246-327-090	REP-P	02-12-103	246-333-030	REP-X	02-10-132	246-335-150	NEW-P	02-12-103
246-327-090	REP	02-18-026	246-333-030	REP	02-15-164	246-335-150	NEW	02-18-026
246-327-095	REP-P	02-12-103	246-333-040	REP-X	02-10-132	246-335-155	NEW-P	02-12-103
246-327-095	REP	02-18-026	246-333-040	REP	02-15-164	246-335-155	NEW	02-18-026
246-327-105	REP-P	02-12-103	246-335-001	NEW-P	02-12-103	246-335-160	NEW-P	02-12-103
246-327-105	REP	02-18-026	246-335-001	NEW	02-18-026	246-335-160	NEW	02-18-026
246-327-115	REP-P	02-12-103	246-335-010	NEW-P	02-12-103	246-335-165	NEW-P	02-12-103
246-327-115	REP	02-18-026	246-335-010	NEW	02-18-026	246-335-165	NEW	02-18-026
246-327-125	REP-P	02-12-103	246-335-015	NEW-P	02-12-103	246-335-170	NEW-P	02-12-103
246-327-125	REP	02-18-026	246-335-015	NEW	02-18-026	246-335-170	NEW	02-18-026
246-327-135	REP-P	02-12-103	246-335-020	NEW-P	02-12-103	246-335-175	NEW-P	02-12-103
246-327-135	REP	02-18-026	246-335-020	NEW	02-18-026	246-335-175	NEW	02-18-026
246-327-145	REP-P	02-12-103	246-335-025	NEW-P	02-12-103	246-335-180	NEW-P	02-12-103
246-327-145	REP	02-18-026	246-335-025	NEW	02-18-026	246-335-180	NEW	02-18-026
246-327-165	REP-P	02-12-103	246-335-030	NEW-P	02-12-103	246-335-185	NEW-P	02-12-103
246-327-165	REP	02-18-026	246-335-030	NEW	02-18-026	246-335-185	NEW	02-18-026
246-327-185	REP-P	02-12-103	246-335-035	NEW-P	02-12-103	246-335-190	NEW-P	02-12-103
246-327-185	REP	02-18-026	246-335-035	NEW	02-18-026	246-335-190	NEW	02-18-026
246-327-990	REP-P	02-12-103	246-335-040	NEW-P	02-12-103	246-335-195	NEW-P	02-12-103
246-327-990	REP	02-18-026	246-335-040	NEW	02-18-026	246-335-195	NEW	02-18-026
246-328-200	REP-X	02-14-054	246-335-045	NEW-P	02-12-103	246-335-200	NEW-P	02-12-103
246-328-200	REP	02-20-078	246-335-045	NEW	02-18-026	246-335-200	NEW	02-18-026
246-328-990	REP-X	02-14-054	246-335-050	NEW-P	02-12-103	246-335-205	NEW-P	02-12-103
246-328-990	REP	02-20-078	246-335-050	NEW	02-18-026	246-335-205	NEW	02-18-026
246-329-990	AMD-P	02-10-131	246-335-055	NEW-P	02-12-103	246-335-210	NEW-P	02-12-103
246-329-990	AMD	02-13-061	246-335-055	NEW	02-18-026	246-335-210	NEW	02-18-026
246-331-010	REP-P	02-12-103	246-335-060	NEW-P	02-12-103	246-335-220	NEW-P	02-12-103
246-331-010	REP	02-18-026	246-335-060	NEW	02-18-026	246-335-220	NEW	02-18-026
246-331-025	REP-P	02-12-103	246-335-065	NEW-P	02-12-103	246-335-225	NEW-P	02-12-103
246-331-025	REP	02-18-026	246-335-065	NEW	02-18-026	246-335-225	NEW	02-18-026
246-331-030	REP-P	02-12-103	246-335-070	NEW-P	02-12-103	246-335-230	NEW-P	02-12-103
246-331-030	REP	02-18-026	246-335-070	NEW	02-18-026	246-335-230	NEW	02-18-026
246-331-035	REP-P	02-12-103	246-335-075	NEW-P	02-12-103	246-335-235	NEW-P	02-12-103
246-331-035	REP	02-18-026	246-335-075	NEW	02-18-026	246-335-235	NEW	02-18-026
246-331-065	REP-P	02-12-103	246-335-080	NEW-P	02-12-103	246-335-240	NEW-P	02-12-103
246-331-065	REP	02-18-026	246-335-080	NEW	02-18-026	246-335-240	NEW	02-18-026
246-331-077	REP-P	02-12-103	246-335-085	NEW-P	02-12-103	246-335-245	NEW-P	02-12-103
246-331-077	REP	02-18-026	246-335-085	NEW	02-18-026	246-335-245	NEW	02-18-026
246-331-085	REP-P	02-12-103	246-335-090	NEW-P	02-12-103	246-335-250	NEW-P	02-12-103
246-331-085	REP	02-18-026	246-335-090	NEW	02-18-026	246-335-250	NEW	02-18-026
246-331-095	REP-P	02-12-103	246-335-095	NEW-P	02-12-103	246-335-255	NEW-P	02-12-103
246-331-095	REP	02-18-026	246-335-095	NEW	02-18-026	246-335-255	NEW	02-18-026
246-331-100	REP-P	02-12-103	246-335-100	NEW-P	02-12-103	246-335-260	NEW-P	02-12-103

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-335-260	NEW	02-18-026	246-388-001	REP-P	02-13-075	246-388-300	REP-P	02-13-075
246-335-265	NEW-P	02-12-103	246-388-001	REP	02-17-001	246-388-300	REP	02-17-001
246-335-265	NEW	02-18-026	246-388-010	REP-P	02-13-075	246-388-310	REP-P	02-13-075
246-335-270	NEW-P	02-12-103	246-388-010	REP	02-17-001	246-388-310	REP	02-17-001
246-335-270	NEW	02-18-026	246-388-020	REP-P	02-13-075	246-388-320	REP-P	02-13-075
246-335-275	NEW-P	02-12-103	246-388-020	REP	02-17-001	246-388-320	REP	02-17-001
246-335-275	NEW	02-18-026	246-388-030	REP-P	02-13-075	246-388-330	REP-P	02-13-075
246-335-280	NEW-P	02-12-103	246-388-030	REP	02-17-001	246-388-330	REP	02-17-001
246-335-280	NEW	02-18-026	246-388-040	REP-P	02-13-075	246-388-340	REP-P	02-13-075
246-335-285	NEW-P	02-12-103	246-388-040	REP	02-17-001	246-388-340	REP	02-17-001
246-335-285	NEW	02-18-026	246-388-050	REP-P	02-13-075	246-388-350	REP-P	02-13-075
246-335-290	NEW-P	02-12-103	246-388-050	REP	02-17-001	246-388-350	REP	02-17-001
246-335-290	NEW	02-18-026	246-388-060	REP-P	02-13-075	246-388-360	REP-P	02-13-075
246-335-295	NEW-P	02-12-103	246-388-060	REP	02-17-001	246-388-360	REP	02-17-001
246-335-295	NEW	02-18-026	246-388-070	REP-P	02-13-075	246-388-370	REP-P	02-13-075
246-335-990	NEW-P	02-12-103	246-388-070	REP	02-17-001	246-388-370	REP	02-17-001
246-335-990	NEW	02-18-026	246-388-072	REP-P	02-13-075	246-388-380	REP-P	02-13-075
246-336-010	REP-P	02-12-103	246-388-072	REP	02-17-001	246-388-380	REP	02-17-001
246-336-010	REP	02-18-026	246-388-080	REP-P	02-13-075	246-388-390	REP-P	02-13-075
246-336-025	REP-P	02-12-103	246-388-080	REP	02-17-001	246-388-390	REP	02-17-001
246-336-025	REP	02-18-026	246-388-090	REP-P	02-13-075	246-388-400	REP-P	02-13-075
246-336-030	REP-P	02-12-103	246-388-090	REP	02-17-001	246-388-400	REP	02-17-001
246-336-030	REP	02-18-026	246-388-100	REP-P	02-13-075	246-388-410	REP-P	02-13-075
246-336-035	REP-P	02-12-103	246-388-100	REP	02-17-001	246-388-410	REP	02-17-001
246-336-035	REP	02-18-026	246-388-110	REP-P	02-13-075	246-388-420	REP-P	02-13-075
246-336-065	REP-P	02-12-103	246-388-110	REP	02-17-001	246-388-420	REP	02-17-001
246-336-065	REP	02-18-026	246-388-120	REP-P	02-13-075	246-388-430	REP-P	02-13-075
246-336-077	REP-P	02-12-103	246-388-120	REP	02-17-001	246-388-430	REP	02-17-001
246-336-077	REP	02-18-026	246-388-130	REP-P	02-13-075	246-388-440	REP-P	02-13-075
246-336-085	REP-P	02-12-103	246-388-130	REP	02-17-001	246-388-440	REP	02-17-001
246-336-085	REP	02-18-026	246-388-140	REP-P	02-13-075	246-388-450	REP-P	02-13-075
246-336-095	REP-P	02-12-103	246-388-140	REP	02-17-001	246-388-450	REP	02-17-001
246-336-095	REP	02-18-026	246-388-150	REP-P	02-13-075	246-388-990	REP-P	02-13-075
246-336-100	REP-P	02-12-103	246-388-150	REP	02-17-001	246-388-990	REP	02-17-001
246-336-100	REP	02-18-026	246-388-160	REP-P	02-13-075	246-455	PREP	02-18-114
246-336-105	REP-P	02-12-103	246-388-160	REP	02-17-001	246-491-001	NEW-P	02-16-100
246-336-105	REP	02-18-026	246-388-170	REP-P	02-13-075	246-491-001	NEW	02-20-092
246-336-115	REP-P	02-12-103	246-388-170	REP	02-17-001	246-491-010	NEW-P	02-16-100
246-336-115	REP	02-18-026	246-388-180	REP-P	02-13-075	246-491-010	NEW	02-20-092
246-336-125	REP-P	02-12-103	246-388-180	REP	02-17-001	246-491-029	AMD-P	02-16-100
246-336-125	REP	02-18-026	246-388-190	REP-P	02-13-075	246-491-029	AMD	02-20-092
246-336-135	REP-P	02-12-103	246-388-190	REP	02-17-001	246-491-039	AMD-P	02-16-100
246-336-135	REP	02-18-026	246-388-200	REP-P	02-13-075	246-491-039	AMD	02-20-092
246-336-165	REP-P	02-12-103	246-388-200	REP	02-17-001	246-491-149	AMD-P	02-16-100
246-336-165	REP	02-18-026	246-388-210	REP-P	02-13-075	246-491-149	AMD	02-20-092
246-336-990	REP-P	02-12-103	246-388-210	REP	02-17-001	246-562-080	PREP	02-12-100
246-336-990	REP	02-18-026	246-388-220	REP-P	02-13-075	246-562-080	AMD-P	02-15-161
246-338-020	PREP	02-03-138	246-388-220	REP	02-17-001	246-562-080	AMD	02-19-084
246-338-020	AMD-P	02-09-026	246-388-230	REP-P	02-13-075	246-562-160	AMD-P	02-15-161
246-338-020	AMD	02-12-105	246-388-230	REP	02-17-001	246-562-160	AMD	02-19-084
246-338-990	PREP	02-03-138	246-388-240	REP-P	02-13-075	246-650	PREP	02-03-136
246-338-990	AMD-P	02-09-026	246-388-240	REP	02-17-001	246-650	PREP-W	02-04-024
246-338-990	AMD	02-12-105	246-388-250	REP-P	02-13-075	246-680-001	AMD-P	02-22-078
246-360-990	AMD-P	02-12-104	246-388-250	REP	02-17-001	246-680-010	AMD-P	02-22-078
246-360-990	AMD	02-18-115	246-388-260	REP-P	02-13-075	246-680-020	AMD-P	02-22-078
246-361-010	AMD-X	02-17-054	246-388-260	REP	02-17-001	246-760-001	AMD-P	02-15-163
246-361-010	AMD	02-23-071	246-388-270	REP-P	02-13-075	246-760-001	AMD	02-20-079
246-361-025	AMD-X	02-17-054	246-388-270	REP	02-17-001	246-760-020	AMD-P	02-15-163
246-361-025	AMD	02-23-071	246-388-280	REP-P	02-13-075	246-760-020	AMD	02-20-079
246-380-990	AMD-P	02-13-059	246-388-280	REP	02-17-001	246-760-030	AMD-P	02-15-163
246-380-990	AMD	02-20-040	246-388-290	REP-P	02-13-075	246-760-030	AMD	02-20-079
246-388	PREP	02-08-017	246-388-290	REP	02-17-001	246-760-040	AMD-P	02-15-163

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246-760-040	AMD	02-20-079	246-810-320	REP	02-09-041	246-826-301	NEW	02-06-115
246-760-050	AMD-P	02-15-163	246-810-321	REP	02-09-041	246-826-302	NEW	02-06-115
246-760-050	AMD	02-20-079	246-810-332	REP	02-09-041	246-826-303	NEW	02-06-115
246-760-060	AMD-P	02-15-163	246-810-340	REP	02-09-041	246-828	PREP-W	02-11-105
246-760-060	AMD	02-20-079	246-810-520	REP	02-09-041	246-828-080	PREP-W	02-11-105
246-760-070	AMD-P	02-15-163	246-810-521	REP	02-09-041	246-828-090	PREP-W	02-11-105
246-760-070	AMD	02-20-079	246-810-532	REP	02-09-041	246-828-100	PREP-W	02-11-105
246-760-080	AMD-P	02-15-163	246-810-540	REP	02-09-041	246-828-290	AMD	02-14-052
246-760-080	AMD	02-20-079	246-810-600	REP	02-11-108	246-828-320	PREP-W	02-11-105
246-760-090	AMD-P	02-15-163	246-810-610	REP	02-11-108	246-830-005	AMD-P	03-01-111
246-760-090	AMD	02-20-079	246-810-620	REP	02-11-108	246-830-435	NEW-P	03-01-111
246-760-100	AMD-P	02-15-163	246-810-630	REP	02-11-108	246-834	PREP	02-17-052
246-760-100	AMD	02-20-079	246-810-640	REP	02-11-108	246-834-250	PREP	02-17-053
246-762-001	AMD-P	02-15-162	246-810-650	REP	02-11-108	246-840-020	PREP	02-04-033
246-762-001	AMD	02-20-076	246-810-660	REP	02-11-108	246-840-030	PREP	02-04-033
246-762-010	AMD-P	02-15-162	246-810-720	REP	02-09-041	246-840-040	PREP	02-04-033
246-762-010	AMD	02-20-076	246-810-721	REP	02-09-041	246-840-050	PREP	02-04-033
246-762-020	AMD-P	02-15-162	246-810-732	REP	02-09-041	246-840-060	PREP	02-04-033
246-762-020	AMD	02-20-076	246-810-740	REP	02-09-041	246-840-070	PREP	02-04-033
246-762-030	AMD-P	02-15-162	246-811	PREP-W	02-11-105	246-840-080	PREP	02-04-031
246-762-030	AMD	02-20-076	246-811-081	NEW	02-07-083	246-840-090	PREP	02-04-031
246-762-040	AMD-P	02-15-162	246-811-082	NEW	02-07-083	246-840-311	NEW-P	02-14-048
246-762-040	AMD	02-20-076	246-811-200	NEW	02-07-084	246-840-311	NEW	02-20-077
246-762-050	AMD-P	02-15-162	246-811-210	NEW	02-07-084	246-840-700	AMD	02-06-117
246-762-050	AMD	02-20-076	246-811-220	NEW	02-07-084	246-840-705	AMD	02-06-117
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246-808-320	REP-W	02-11-105	246-815-100	PREP	02-19-083	246-851-310	AMD-C	02-04-090
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284- 18A-920	NEW	02-21-123	296- 05-007	AMD-X	02-04-004	296- 17-90120	REP-P	02-19-101
284- 18A-930	NEW-P	02-16-092	296- 05-007	AMD	02-10-083	296- 17-90120	REP-S	02-20-046
284- 18A-930	NEW	02-21-123	296- 05-300	AMD-X	02-04-004	296- 17-90120	REP	02-24-029
284- 18A-940	NEW-P	02-16-092	296- 05-300	AMD	02-10-083	296- 17-90130	REP-P	02-19-101
284- 18A-940	NEW	02-21-123	296- 05-316	AMD-X	02-04-004	296- 17-90130	REP-S	02-20-046
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284- 18A-950	NEW	02-21-123	296- 05-402	AMD-X	02-04-004	296- 17-90140	REP-P	02-19-101
284- 18A-960	NEW-P	02-16-092	296- 05-402	AMD	02-10-083	296- 17-90140	REP-S	02-20-046
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284- 24A-070	NEW-P	02-14-155	296- 17-875	AMD-S	02-20-046	296- 17-90414	NEW	02-23-089
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284- 91-040	REP-P	02-23-091	296- 17-895	AMD	02-24-029	296- 17-90427	REP-P	02-17-105
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296-17-90433	REP-P	02-17-105	296-17-90496	AMD-P	02-19-101	296-23-185	REP-X	02-14-149
296-17-90433	REP	02-23-089	296-17-90496	AMD-S	02-20-046	296-23-185	REP	02-21-108
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296-17-90434	REP	02-23-089	296-17-90497	AMD-P	02-19-101	296-23-220	AMD	02-10-129
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296-17-90438	NEW	02-23-089	296-19A-010	AMD-P	02-21-102	296-24	PREP	02-04-107
296-17-90439	REP-P	02-17-105	296-19A-020	AMD-P	02-21-102	296-24	PREP	02-04-108
296-17-90439	REP	02-23-089	296-19A-025	NEW-P	02-21-102	296-24	PREP	02-09-091
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296-17-90440	NEW	02-23-089	296-19A-040	AMD-P	02-21-102	296-24-012	AMD	02-12-098
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296-17-90446	NEW	02-23-089	296-19A-110	AMD-P	02-21-102	296-24-125	REP	02-23-073
296-17-90447	AMD-P	02-17-105	296-19A-125	NEW-P	02-21-102	296-24-12501	REP-X	02-17-107
296-17-90447	AMD	02-23-089	296-19A-130	AMD-P	02-21-102	296-24-12501	REP	02-23-073
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296-24-14509	REP	02-22-027	296-24-66309	REP-P	02-24-056	296-401B	PREP	02-04-106
296-24-14511	REP-P	02-13-118	296-24-66311	REP-P	02-24-056	296-401B	PREP	02-15-167
296-24-14511	REP	02-22-027	296-24-66313	REP-P	02-24-056	296-402A	PREP	02-15-167
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296-24-14513	REP	02-22-027	296-24-66317	REP-P	02-24-056	296-45	AMD-W	02-15-132
296-24-14515	REP-P	02-13-118	296-24-66319	REP-P	02-24-056	296-45-52530	AMD-P	02-05-080
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296-24-14517	REP	02-22-027	296-24-66501	REP-P	02-24-056	296-46A	PREP	02-15-167
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296-24-40503	REP	02-15-102	296-24-67513	AMD	02-12-098	296-52-409	REP	02-03-125
296-24-40505	REP-P	02-07-100	296-24-67515	AMD-X	02-05-077	296-52-413	REP	02-03-125
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296-24-40509	REP-P	02-07-100	296-27-01113	AMD-X	02-17-104	296-52-423	REP	02-03-125
296-24-40509	REP	02-15-102	296-27-01113	AMD	02-22-029	296-52-425	REP	02-03-125
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296-24-40513	REP-P	02-07-100	296-27-01119	AMD-X	02-17-104	296-52-437	REP	02-03-125
296-24-40513	REP	02-15-102	296-27-01119	AMD	02-22-029	296-52-441	REP	02-03-125
296-24-40515	REP-P	02-07-100	296-28-001	REP-P	02-07-101	296-52-445	REP	02-03-125
296-24-40515	REP	02-15-102	296-28-001	REP	02-17-106	296-52-449	REP	02-03-125
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296-24-51009	AMD	02-12-098	296-28-005	REP	02-17-106	296-52-457	REP	02-03-125
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296-24-51011	AMD	02-12-098	296-28-010	REP	02-17-106	296-52-465	REP	02-03-125
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296-24-51015	AMD	02-12-098	296-28-015	REP	02-17-106	296-52-477	REP	02-03-125
296-24-60205	AMD-X	02-05-077	296-28-020	REP-P	02-07-101	296-52-481	REP	02-03-125
296-24-60205	AMD	02-12-098	296-28-020	REP	02-17-106	296-52-485	REP	02-03-125
296-24-63499	AMD-X	02-05-077	296-28-025	REP-P	02-07-101	296-52-487	REP	02-03-125
296-24-63499	AMD	02-12-098	296-28-025	REP	02-17-106	296-52-489	REP	02-03-125
296-24-650	REP-P	02-24-056	296-28-030	REP-P	02-07-101	296-52-493	REP	02-03-125
296-24-65003	REP-P	02-24-056	296-28-030	REP	02-17-106	296-52-497	REP	02-03-125
296-24-65005	REP-P	02-24-056	296-28-035	REP-P	02-07-101	296-52-501	REP	02-03-125
296-24-65007	REP-P	02-24-056	296-28-035	REP	02-17-106	296-52-505	REP	02-03-125
296-24-655	REP-P	02-24-056	296-28-040	REP-P	02-07-101	296-52-509	REP	02-03-125
296-24-65501	REP-P	02-24-056	296-28-040	REP	02-17-106	296-52-510	REP	02-03-125
296-24-657	REP-P	02-24-056	296-28-045	REP-P	02-07-101	296-52-550	REP	02-03-125
296-24-65701	REP-P	02-24-056	296-28-045	REP	02-17-106	296-52-552	REP	02-03-125
296-24-65703	REP-P	02-24-056	296-28-050	REP-P	02-07-101	296-52-555	REP	02-03-125
296-24-660	REP-P	02-24-056	296-28-050	REP	02-17-106	296-52-600	NEW-W	02-06-102
296-24-66001	REP-P	02-24-056	296-30	PREP	02-18-092	296-52-60005	NEW	02-03-125
296-24-66003	REP-P	02-24-056	296-32	AMD-S	02-10-025	296-52-60010	NEW	02-03-125
296-24-66005	REP-P	02-24-056	296-32	AMD-W	02-15-132	296-52-60015	NEW	02-03-125
296-24-66007	REP-P	02-24-056	296-32-240	AMD-P	02-05-080	296-52-60020	NEW	02-03-125
296-24-66009	REP-P	02-24-056	296-32-240	AMD-W	02-15-132	296-52-60020	AMD-X	02-15-165
296-24-66011	REP-P	02-24-056	296-32-250	AMD-X	02-05-077	296-52-60020	AMD-W	02-22-006
296-24-663	REP-P	02-24-056	296-32-250	AMD	02-12-098	296-52-60020	AMD-X	02-23-076
296-24-66301	REP-P	02-24-056	296-32-280	AMD-X	02-05-077	296-52-60025	NEW-W	02-06-102
296-24-66303	REP-P	02-24-056	296-32-280	AMD	02-12-098	296-52-60030	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 52-60035	NEW	02-03-125	296- 52-64080	NEW	02-03-125	296- 52-67160	AMD-X	02-23-076
296- 52-60040	NEW-W	02-06-102	296- 52-64085	NEW	02-03-125	296- 52-67165	NEW	02-03-125
296- 52-60045	NEW	02-03-125	296- 52-64090	NEW	02-03-125	296- 52-67170	NEW	02-03-125
296- 52-60050	NEW	02-03-125	296- 52-64095	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102
296- 52-60055	NEW	02-03-125	296- 52-64100	NEW	02-03-125	296- 52-67180	NEW	02-03-125
296- 52-60060	NEW	02-03-125	296- 52-650	NEW	02-03-125	296- 52-67185	NEW	02-03-125
296- 52-60065	NEW	02-03-125	296- 52-65005	NEW	02-03-125	296- 52-67190	NEW	02-03-125
296- 52-60070	NEW-W	02-06-102	296- 52-65010	NEW	02-03-125	296- 52-67195	NEW	02-03-125
296- 52-60075	NEW	02-03-125	296- 52-65015	NEW	02-03-125	296- 52-67200	NEW	02-03-125
296- 52-60080	NEW	02-03-125	296- 52-65020	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102
296- 52-60085	NEW	02-03-125	296- 52-65025	NEW	02-03-125	296- 52-67210	NEW	02-03-125
296- 52-60090	NEW	02-03-125	296- 52-65030	NEW	02-03-125	296- 52-67215	NEW	02-03-125
296- 52-60095	NEW	02-03-125	296- 52-660	NEW	02-03-125	296- 52-67220	NEW	02-03-125
296- 52-60100	NEW	02-03-125	296- 52-66005	NEW	02-03-125	296- 52-67225	NEW	02-03-125
296- 52-60105	NEW	02-03-125	296- 52-66010	NEW	02-03-125	296- 52-67230	NEW	02-03-125
296- 52-60110	NEW-W	02-06-102	296- 52-66015	NEW	02-03-125	296- 52-67235	NEW	02-03-125
296- 52-60115	NEW	02-03-125	296- 52-66020	NEW	02-03-125	296- 52-67240	NEW	02-03-125
296- 52-60120	NEW	02-03-125	296- 52-66025	NEW-W	02-06-102	296- 52-67245	NEW	02-03-125
296- 52-60125	NEW	02-03-125	296- 52-66030	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102
296- 52-60130	NEW	02-03-125	296- 52-66035	NEW	02-03-125	296- 52-68005	NEW-W	02-06-102
296- 52-60130	AMD-X	02-15-165	296- 52-66040	NEW	02-03-125	296- 52-68010	NEW	02-03-125
296- 52-60130	AMD-W	02-22-006	296- 52-66045	NEW	02-03-125	296- 52-68015	NEW	02-03-125
296- 52-60130	AMD-X	02-23-076	296- 52-66050	NEW	02-03-125	296- 52-68020	NEW	02-03-125
296- 52-61005	NEW	02-03-125	296- 52-66055	NEW	02-03-125	296- 52-68025	NEW	02-03-125
296- 52-61010	NEW	02-03-125	296- 52-66060	NEW	02-03-125	296- 52-68030	NEW	02-03-125
296- 52-61015	NEW	02-03-125	296- 52-67005	NEW-W	02-06-102	296- 52-68035	NEW-W	02-06-102
296- 52-61020	NEW	02-03-125	296- 52-67010	NEW	02-03-125	296- 52-68040	NEW	02-03-125
296- 52-61025	NEW	02-03-125	296- 52-67015	NEW-W	02-06-102	296- 52-68045	NEW	02-03-125
296- 52-61030	NEW	02-03-125	296- 52-67020	NEW	02-03-125	296- 52-68050	NEW	02-03-125
296- 52-61035	NEW	02-03-125	296- 52-67025	NEW	02-03-125	296- 52-68055	NEW	02-03-125
296- 52-61040	NEW	02-03-125	296- 52-67030	NEW	02-03-125	296- 52-68060	NEW	02-03-125
296- 52-61045	NEW	02-03-125	296- 52-67035	NEW	02-03-125	296- 52-68060	AMD-X	02-15-165
296- 52-61050	NEW	02-03-125	296- 52-67040	NEW	02-03-125	296- 52-68060	AMD-W	02-22-006
296- 52-62005	NEW	02-03-125	296- 52-67045	NEW	02-03-125	296- 52-68060	AMD-X	02-23-076
296- 52-62010	NEW	02-03-125	296- 52-67050	NEW	02-03-125	296- 52-68065	NEW	02-03-125
296- 52-62020	NEW-W	02-06-102	296- 52-67055	NEW	02-03-125	296- 52-68070	NEW-W	02-06-102
296- 52-62025	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-68075	NEW	02-03-125
296- 52-62030	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-68080	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67065	AMD-X	02-15-165	296- 52-68085	NEW	02-03-125
296- 52-62040	NEW	02-03-125	296- 52-67065	AMD-W	02-22-006	296- 52-69005	NEW	02-03-125
296- 52-62045	NEW	02-03-125	296- 52-67065	AMD-X	02-23-076	296- 52-69010	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69010	AMD-X	02-15-165
296- 52-63010	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69010	AMD-W	02-22-006
296- 52-63015	NEW-W	02-06-102	296- 52-67080	NEW	02-03-125	296- 52-69010	AMD-X	02-23-076
296- 52-63020	NEW	02-03-125	296- 52-67085	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-63025	NEW	02-03-125	296- 52-67090	NEW	02-03-125	296- 52-69015	AMD-X	02-15-165
296- 52-63030	NEW	02-03-125	296- 52-67095	NEW	02-03-125	296- 52-69015	AMD-W	02-22-006
296- 52-64005	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69015	AMD-X	02-23-076
296- 52-64010	NEW-W	02-06-102	296- 52-67105	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-64015	NEW-W	02-06-102	296- 52-67110	NEW	02-03-125	296- 52-69025	NEW	02-03-125
296- 52-64020	NEW	02-03-125	296- 52-67115	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-64025	NEW-W	02-06-102	296- 52-67120	NEW-W	02-06-102	296- 52-69035	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67125	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67130	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-64040	NEW	02-03-125	296- 52-67135	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-64045	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69055	NEW	02-03-125
296- 52-64050	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-64055	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69065	NEW	02-03-125
296- 52-64060	NEW-W	02-06-102	296- 52-67155	NEW-W	02-06-102	296- 52-69070	NEW	02-03-125
296- 52-64065	NEW	02-03-125	296- 52-67160	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-64070	NEW-W	02-06-102	296- 52-67160	AMD-X	02-15-165	296- 52-69080	NEW	02-03-125
296- 52-64075	NEW	02-03-125	296- 52-67160	AMD-W	02-22-006	296- 52-69085	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-69090	NEW	02-03-125	296-52-71060	NEW	02-03-125	296-62-14155	AMD	02-12-098
296-52-69095	NEW	02-03-125	296-52-71065	NEW	02-03-125	296-62-14171	AMD-X	02-05-077
296-52-69095	AMD-X	02-15-165	296-52-71070	NEW-W	02-06-102	296-62-14171	AMD	02-12-098
296-52-69095	AMD-W	02-22-006	296-52-71075	NEW	02-03-125	296-62-410	REP	02-11-141
296-52-69095	AMD-X	02-23-076	296-52-71080	NEW	02-03-125	296-62-41001	REP	02-11-141
296-52-69100	NEW-W	02-06-102	296-52-71085	NEW-W	02-06-102	296-62-41003	REP	02-11-141
296-52-69105	NEW	02-03-125	296-52-71090	NEW	02-03-125	296-62-41010	REP	02-11-141
296-52-69110	NEW	02-03-125	296-52-71095	NEW	02-03-125	296-62-41011	REP	02-11-141
296-52-69115	NEW	02-03-125	296-52-71100	NEW	02-03-125	296-62-41013	REP	02-11-141
296-52-69120	NEW	02-03-125	296-52-71105	NEW	02-03-125	296-62-41015	REP	02-11-141
296-52-69125	NEW	02-03-125	296-52-720	NEW	02-03-125	296-62-41017	REP	02-11-141
296-52-69125	AMD-X	02-15-165	296-52-725	NEW	02-03-125	296-62-41019	REP	02-11-141
296-52-69125	AMD-W	02-22-006	296-54-51130	AMD-P	02-24-055	296-62-41020	REP	02-11-141
296-52-69125	AMD-X	02-23-076	296-56-60001	AMD-P	02-24-055	296-62-41021	REP	02-11-141
296-52-69130	NEW-X	02-15-165	296-59-090	AMD-P	02-24-055	296-62-41023	REP	02-11-141
296-52-69130	NEW-W	02-22-006	296-62	PREP	02-04-107	296-62-41025	REP	02-11-141
296-52-69130	NEW-X	02-23-076	296-62	PREP	02-10-130	296-62-41030	REP	02-11-141
296-52-700	NEW	02-03-125	296-62	PREP	02-13-114	296-62-41031	REP	02-11-141
296-52-70005	NEW	02-03-125	296-62	PREP	02-13-116	296-62-41033	REP	02-11-141
296-52-70010	NEW	02-03-125	296-62	PREP	02-20-099	296-62-41035	REP	02-11-141
296-52-70010	AMD-X	02-15-165	296-62-054	AMD-P	02-18-094	296-62-41040	REP	02-11-141
296-52-70010	AMD-W	02-22-006	296-62-054	AMD	03-01-096	296-62-41041	REP	02-11-141
296-52-70010	AMD-X	02-23-076	296-62-055	NEW-P	02-18-094	296-62-41042	REP	02-11-141
296-52-70015	NEW	02-03-125	296-62-055	NEW	03-01-096	296-62-41043	REP	02-11-141
296-52-70020	NEW	02-03-125	296-62-05510	NEW-P	02-18-094	296-62-41044	REP	02-11-141
296-52-70025	NEW	02-03-125	296-62-05510	NEW	03-01-096	296-62-41045	REP	02-11-141
296-52-70030	NEW	02-03-125	296-62-05520	NEW-P	02-18-094	296-62-41046	REP	02-11-141
296-52-70035	NEW	02-03-125	296-62-05520	NEW	03-01-096	296-62-41047	REP	02-11-141
296-52-70040	NEW	02-03-125	296-62-060	AMD-P	02-09-092	296-62-41060	REP	02-11-141
296-52-70045	NEW	02-03-125	296-62-060	AMD	02-16-047	296-62-41061	REP	02-11-141
296-52-70050	NEW	02-03-125	296-62-070	AMD-P	02-09-092	296-62-41063	REP	02-11-141
296-52-70055	NEW	02-03-125	296-62-070	AMD	02-16-047	296-62-41080	REP	02-11-141
296-52-70060	NEW	02-03-125	296-62-071	PREP	02-11-140	296-62-41081	REP	02-11-141
296-52-70065	NEW	02-03-125	296-62-07302	AMD-X	02-05-077	296-62-41082	REP	02-11-141
296-52-70070	NEW	02-03-125	296-62-07302	AMD	02-12-098	296-62-41084	REP	02-11-141
296-52-70075	NEW-W	02-06-102	296-62-07304	AMD-X	02-05-077	296-62-41085	REP	02-11-141
296-52-70080	NEW	02-03-125	296-62-07304	AMD	02-12-098	296-62-41086	REP	02-11-141
296-52-70085	NEW	02-03-125	296-62-07312	AMD-X	02-05-077	296-67-053	AMD-X	02-15-166
296-52-710	NEW	02-03-125	296-62-07312	AMD	02-12-098	296-67-053	AMD	02-20-034
296-52-710	AMD-X	02-15-165	296-62-07314	AMD-X	02-05-077	296-67-291	AMD-X	02-15-166
296-52-710	AMD-W	02-22-006	296-62-07314	AMD	02-12-098	296-67-291	AMD	02-20-034
296-52-710	AMD-X	02-23-076	296-62-07421	AMD-X	02-05-077	296-78-56501	AMD	02-03-124
296-52-71005	NEW-W	02-06-102	296-62-07421	AMD	02-12-098	296-78-56505	AMD	02-03-124
296-52-71010	NEW-W	02-06-102	296-62-07501	AMD-X	02-05-077	296-78-56505	AMD-X	02-23-075
296-52-71015	NEW	02-03-125	296-62-07501	AMD	02-12-098	296-78-71001	AMD-X	02-23-075
296-52-71020	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-78-71011	AMD-X	02-23-075
296-52-71020	AMD-X	02-15-165	296-62-07527	AMD	02-12-098	296-78-71015	AMD-P	02-07-100
296-52-71020	AMD-W	02-22-006	296-62-07540	AMD-X	02-05-077	296-78-71015	AMD	02-15-102
296-52-71020	AMD-X	02-23-076	296-62-07540	AMD	02-12-098	296-78-835	AMD-X	02-23-075
296-52-71025	NEW	02-03-125	296-62-080	AMD-P	02-09-092	296-79-140	AMD-X	02-05-077
296-52-71030	NEW-W	02-06-102	296-62-080	AMD	02-16-047	296-79-140	AMD	02-12-098
296-52-71035	NEW	02-03-125	296-62-08001	AMD-P	03-01-097	296-86A-010	REP-P	02-09-095
296-52-71040	NEW	02-03-125	296-62-09015	AMD-P	02-24-055	296-86A-010	REP	02-12-022
296-52-71040	AMD-X	02-15-165	296-62-11021	AMD-P	02-07-100	296-86A-020	REP-P	02-09-095
296-52-71040	AMD-W	02-22-006	296-62-11021	AMD	02-15-102	296-86A-020	REP	02-12-022
296-52-71040	AMD-X	02-23-076	296-62-130	AMD-P	02-09-092	296-86A-025	REP-P	02-09-095
296-52-71045	NEW	02-03-125	296-62-130	AMD	02-16-047	296-86A-025	REP	02-12-022
296-52-71045	AMD-X	02-15-165	296-62-14105	AMD-X	02-05-077	296-86A-028	REP-P	02-09-095
296-52-71045	AMD-W	02-22-006	296-62-14105	AMD	02-12-098	296-86A-028	REP	02-12-022
296-52-71045	AMD-X	02-23-076	296-62-14110	AMD-X	02-05-077	296-86A-030	REP-P	02-09-095
296-52-71050	NEW-W	02-06-102	296-62-14110	AMD	02-12-098	296-86A-030	REP	02-12-022
296-52-71055	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-86A-040	REP-P	02-09-095

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296-86A-040	REP	02-12-022	296-104-140	AMD	02-23-036	296-104-320	DECOD	02-23-036
296-86A-060	REP-P	02-09-095	296-104-145	AMD-P	02-17-120	296-104-320	RECOD	02-23-036
296-86A-060	REP	02-12-022	296-104-145	AMD	02-23-036	296-104-502	AMD-P	02-17-120
296-86A-065	REP-P	02-09-095	296-104-150	AMD-P	02-17-120	296-104-502	AMD	02-23-036
296-86A-065	REP	02-12-022	296-104-150	AMD	02-23-036	296-104-700	AMD-P	02-09-094
296-86A-070	REP-P	02-09-095	296-104-151	AMD-P	02-17-120	296-104-700	AMD	02-12-021
296-86A-070	REP	02-12-022	296-104-151	AMD	02-23-036	296-104-700	AMD-P	02-17-120
296-86A-073	REP-P	02-09-095	296-104-155	AMD-P	02-17-120	296-104-700	AMD	02-23-036
296-86A-073	REP	02-12-022	296-104-155	AMD	02-23-036	296-128-500	AMD-P	02-23-090
296-86A-074	REP-P	02-09-095	296-104-170	AMD-P	02-17-120	296-128-532	NEW-P	02-23-090
296-86A-074	REP	02-12-022	296-104-170	AMD	02-23-036	296-128-533	NEW-P	02-23-090
296-86A-075	REP-P	02-09-095	296-104-200	AMD-P	02-17-120	296-130	PREP	02-11-139
296-86A-075	REP	02-12-022	296-104-200	AMD	02-23-036	296-130-010	AMD-P	02-21-106
296-86A-080	REP-P	02-09-095	296-104-230	AMD-P	02-17-120	296-130-020	AMD-P	02-21-106
296-86A-080	REP	02-12-022	296-104-230	AMD	02-23-036	296-130-030	AMD-P	02-21-106
296-96	PREP	02-04-106	296-104-240	REP-P	02-17-120	296-130-035	AMD-P	02-21-106
296-96	PREP	02-09-090	296-104-240	REP	02-23-036	296-130-040	AMD-P	02-21-106
296-96-01010	AMD-P	02-09-095	296-104-256	DECOD-P	02-17-120	296-130-050	AMD-P	02-21-106
296-96-01010	AMD	02-12-022	296-104-256	RECOD-P	02-17-120	296-130-060	AMD-P	02-21-106
296-96-01012	NEW-P	02-09-095	296-104-256	DECOD	02-23-036	296-130-065	AMD-P	02-21-106
296-96-01012	NEW	02-12-022	296-104-256	RECOD	02-23-036	296-130-070	AMD-P	02-21-106
296-96-01015	REP-P	02-09-095	296-104-260	AMD-P	02-17-120	296-130-080	AMD-P	02-21-106
296-96-01015	REP	02-12-022	296-104-260	DECOD-P	02-17-120	296-130-100	NEW-P	02-21-106
296-96-01025	AMD-P	02-09-095	296-104-260	RECOD-P	02-17-120	296-130-500	REP-P	02-21-106
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296-96-01027	AMD-P	02-09-095	296-104-260	DECOD	02-23-036	296-150C-0800	AMD	02-12-022
296-96-01027	AMD	02-12-022	296-104-260	RECOD	02-23-036	296-150C-3000	AMD-P	02-09-095
296-96-01030	AMD-P	02-09-095	296-104-265	DECOD-P	02-17-120	296-150C-3000	AMD	02-12-022
296-96-01030	AMD	02-12-022	296-104-265	RECOD-P	02-17-120	296-150F-3000	AMD-E	02-14-073
296-96-01035	AMD-P	02-09-095	296-104-265	DECOD	02-23-036	296-150F-3000	AMD-E	02-21-109
296-96-01035	AMD	02-12-022	296-104-265	RECOD	02-23-036	296-150M-0020	AMD	02-03-048
296-96-01040	AMD-P	02-09-095	296-104-270	AMD-P	02-17-120	296-150M-0020	AMD-E	02-14-073
296-96-01040	AMD	02-12-022	296-104-270	DECOD-P	02-17-120	296-150M-0020	AMD-E	02-21-109
296-96-01045	AMD-P	02-09-095	296-104-270	RECOD-P	02-17-120	296-150M-0049	NEW	02-03-048
296-96-01045	AMD	02-12-022	296-104-270	DECOD	02-23-036	296-150M-0049	AMD-E	02-14-073
296-96-01050	AMD-P	02-09-095	296-104-271	NEW	02-23-036	296-150M-0049	AMD-E	02-21-109
296-96-01050	AMD	02-12-022	296-104-273	AMD-P	02-17-120	296-150M-0050	AMD-E	02-14-073
296-96-01055	AMD-P	02-09-095	296-104-273	DECOD-P	02-17-120	296-150M-0050	AMD-E	02-21-109
296-96-01055	AMD	02-12-022	296-104-273	RECOD-P	02-17-120	296-150M-0051	NEW-E	02-14-073
296-96-01060	AMD-P	02-09-095	296-104-273	AMD	02-23-036	296-150M-0051	NEW-E	02-21-109
296-96-01060	AMD	02-12-022	296-104-273	DECOD	02-23-036	296-150M-0140	AMD	02-03-048
296-96-01065	AMD-P	02-09-095	296-104-273	RECOD	02-23-036	296-150M-0302	NEW	02-03-048
296-96-01065	AMD	02-12-022	296-104-295	RECOD	02-23-036	296-150M-0304	NEW-W	02-09-070
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296-104	PREP	02-08-090	296-104-300	RECOD-P	02-17-120	296-150M-0320	AMD-E	02-21-109
296-104-010	AMD-P	02-17-120	296-104-300	DECOD	02-23-036	296-150M-0322	NEW-E	02-14-073
296-104-010	AMD	02-23-036	296-104-300	RECOD	02-23-036	296-150M-0322	NEW-E	02-21-109
296-104-020	AMD-P	02-17-120	296-104-305	DECOD-P	02-17-120	296-150M-3000	AMD-E	02-14-073
296-104-020	AMD	02-23-036	296-104-305	RECOD-P	02-17-120	296-150M-3000	AMD-E	02-21-109
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296-104-021	NEW	02-23-036	296-104-307	DECOD-P	02-17-120	296-150P-3000	AMD	02-12-022
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296-104-050	AMD	02-23-036	296-104-307	DECOD	02-23-036	296-150R-3000	AMD	02-12-022
296-104-055	AMD-P	02-09-094	296-104-307	RECOD	02-23-036	296-150T-3000	AMD-P	02-09-095
296-104-055	AMD	02-12-021	296-104-310	DECOD-P	02-17-120	296-150T-3000	AMD	02-12-022
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296-104-060	AMD	02-12-021	296-104-310	DECOD	02-23-036	296-150V-0800	AMD	02-12-022
296-104-060	AMD-P	02-17-120	296-104-310	RECOD	02-23-036	296-150V-3000	AMD-P	02-09-095
296-104-060	AMD	02-23-036	296-104-316	RECOD-P	02-17-120	296-150V-3000	AMD	02-12-022
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296-155-145	AMD-P	02-24-055	296-155-706	NEW-P	02-06-114	296-304-10007	AMD-X	02-21-107
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296-155-165	AMD-W	02-15-132	296-155-707	NEW-P	02-06-114	296-305	PREP	02-20-099
296-155-200	AMD-P	02-05-080	296-155-707	NEW	02-13-115	296-305-01515	AMD-P	03-01-097
296-155-200	AMD-W	02-15-132	296-155-708	NEW-P	02-06-114	296-305-02005	AMD-P	02-24-055
296-155-210	AMD-P	02-24-055	296-155-708	NEW	02-13-115	296-305-02501	AMD-P	03-01-097
296-155-24525	AMD-X	02-05-077	296-155-709	NEW-P	02-06-114	296-305-04001	AMD-X	02-05-077
296-155-24525	AMD	02-12-098	296-155-709	NEW	02-13-115	296-305-04001	AMD	02-12-098
296-155-300	AMD-X	02-23-074	296-155-710	REP-P	02-06-114	296-305-05003	AMD-X	02-05-077
296-155-305	AMD-X	02-23-074	296-155-710	REP	02-13-115	296-305-05003	AMD	02-12-098
296-155-310	AMD-X	02-23-074	296-155-711	NEW-P	02-06-114	296-305-05011	AMD-X	02-15-166
296-155-315	AMD-X	02-23-074	296-155-711	NEW	02-13-115	296-305-05011	AMD	02-20-034
296-155-441	AMD-X	02-05-077	296-155-714	NEW-P	02-06-114	296-305-05503	AMD-P	02-24-055
296-155-441	AMD	02-12-098	296-155-714	NEW	02-13-115	296-307	PREP	02-04-107
296-155-525	AMD-X	02-05-077	296-155-715	REP-P	02-06-114	296-307	PREP	02-20-099
296-155-525	AMD	02-12-098	296-155-715	REP	02-13-115	296-307-039	AMD-X	02-05-077
296-155-530	AMD-X	02-05-077	296-155-716	NEW-P	02-06-114	296-307-039	AMD	02-12-098
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296-155-601	NEW-P	02-05-080	296-155-717	NEW-P	02-06-114	296-307-08009	AMD	02-12-098
296-155-601	NEW-W	02-15-132	296-155-717	NEW	02-13-115	296-307-14520	PREP	02-07-103
296-155-602	NEW-P	02-05-080	296-155-720	REP-P	02-06-114	296-307-16303	AMD-X	02-17-109
296-155-602	NEW-W	02-15-132	296-155-720	REP	02-13-115	296-307-16303	AMD	02-23-072
296-155-603	NEW-P	02-05-080	296-155-72401	NEW-P	02-06-114	296-307-16310	AMD-X	02-17-109
296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115	296-307-16310	AMD	02-23-072
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296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115	296-307-45210	NEW	02-11-141
296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114	296-307-45220	NEW	02-11-141
296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115	296-307-45230	NEW	02-11-141
296-155-606	NEW-P	02-05-080	296-155-72404	NEW-P	02-06-114	296-307-45240	NEW	02-11-141
296-155-606	NEW-W	02-15-132	296-155-72404	NEW-W	02-13-115	296-307-45400	NEW	02-11-141
296-155-607	NEW-P	02-05-080	296-155-72405	NEW-P	02-06-114	296-307-45410	NEW	02-11-141
296-155-607	NEW-W	02-15-132	296-155-72405	NEW-W	02-13-115	296-307-45420	NEW	02-11-141
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296-155-608	NEW-W	02-15-132	296-155-72406	NEW-W	02-13-115	296-307-45440	NEW	02-11-141
296-155-609	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077	296-307-45450	NEW	02-11-141
296-155-609	NEW-W	02-15-132	296-155-960	AMD	02-12-098	296-307-45600	NEW	02-11-141
296-155-610	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095	296-307-45610	NEW	02-11-141
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296-155-611	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095	296-307-45800	NEW	02-11-141
296-155-611	NEW-W	02-15-132	296-200A-900	AMD	02-12-022	296-307-46000	NEW	02-11-141
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296-155-612	NEW-W	02-15-132	296-304-01003	AMD-X	02-21-107	296-400A	AMD-P	02-09-096
296-155-615	AMD-P	02-05-080	296-304-02007	AMD-X	02-21-107	296-400A	AMD	02-14-074
296-155-615	AMD-W	02-15-132	296-304-02009	AMD-X	02-21-107	296-400A-005	AMD-P	02-09-096
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296-155-655	AMD-W	02-15-132	296-304-04001	AMD-X	02-21-107	296-400A-020	AMD-P	02-09-096
296-155-66405	AMD-X	02-05-077	296-304-05001	AMD-X	02-21-107	296-400A-020	AMD	02-14-074
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296-155-703	NEW	02-13-115	296-304-09009	AMD-P	02-24-055	296-400A-045	AMD-P	02-09-096
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296-400A-100	AMD	02-14-074	296-403A-130	NEW	02-21-103	296-800-16070	AMD-P	02-09-092
296-400A-120	AMD-P	02-09-096	296-403A-140	NEW-P	02-09-097	296-800-16070	AMD	02-16-047
296-400A-120	AMD	02-14-074	296-403A-140	NEW	02-21-103	296-800-170	AMD-P	02-09-092
296-400A-121	AMD-P	02-09-096	296-403A-150	NEW-P	02-09-097	296-800-170	AMD	02-16-047
296-400A-121	AMD	02-14-074	296-403A-150	NEW	02-21-103	296-800-17020	AMD-P	02-09-092
296-400A-122	NEW-P	02-09-096	296-403A-160	NEW-P	02-09-097	296-800-17020	AMD	02-16-047
296-400A-122	NEW	02-14-074	296-403A-160	NEW	02-21-103	296-800-17025	AMD-P	02-09-092
296-400A-130	AMD-P	02-09-096	296-403A-170	NEW-P	02-09-097	296-800-17025	AMD	02-16-047
296-400A-130	AMD	02-14-074	296-403A-170	NEW	02-21-103	296-800-17030	AMD-P	02-09-092
296-400A-140	AMD-P	02-09-096	296-403A-180	NEW-P	02-09-097	296-800-17030	AMD	02-16-047
296-400A-140	AMD	02-14-074	296-403A-180	NEW	02-21-103	296-800-18010	AMD-P	02-09-092
296-400A-430	NEW-P	02-09-096	296-403A-190	NEW-P	02-09-097	296-800-18010	AMD	02-16-047
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296-401B-340	AMD	02-21-104	296-403A-195	NEW	02-21-103	296-800-20005	AMD-P	02-09-092
296-401B-700	AMD-P	02-09-095	296-403A-200	NEW-P	02-09-097	296-800-20005	AMD	02-16-047
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296-402A-040	AMD-P	02-09-097	296-403A-210	NEW-P	02-09-097	296-800-23010	AMD	02-16-047
296-402A-040	AMD	02-21-103	296-403A-210	NEW	02-21-103	296-800-23020	AMD-P	02-09-092
296-402A-410	AMD-P	02-09-097	296-403A-220	NEW-P	02-09-097	296-800-23020	AMD	02-16-047
296-402A-410	AMD	02-21-103	296-403A-220	NEW	02-21-103	296-800-25015	AMD-P	02-09-092
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296-403-010	REP	02-21-103	296-403A-240	NEW	02-21-103	296-800-28045	AMD-P	02-09-092
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296-403-020	REP	02-21-103	296-800	PREP	02-20-099	296-800-32025	AMD-P	02-09-092
296-403-030	REP-P	02-09-097	296-800-110	AMD-P	02-09-092	296-800-32025	AMD	02-16-047
296-403-030	REP	02-21-103	296-800-110	AMD	02-16-047	296-800-35030	AMD-P	02-09-092
296-403-040	REP-P	02-09-097	296-800-11040	NEW-P	02-09-092	296-800-35030	AMD	02-16-047
296-403-040	REP	02-21-103	296-800-11040	NEW	02-16-047	296-800-35040	AMD-P	02-09-092
296-403-050	REP-P	02-09-097	296-800-11045	NEW-P	02-09-092	296-800-35040	AMD	02-16-047
296-403-050	REP	02-21-103	296-800-11045	NEW	02-16-047	296-800-35056	AMD-P	02-09-092
296-403-060	REP-P	02-09-097	296-800-130	AMD-P	02-09-092	296-800-35056	AMD	02-16-047
296-403-060	REP	02-21-103	296-800-130	AMD	02-16-047	296-800-35076	AMD-P	02-09-092
296-403-070	REP-P	02-09-097	296-800-13005	REP-P	02-09-092	296-800-35076	AMD	02-16-047
296-403-070	REP	02-21-103	296-800-13005	REP	02-16-047	296-800-370	AMD-P	02-09-092
296-403-080	REP-P	02-09-097	296-800-13010	REP-P	02-09-092	296-800-370	AMD	02-16-047
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296-403-090	REP-P	02-09-097	296-800-13015	REP-P	02-09-092	296-807-110	NEW-P	02-24-056
296-403-090	REP	02-21-103	296-800-13015	REP	02-16-047	296-807-11005	NEW-P	02-24-056
296-403-100	REP-P	02-09-097	296-800-13020	NEW-P	02-09-092	296-807-120	NEW-P	02-24-056
296-403-100	REP	02-21-103	296-800-13020	NEW	02-16-047	296-807-12005	NEW-P	02-24-056
296-403-110	REP-P	02-09-097	296-800-13025	NEW-P	02-09-092	296-807-130	NEW-P	02-24-056
296-403-110	REP	02-21-103	296-800-13025	NEW	02-16-047	296-807-13005	NEW-P	02-24-056
296-403-120	REP-P	02-09-097	296-800-13030	NEW-P	02-09-092	296-807-140	NEW-P	02-24-056
296-403-120	REP	02-21-103	296-800-13030	NEW-W	02-22-034	296-807-14005	NEW-P	02-24-056
296-403-130	REP-P	02-09-097	296-800-13035	NEW-P	02-09-092	296-807-14010	NEW-P	02-24-056
296-403-130	REP	02-21-103	296-800-13035	NEW-W	02-22-034	296-807-14015	NEW-P	02-24-056
296-403-140	REP-P	02-09-097	296-800-13040	NEW-P	02-09-092	296-807-14020	NEW-P	02-24-056
296-403-140	REP	02-21-103	296-800-13040	NEW-W	02-22-034	296-807-14025	NEW-P	02-24-056
296-403-150	REP-P	02-09-097	296-800-150	AMD-P	02-09-092	296-807-14030	NEW-P	02-24-056
296-403-150	REP	02-21-103	296-800-150	AMD	02-16-047	296-807-14035	NEW-P	02-24-056
296-403-160	REP-P	02-09-097	296-800-15005	AMD-P	03-01-097	296-807-14040	NEW-P	02-24-056
296-403-160	REP	02-21-103	296-800-15030	NEW-P	02-09-092	296-807-150	NEW-P	02-24-056
296-403A-100	NEW-P	02-09-097	296-800-15030	NEW	02-16-047	296-807-15005	NEW-P	02-24-056
296-403A-100	NEW	02-21-103	296-800-15035	NEW-P	02-09-092	296-807-15010	NEW-P	02-24-056
296-403A-110	NEW-P	02-09-097	296-800-15035	NEW	02-16-047	296-807-15015	NEW-P	02-24-056
296-403A-110	NEW	02-21-103	296-800-15040	NEW-P	02-09-092	296-807-15020	NEW-P	02-24-056
296-403A-120	NEW-P	02-09-097	296-800-15040	NEW	02-16-047	296-807-15025	NEW-P	02-24-056

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-807-15030	NEW-P	02-24-056	296-817-04010	NEW-P	02-24-055	296-824-110	NEW	02-11-141
296-807-15035	NEW-P	02-24-056	296-817-04015	NEW-P	02-24-055	296-824-110	AMD-X	02-15-166
296-807-15040	NEW-P	02-24-056	296-817-04020	NEW-P	02-24-055	296-824-110	AMD	02-20-034
296-807-15045	NEW-P	02-24-056	296-817-04025	NEW-P	02-24-055	296-824-11010	NEW	02-11-141
296-807-15050	NEW-P	02-24-056	296-817-050	NEW-P	02-24-055	296-824-11010	AMD-X	02-15-166
296-807-15055	NEW-P	02-24-056	296-823-100	NEW-P	03-01-097	296-824-11010	AMD	02-20-034
296-807-160	NEW-P	02-24-056	296-823-110	NEW-P	03-01-097	296-824-11020	NEW	02-11-141
296-807-16005	NEW-P	02-24-056	296-823-11005	NEW-P	03-01-097	296-824-11020	AMD-X	02-15-166
296-807-16010	NEW-P	02-24-056	296-823-11010	NEW-P	03-01-097	296-824-11020	AMD	02-20-034
296-807-16015	NEW-P	02-24-056	296-823-120	NEW-P	03-01-097	296-824-11050	NEW	02-11-141
296-807-16020	NEW-P	02-24-056	296-823-12005	NEW-P	03-01-097	296-824-11050	AMD-X	02-15-166
296-807-16025	NEW-P	02-24-056	296-823-130	NEW-P	03-01-097	296-824-11050	AMD	02-20-034
296-807-16030	NEW-P	02-24-056	296-823-13005	NEW-P	03-01-097	296-824-11060	NEW	02-11-141
296-807-16035	NEW-P	02-24-056	296-823-13010	NEW-P	03-01-097	296-824-11060	AMD-X	02-15-166
296-807-170	NEW-P	02-24-056	296-823-13015	NEW-P	03-01-097	296-824-11060	AMD	02-20-034
296-807-17005	NEW-P	02-24-056	296-823-13020	NEW-P	03-01-097	296-824-12010	NEW	02-11-141
296-807-17010	NEW-P	02-24-056	296-823-13025	NEW-P	03-01-097	296-824-12010	AMD-X	02-15-166
296-807-17015	NEW-P	02-24-056	296-823-13030	NEW-P	03-01-097	296-824-12010	AMD	02-20-034
296-807-17020	NEW-P	02-24-056	296-823-140	NEW-P	03-01-097	296-824-12020	NEW	02-11-141
296-807-180	NEW-P	02-24-056	296-823-14005	NEW-P	03-01-097	296-824-12020	AMD-X	02-15-166
296-807-18005	NEW-P	02-24-056	296-823-14010	NEW-P	03-01-097	296-824-12020	AMD	02-20-034
296-807-18010	NEW-P	02-24-056	296-823-14015	NEW-P	03-01-097	296-824-12030	NEW	02-11-141
296-807-18015	NEW-P	02-24-056	296-823-150	NEW-P	03-01-097	296-824-12030	AMD-X	02-15-166
296-807-18020	NEW-P	02-24-056	296-823-15005	NEW-P	03-01-097	296-824-12030	AMD	02-20-034
296-807-18025	NEW-P	02-24-056	296-823-15010	NEW-P	03-01-097	296-824-12040	NEW	02-11-141
296-807-18030	NEW-P	02-24-056	296-823-160	NEW-P	03-01-097	296-824-12040	AMD-X	02-15-166
296-807-18035	NEW-P	02-24-056	296-823-16005	NEW-P	03-01-097	296-824-12040	AMD	02-20-034
296-807-18040	NEW-P	02-24-056	296-823-16010	NEW-P	03-01-097	296-824-12050	NEW	02-11-141
296-807-18045	NEW-P	02-24-056	296-823-16015	NEW-P	03-01-097	296-824-12050	AMD-X	02-15-166
296-807-18050	NEW-P	02-24-056	296-823-16020	NEW-P	03-01-097	296-824-12050	AMD	02-20-034
296-807-18055	NEW-P	02-24-056	296-823-16025	NEW-P	03-01-097	296-824-12060	NEW	02-11-141
296-807-18060	NEW-P	02-24-056	296-823-16030	NEW-P	03-01-097	296-824-12060	AMD-X	02-15-166
296-807-18065	NEW-P	02-24-056	296-823-16035	NEW-P	03-01-097	296-824-12060	AMD	02-20-034
296-807-18070	NEW-P	02-24-056	296-823-16040	NEW-P	03-01-097	296-824-13010	NEW	02-11-141
296-807-18075	NEW-P	02-24-056	296-823-16045	NEW-P	03-01-097	296-824-13010	AMD-X	02-15-166
296-807-18080	NEW-P	02-24-056	296-823-170	NEW-P	03-01-097	296-824-13010	AMD	02-20-034
296-807-18085	NEW-P	02-24-056	296-823-17005	NEW-P	03-01-097	296-824-13020	NEW	02-11-141
296-807-190	NEW-P	02-24-056	296-823-17010	NEW-P	03-01-097	296-824-13020	AMD-X	02-15-166
296-817	PREP	02-13-114	296-823-17015	NEW-P	03-01-097	296-824-13020	AMD	02-20-034
296-817-010	NEW-P	02-24-055	296-823-17020	NEW-P	03-01-097	296-824-13030	NEW	02-11-141
296-817-01005	NEW-P	02-24-055	296-823-17025	NEW-P	03-01-097	296-824-13030	AMD-X	02-15-166
296-817-01010	NEW-P	02-24-055	296-823-17030	NEW-P	03-01-097	296-824-13030	AMD	02-20-034
296-817-01015	NEW-P	02-24-055	296-823-180	NEW-P	03-01-097	296-824-14010	NEW	02-11-141
296-817-01020	NEW-P	02-24-055	296-823-18005	NEW-P	03-01-097	296-824-14010	AMD-X	02-15-166
296-817-01025	NEW-P	02-24-055	296-823-18010	NEW-P	03-01-097	296-824-14010	AMD	02-20-034
296-817-01030	NEW-P	02-24-055	296-823-190	NEW-P	03-01-097	296-824-15010	NEW	02-11-141
296-817-01035	NEW-P	02-24-055	296-823-19005	NEW-P	03-01-097	296-824-15010	AMD-X	02-15-166
296-817-01040	NEW-P	02-24-055	296-823-19010	NEW-P	03-01-097	296-824-15010	AMD	02-20-034
296-817-020	NEW-P	02-24-055	296-823-19015	NEW-P	03-01-097	296-824-200	NEW-X	02-15-166
296-817-02005	NEW-P	02-24-055	296-823-19020	NEW-P	03-01-097	296-824-200	NEW	02-20-034
296-817-02010	NEW-P	02-24-055	296-823-19025	NEW-P	03-01-097	296-824-20005	NEW-X	02-15-166
296-817-02015	NEW-P	02-24-055	296-823-19030	NEW-P	03-01-097	296-824-20005	NEW	02-20-034
296-817-030	NEW-P	02-24-055	296-823-19035	NEW-P	03-01-097	296-824-300	NEW-X	02-15-166
296-817-03005	NEW-P	02-24-055	296-823-19040	NEW-P	03-01-097	296-824-300	NEW	02-20-034
296-817-03010	NEW-P	02-24-055	296-823-19045	NEW-P	03-01-097	296-824-30005	NEW-X	02-15-166
296-817-03015	NEW-P	02-24-055	296-823-19050	NEW-P	03-01-097	296-824-30005	NEW	02-20-034
296-817-03020	NEW-P	02-24-055	296-823-19055	NEW-P	03-01-097	296-824-400	NEW-X	02-15-166
296-817-03025	NEW-P	02-24-055	296-823-200	NEW-P	03-01-097	296-824-400	NEW	02-20-034
296-817-03030	NEW-P	02-24-055	296-824	PREP	02-20-099	296-824-40005	NEW-X	02-15-166
296-817-03035	NEW-P	02-24-055	296-824-100	NEW	02-11-141	296-824-40005	NEW	02-20-034
296-817-040	NEW-P	02-24-055	296-824-100	AMD-X	02-15-166	296-824-40010	NEW-X	02-15-166
296-817-04005	NEW-P	02-24-055	296-824-100	AMD	02-20-034	296-824-40010	NEW	02-20-034

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-824-500	NEW-X	02-15-166	296-833-30005	NEW	02-23-073	296-835-12030	NEW-W	02-20-091
296-824-500	NEW	02-20-034	296-833-30010	NEW-X	02-17-107	296-835-12035	NEW-P	02-07-100
296-824-50005	NEW-X	02-15-166	296-833-30010	NEW	02-23-073	296-835-12035	NEW	02-15-102
296-824-50005	NEW	02-20-034	296-833-30015	NEW-X	02-17-107	296-835-12040	NEW-P	02-07-100
296-824-50010	NEW-X	02-15-166	296-833-30015	NEW	02-23-073	296-835-12040	NEW	02-15-102
296-824-50010	NEW	02-20-034	296-833-30020	NEW-X	02-17-107	296-835-12045	NEW-P	02-07-100
296-824-50015	NEW-X	02-15-166	296-833-30020	NEW	02-23-073	296-835-12045	NEW	02-15-102
296-824-50015	NEW	02-20-034	296-833-400	NEW-X	02-17-107	296-835-12050	NEW-P	02-07-100
296-824-50020	NEW-X	02-15-166	296-833-400	NEW	02-23-073	296-835-12050	NEW	02-15-102
296-824-50020	NEW	02-20-034	296-833-40005	NEW-X	02-17-107	296-835-12055	NEW-P	02-07-100
296-824-50025	NEW-X	02-15-166	296-833-40005	NEW	02-23-073	296-835-12055	NEW	02-15-102
296-824-50025	NEW	02-20-034	296-833-40010	NEW-X	02-17-107	296-835-12060	NEW-P	02-07-100
296-824-50030	NEW-X	02-15-166	296-833-40010	NEW	02-23-073	296-835-12060	NEW	02-15-102
296-824-50030	NEW	02-20-034	296-833-500	NEW-X	02-17-107	296-835-12065	NEW-P	02-07-100
296-824-50030	AMD-P	03-01-097	296-833-500	NEW	02-23-073	296-835-12065	NEW	02-15-102
296-824-600	NEW-X	02-15-166	296-833-50005	NEW-X	02-17-107	296-835-130	NEW-P	02-07-100
296-824-600	NEW	02-20-034	296-833-50005	NEW	02-23-073	296-835-130	NEW	02-15-102
296-824-60005	NEW-X	02-15-166	296-833-50010	NEW-X	02-17-107	296-835-13005	NEW-P	02-07-100
296-824-60005	NEW	02-20-034	296-833-50010	NEW	02-23-073	296-835-13005	NEW	02-15-102
296-824-60010	NEW-X	02-15-166	296-833-600	NEW-X	02-17-107	296-835-13010	NEW-P	02-07-100
296-824-60010	NEW	02-20-034	296-833-600	NEW	02-23-073	296-835-13010	NEW	02-15-102
296-824-60015	NEW-X	02-15-166	296-833-60005	NEW-X	02-17-107	296-835-13015	NEW-P	02-07-100
296-824-60015	NEW	02-20-034	296-833-60005	NEW	02-23-073	296-835-13015	NEW	02-15-102
296-824-700	NEW-X	02-15-166	296-833-60010	NEW-X	02-17-107	296-835-13020	NEW-P	02-07-100
296-824-700	NEW	02-20-034	296-833-60010	NEW	02-23-073	296-835-13020	NEW	02-15-102
296-824-70005	NEW-X	02-15-166	296-835-100	NEW-P	02-07-100	296-835-13025	NEW-P	02-07-100
296-824-70005	NEW	02-20-034	296-835-100	NEW	02-15-102	296-835-13025	NEW	02-15-102
296-824-800	NEW-X	02-15-166	296-835-110	NEW-P	02-07-100	296-835-13030	NEW-P	02-07-100
296-824-800	NEW	02-20-034	296-835-110	NEW	02-15-102	296-835-13030	NEW	02-15-102
296-832-100	NEW	02-16-087	296-835-11005	NEW-P	02-07-100	296-835-140	NEW-P	02-07-100
296-832-10000	NEW-X	02-08-080	296-835-11005	NEW	02-15-102	296-835-140	NEW	02-15-102
296-832-10000	NEW-W	02-21-053	296-835-11010	NEW-P	02-07-100	296-839-100	NEW-P	02-18-094
296-832-10005	NEW-X	02-08-080	296-835-11010	NEW	02-15-102	296-839-100	NEW	03-01-096
296-832-10005	NEW-W	02-21-053	296-835-11015	NEW-P	02-07-100	296-839-200	NEW-P	02-18-094
296-832-10010	NEW-X	02-08-080	296-835-11015	NEW	02-15-102	296-839-200	NEW	03-01-096
296-832-10010	NEW-W	02-21-053	296-835-11020	NEW-P	02-07-100	296-839-20005	NEW-P	02-18-094
296-832-10015	NEW-X	02-08-080	296-835-11020	NEW	02-15-102	296-839-20005	NEW	03-01-096
296-832-10015	NEW-W	02-21-053	296-835-11025	NEW-P	02-07-100	296-839-20010	NEW-P	02-18-094
296-832-10020	NEW-X	02-08-080	296-835-11025	NEW	02-15-102	296-839-20010	NEW	03-01-096
296-832-10020	NEW-W	02-21-053	296-835-11030	NEW-P	02-07-100	296-839-300	NEW-P	02-18-094
296-832-10025	NEW-X	02-08-080	296-835-11030	NEW	02-15-102	296-839-300	NEW	03-01-096
296-832-10025	NEW-W	02-21-053	296-835-11035	NEW-P	02-07-100	296-839-30005	NEW-P	02-18-094
296-832-200	NEW	02-16-087	296-835-11035	NEW	02-15-102	296-839-30005	NEW	03-01-096
296-832-20005	NEW	02-16-087	296-835-11040	NEW-P	02-07-100	296-839-30010	NEW-P	02-18-094
296-832-20010	NEW	02-16-087	296-835-11040	NEW	02-15-102	296-839-30010	NEW	03-01-096
296-832-300	NEW	02-16-087	296-835-11045	NEW-P	02-07-100	296-839-30015	NEW-P	02-18-094
296-832-30005	NEW	02-16-087	296-835-11045	NEW	02-15-102	296-839-30015	NEW	03-01-096
296-832-30010	NEW	02-16-087	296-835-11050	NEW-P	02-07-100	296-839-400	NEW-P	02-18-094
296-832-30015	NEW	02-16-087	296-835-11050	NEW	02-15-102	296-839-400	NEW	03-01-096
296-833-100	NEW-X	02-17-107	296-835-120	NEW-P	02-07-100	296-839-40005	NEW-P	02-18-094
296-833-100	NEW	02-23-073	296-835-120	NEW	02-15-102	296-839-40005	NEW	03-01-096
296-833-10010	NEW-X	02-17-107	296-835-12005	NEW-P	02-07-100	296-839-500	NEW-P	02-18-094
296-833-10010	NEW	02-23-073	296-835-12005	NEW	02-15-102	296-839-500	NEW	03-01-096
296-833-200	NEW-X	02-17-107	296-835-12010	NEW-P	02-07-100	296-860-100	NEW-P	02-07-101
296-833-200	NEW	02-23-073	296-835-12010	NEW	02-15-102	296-860-100	NEW	02-17-106
296-833-20005	NEW-X	02-17-107	296-835-12015	NEW-P	02-07-100	296-860-10005	NEW-P	02-07-101
296-833-20005	NEW	02-23-073	296-835-12015	NEW	02-15-102	296-860-10010	NEW-P	02-07-101
296-833-20010	NEW-X	02-17-107	296-835-12020	NEW-P	02-07-100	296-860-10020	NEW-P	02-07-101
296-833-20010	NEW	02-23-073	296-835-12020	NEW	02-15-102	296-860-10025	NEW-P	02-07-101
296-833-300	NEW-X	02-17-107	296-835-12025	NEW-P	02-07-100	296-860-10030	NEW-P	02-07-101
296-833-300	NEW	02-23-073	296-835-12025	NEW	02-15-102	296-860-10040	NEW-P	02-07-101
296-833-30005	NEW-X	02-17-107	296-835-12030	NEW-P	02-07-100	296-860-10050	NEW-P	02-07-101

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296-860-10060	NEW-P	02-07-101	296-878-18020	NEW-P	02-13-118	308- 13-005	AMD-P	02-04-113
296-860-10070	NEW-P	02-07-101	296-878-18020	NEW	02-22-027	308- 13-005	AMD	02-07-047
296-860-10100	NEW-P	02-07-101	296-878-190	NEW-P	02-13-118	308- 13-020	AMD-P	02-04-113
296-860-200	NEW	02-17-106	296-878-190	NEW	02-22-027	308- 13-020	AMD	02-07-047
296-860-20010	NEW	02-17-106	296-878-19005	NEW-P	02-13-118	308- 13-024	AMD-P	02-04-113
296-860-20020	NEW	02-17-106	296-878-19005	NEW	02-22-027	308- 13-024	AMD	02-07-047
296-860-20030	NEW	02-17-106	296-878-19010	NEW-P	02-13-118	308- 13-036	NEW-P	02-04-113
296-860-20040	NEW	02-17-106	296-878-19010	NEW	02-22-027	308- 13-036	NEW	02-07-047
296-860-20050	NEW	02-17-106	296-878-200	NEW-P	02-13-118	308- 13-050	AMD-P	02-04-113
296-860-20060	NEW	02-17-106	296-878-200	NEW	02-22-027	308- 13-050	AMD	02-07-047
296-860-20070	NEW	02-17-106	296-878-20005	NEW-P	02-13-118	308- 13-100	AMD-P	02-04-113
296-860-20080	NEW	02-17-106	296-878-20005	NEW	02-22-027	308- 13-100	AMD	02-07-047
296-860-300	NEW	02-17-106	296-878-20010	NEW-P	02-13-118	308- 13-150	PREP	02-08-033
296-878-100	NEW-P	02-13-118	296-878-20010	NEW	02-22-027	308- 13-150	AMD-P	02-12-077
296-878-100	NEW	02-22-027	296-878-20015	NEW-P	02-13-118	308- 13-150	AMD	02-16-018
296-878-10005	NEW-P	02-13-118	296-878-20015	NEW	02-22-027	308- 14-085	AMD-P	02-08-074
296-878-10005	NEW	02-22-027	296-878-210	NEW-P	02-13-118	308- 14-085	AMD-W	02-11-057
296-878-110	NEW-P	02-13-118	296-878-210	NEW	02-22-027	308- 14-090	REP-P	02-08-074
296-878-110	NEW	02-22-027	296-878-21005	NEW-P	02-13-118	308- 14-090	REP-W	02-11-057
296-878-11005	NEW-P	02-13-118	296-878-21005	NEW	02-22-027	308- 14-100	AMD-P	02-08-074
296-878-11005	NEW	02-22-027	296-878-220	NEW-P	02-13-118	308- 14-100	AMD-W	02-11-057
296-878-120	NEW-P	02-13-118	296-878-220	NEW	02-22-027	308- 14-120	AMD-P	02-08-074
296-878-120	NEW	02-22-027	308- 08-085	AMD-X	02-14-001	308- 14-120	AMD-W	02-11-057
296-878-12005	NEW-P	02-13-118	308- 08-085	AMD	02-19-035	308- 14-130	AMD-P	02-08-074
296-878-12005	NEW	02-22-027	308- 08-600	AMD	02-11-011	308- 14-130	AMD-W	02-11-057
296-878-130	NEW-P	02-13-118	308- 11	PREP	02-24-074	308- 14-135	AMD-P	02-08-074
296-878-130	NEW	02-22-027	308- 12-010	AMD-P	02-04-114	308- 14-135	AMD-W	02-11-057
296-878-13005	NEW-P	02-13-118	308- 12-010	AMD	02-11-082	308- 14-210	AMD-P	02-08-074
296-878-13005	NEW	02-22-027	308- 12-031	AMD-P	02-04-114	308- 14-210	AMD-W	02-11-057
296-878-13010	NEW-P	02-13-118	308- 12-031	AMD	02-11-082	308- 15-040	PREP	02-05-079
296-878-13010	NEW	02-22-027	308- 12-050	AMD-P	02-04-114	308- 15-040	AMD-P	02-09-011
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296-878-14005	NEW	02-22-027	308- 12-085	AMD-P	02-04-114	308- 15-140	NEW-S	02-16-096
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296-878-15005	NEW-P	02-13-118	308- 12-115	AMD	02-11-082	308- 17-150	AMD-P	02-03-130
296-878-15005	NEW	02-22-027	308- 12-150	AMD-P	02-04-114	308- 17-150	AMD	02-11-098
296-878-15010	NEW-P	02-13-118	308- 12-150	AMD	02-11-082	308- 17-240	AMD-P	02-23-059
296-878-15015	NEW-P	02-13-118	308- 12-210	AMD-P	02-04-114	308- 17-310	PREP	02-07-069
296-878-15015	NEW	02-22-027	308- 12-210	AMD	02-11-082	308- 17-310	AMD-P	02-20-085
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296-878-15020	NEW	02-22-027	308- 12-220	AMD	02-11-082	308- 17-320	PREP	02-07-069
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296-878-160	NEW	02-22-027	308- 12-240	AMD	02-11-082	308- 18-120	AMD	02-24-026
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308-48-060	AMD	02-19-019	308-56A-115	PREP	02-05-019	308-61-168	AMD	02-20-035
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308-330-481	AMD	02-04-075	314- 11-070	AMD-P	02-04-110	315- 38-070	NEW	02-15-122
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356-42-070	REP	02-15-048	359-07-010	REP-P	02-20-109	359-40-020	REP-P	02-20-109
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356-42-080	REP	02-15-048	359-07-020	REP	02-23-041	359-40-050	REP	02-23-041
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356-42-082	REP-P	02-12-111	359-07-030	REP	02-23-041	359-40-060	REP	02-23-041
356-42-082	REP	02-15-048	359-07-040	REP-P	02-20-109	359-48-010	REP-P	02-20-109
356-42-083	REP-E	02-12-052	359-07-040	REP	02-23-041	359-48-010	REP	02-23-041
356-42-083	REP-P	02-12-111	359-07-050	REP-P	02-20-109	359-48-020	REP-P	02-20-109
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356-42-084	REP	02-15-048	359-07-060	REP-P	02-20-109	359-48-040	REP-P	02-20-109
356-42-085	REP-E	02-12-052	359-07-060	REP	02-23-041	359-48-040	REP	02-23-041
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356-60-020	NEW-P	02-13-131	359-14-080	REP	02-23-041	365-210-190	NEW-P	02-24-009
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356-60-030	NEW-E	02-13-056	359-14-100	REP	02-23-041	365-212-010	NEW-P	02-24-008
356-60-030	NEW-P	02-13-131	359-14-130	REP-P	02-20-109	365-212-020	NEW-P	02-24-008
356-60-030	NEW	02-17-114	359-14-130	REP	02-23-041	365-212-030	NEW-P	02-24-008
356-60-040	NEW-E	02-13-056	359-39-010	REP-P	02-20-109	365-212-040	NEW-P	02-24-008
356-60-040	NEW-P	02-13-131	359-39-010	REP	02-23-041	365-212-050	NEW-P	02-24-008
356-60-040	NEW	02-17-114	359-39-020	REP-P	02-20-109	365-212-060	NEW-P	02-24-008
356-60-050	NEW-E	02-13-056	359-39-020	REP	02-23-041	365-212-070	NEW-P	02-24-008
356-60-050	NEW-P	02-13-131	359-39-030	REP-P	02-20-109	365-212-080	NEW-P	02-24-008
356-60-050	NEW	02-17-114	359-39-030	REP	02-23-041	365-212-090	NEW-P	02-24-008
356-60-055	NEW-E	02-13-056	359-39-040	REP-P	02-20-109	365-220-005	NEW	02-07-026
			359-39-040	REP	02-23-041	365-220-010	NEW	02-07-026

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365-220-020	NEW	02-07-026	388- 02-0530	AMD-P	02-17-092	388- 14A-3100	PREP	02-13-042
365-220-025	NEW	02-07-026	388- 02-0530	AMD	02-21-061	388- 14A-3100	AMD-E	02-13-043
365-220-030	NEW	02-07-026	388- 02-0535	REP-P	02-17-091	388- 14A-3100	AMD-E	02-21-020
365-220-035	NEW	02-07-026	388- 02-0535	REP	02-21-061	388- 14A-3102	PREP	02-13-042
365-220-040	NEW	02-07-026	388- 02-0540	AMD-P	02-17-092	388- 14A-3102	AMD-E	02-13-043
365-220-045	NEW	02-07-026	388- 02-0540	AMD	02-21-061	388- 14A-3102	AMD-E	02-21-020
365-220-050	NEW	02-07-026	388- 02-0545	AMD-P	02-17-092	388- 14A-3110	PREP	02-13-042
365-220-055	NEW	02-07-026	388- 02-0545	AMD	02-21-061	388- 14A-3110	AMD-E	02-13-043
365-220-060	NEW	02-07-026	388- 02-0550	AMD-P	02-17-092	388- 14A-3110	AMD-E	02-21-020
365-220-065	NEW	02-07-026	388- 02-0550	AMD	02-21-061	388- 14A-3115	PREP	02-13-042
365-220-070	NEW	02-07-026	388- 02-0555	AMD-P	02-17-092	388- 14A-3115	AMD-E	02-13-043
365-220-075	NEW	02-07-026	388- 02-0555	AMD	02-21-061	388- 14A-3115	AMD-E	02-21-020
365-220-080	NEW	02-07-026	388- 02-0560	AMD-P	02-17-092	388- 14A-3120	PREP	02-13-042
365-220-085	NEW	02-07-026	388- 02-0560	AMD	02-21-061	388- 14A-3120	AMD-E	02-13-043
365-220-090	NEW	02-07-026	388- 02-0570	AMD-P	02-17-092	388- 14A-3120	AMD-E	02-21-020
365-220-095	NEW	02-07-026	388- 02-0570	AMD	02-21-061	388- 14A-3122	NEW-E	02-13-043
365-220-100	NEW	02-07-026	388- 02-0575	AMD-P	02-17-092	388- 14A-3122	NEW-E	02-21-020
365-220-105	NEW	02-07-026	388- 02-0575	AMD	02-21-061	388- 14A-3130	AMD-P	02-03-096
365-220-110	NEW	02-07-026	388- 02-0580	AMD-P	02-17-092	388- 14A-3130	AMD	02-06-098
365-220-115	NEW	02-07-026	388- 02-0580	AMD	02-21-061	388- 14A-3370	PREP	02-13-042
365-220-120	NEW	02-07-026	388- 02-0585	AMD-P	02-17-092	388- 14A-3370	AMD-E	02-13-043
365-220-125	NEW	02-07-026	388- 02-0585	AMD	02-21-061	388- 14A-3370	AMD-E	02-21-020
365-220-130	NEW	02-07-026	388- 02-0595	AMD-P	02-17-092	388- 14A-3800	PREP	02-03-010
365-220-135	NEW	02-07-026	388- 02-0595	AMD	02-21-061	388- 14A-3810	PREP	02-03-010
365-220-140	NEW	02-07-026	388- 02-0600	AMD-P	02-17-091	388- 14A-3810	PREP	02-13-042
365-220-145	NEW	02-07-026	388- 02-0600	AMD	02-21-061	388- 14A-3810	AMD-E	02-13-043
365-220-150	NEW	02-07-026	388- 02-0605	AMD-P	02-17-091	388- 14A-3810	AMD-E	02-21-020
365-220-155	NEW	02-07-026	388- 02-0605	AMD	02-21-061	388- 14A-3925	AMD-P	02-03-096
365-220-160	NEW	02-07-026	388- 02-0610	AMD-P	02-17-091	388- 14A-3925	AMD	02-06-098
365-220-165	NEW	02-07-026	388- 02-0610	AMD	02-21-061	388- 14A-4000	PREP	02-03-010
365-220-170	NEW	02-07-026	388- 02-0615	AMD-P	02-17-091	388- 14A-4300	PREP	02-03-010
365-220-175	NEW	02-07-026	388- 02-0615	AMD	02-21-061	388- 14A-4301	PREP	02-03-010
365-220-180	NEW	02-07-026	388- 02-0620	AMD-P	02-17-091	388- 14A-4302	PREP	02-03-010
365-220-185	NEW	02-07-026	388- 02-0620	AMD	02-21-061	388- 14A-4303	PREP	02-03-010
365-220-190	NEW	02-07-026	388- 02-0625	AMD-P	02-17-091	388- 14A-4304	PREP	02-03-010
371- 08-320	AMD	02-06-011	388- 02-0625	AMD	02-21-061	388- 14A-5520	AMD-P	02-03-096
371- 08-450	AMD	02-06-012	388- 02-0630	AMD-P	02-17-091	388- 14A-5520	AMD	02-06-098
371- 08-485	AMD	02-06-013	388- 02-0630	AMD	02-21-061	388- 14A-5525	AMD-P	02-03-096
374- 80-010	PREP	02-21-056	388- 02-0635	AMD-P	02-17-091	388- 14A-5525	AMD	02-06-098
374- 80-010	AMD-P	03-01-007	388- 02-0635	AMD	02-21-061	388- 14A-5530	AMD-P	02-03-096
374- 80-040	PREP	02-21-056	388- 02-0640	AMD-P	02-17-091	388- 14A-5530	AMD	02-06-098
374- 80-040	AMD-P	03-01-007	388- 02-0640	AMD	02-21-061	388- 14A-6105	NEW-E	02-23-031
374- 80-050	PREP	02-21-056	388- 02-0645	AMD-P	02-17-091	388- 14A-6110	NEW-E	02-23-031
374- 80-050	AMD-P	03-01-007	388- 02-0645	AMD	02-21-061	388- 14A-6115	NEW-E	02-23-031
388- 01-015	NEW-P	02-03-119	388- 02-0650	AMD-P	02-17-091	388- 14A-6120	NEW-E	02-23-031
388- 01-015	NEW	02-15-119	388- 02-0650	AMD	02-21-061	388- 14A-6125	NEW-E	02-23-031
388- 02-0005	AMD-P	02-17-090	388- 14A	PREP	02-24-069	388- 15	AMD-P	02-03-118
388- 02-0010	AMD-P	02-17-090	388- 14A-2000	PREP	02-03-010	388- 15	AMD	02-15-098
388- 02-0010	AMD	02-21-061	388- 14A-2025	PREP	02-03-010	388- 15	AMD	02-17-045
388- 02-0015	AMD-P	02-17-090	388- 14A-2080	PREP	02-03-010	388- 15-001	NEW-P	02-03-118
388- 02-0015	AMD	02-21-061	388- 14A-2105	AMD	02-07-091	388- 15-001	NEW	02-15-098
388- 02-0025	AMD-P	02-17-090	388- 14A-2107	NEW	02-07-091	388- 15-001	NEW	02-17-045
388- 02-0025	AMD	02-21-061	388- 14A-2110	AMD	02-07-091	388- 15-005	NEW-P	02-03-118
388- 02-0215	AMD-P	02-17-090	388- 14A-2112	NEW	02-07-091	388- 15-005	NEW	02-15-098
388- 02-0215	AMD	02-21-061	388- 14A-2114	NEW	02-07-091	388- 15-005	NEW	02-17-045
388- 02-0215	AMD-E	02-23-048	388- 14A-2115	AMD	02-07-091	388- 15-009	NEW-P	02-03-118
388- 02-0524	NEW-P	02-17-092	388- 14A-2116	NEW	02-07-091	388- 15-009	NEW	02-15-098
388- 02-0524	NEW	02-21-061	388- 14A-2120	AMD	02-07-091	388- 15-009	NEW	02-17-045
388- 02-0525	AMD-P	02-17-092	388- 14A-2125	AMD	02-07-091	388- 15-011	NEW-P	02-03-118
388- 02-0525	AMD	02-21-061	388- 14A-2130	NEW	02-07-091	388- 15-011	NEW	02-15-098
388- 02-0527	NEW-P	02-17-092	388- 14A-2135	NEW	02-07-091	388- 15-011	NEW	02-17-045

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388-15-013	NEW-P	02-03-118	388-15-093	NEW	02-17-045	388-15-203	REP	02-21-098
388-15-013	NEW	02-15-098	388-15-097	NEW-P	02-03-118	388-15-204	PREP	02-04-096
388-15-013	NEW	02-17-045	388-15-097	NEW	02-15-098	388-15-204	PREP-W	02-05-066
388-15-017	NEW-P	02-03-118	388-15-097	NEW	02-17-045	388-15-204	REP-P	02-16-080
388-15-017	NEW	02-15-098	388-15-101	NEW-P	02-03-118	388-15-204	REP	02-21-098
388-15-017	NEW	02-17-045	388-15-101	NEW	02-15-098	388-15-205	PREP-W	02-05-065
388-15-021	NEW-P	02-03-118	388-15-101	NEW	02-17-045	388-15-205	PREP-W	02-05-066
388-15-021	NEW	02-15-098	388-15-105	NEW-P	02-03-118	388-15-205	REP-P	02-16-080
388-15-021	NEW	02-17-045	388-15-105	NEW	02-15-098	388-15-205	REP	02-21-098
388-15-025	NEW-P	02-03-118	388-15-105	NEW	02-17-045	388-15-207	PREP-W	02-05-064
388-15-025	NEW	02-15-098	388-15-109	NEW-P	02-03-118	388-15-214	PREP-W	02-05-064
388-15-025	NEW	02-17-045	388-15-109	NEW	02-15-098	388-15-215	PREP-W	02-05-064
388-15-029	NEW-P	02-03-118	388-15-109	NEW	02-17-045	388-15-219	PREP-W	02-05-064
388-15-029	NEW	02-15-098	388-15-113	NEW-P	02-03-118	388-15-600	PREP-W	02-05-064
388-15-029	NEW	02-17-045	388-15-113	NEW	02-15-098	388-15-620	PREP-W	02-05-064
388-15-033	NEW-P	02-03-118	388-15-113	NEW	02-17-045	388-15-630	PREP-W	02-05-064
388-15-033	NEW	02-15-098	388-15-117	NEW-P	02-03-118	388-15-650	PREP	02-15-056
388-15-033	NEW	02-17-045	388-15-117	NEW	02-15-098	388-15-650	PREP-W	02-15-058
388-15-037	NEW-P	02-03-118	388-15-117	NEW	02-17-045	388-15-650	REP-P	03-01-010
388-15-037	NEW	02-15-098	388-15-121	NEW-P	02-03-118	388-15-651	PREP	02-15-056
388-15-037	NEW	02-17-045	388-15-121	NEW	02-15-098	388-15-651	PREP-W	02-15-058
388-15-041	NEW-P	02-03-118	388-15-121	NEW	02-17-045	388-15-651	REP-P	03-01-010
388-15-041	NEW	02-15-098	388-15-125	NEW-P	02-03-118	388-15-652	PREP	02-15-056
388-15-041	NEW	02-17-045	388-15-125	NEW	02-15-098	388-15-652	PREP-W	02-15-058
388-15-045	NEW-P	02-03-118	388-15-125	NEW	02-17-045	388-15-652	REP-P	03-01-010
388-15-045	NEW	02-15-098	388-15-129	NEW-P	02-03-118	388-15-653	PREP	02-15-056
388-15-045	NEW	02-17-045	388-15-129	NEW	02-15-098	388-15-653	PREP-W	02-15-058
388-15-049	NEW-P	02-03-118	388-15-129	NEW	02-17-045	388-15-653	REP-P	03-01-010
388-15-049	NEW	02-15-098	388-15-130	REP-P	02-03-118	388-15-654	PREP	02-15-056
388-15-049	NEW	02-17-045	388-15-130	REP	02-15-098	388-15-654	PREP-W	02-15-058
388-15-053	NEW-P	02-03-118	388-15-130	REP	02-17-045	388-15-654	REP-P	03-01-010
388-15-053	NEW	02-15-098	388-15-131	REP-P	02-03-118	388-15-655	PREP	02-15-056
388-15-053	NEW	02-17-045	388-15-131	REP	02-15-098	388-15-655	PREP-W	02-15-058
388-15-057	NEW-P	02-03-118	388-15-131	REP	02-17-045	388-15-655	REP-P	03-01-010
388-15-057	NEW	02-15-098	388-15-132	REP-P	02-03-118	388-15-656	PREP	02-15-056
388-15-057	NEW	02-17-045	388-15-132	REP	02-15-098	388-15-656	PREP-W	02-15-058
388-15-061	NEW-P	02-03-118	388-15-132	REP	02-17-045	388-15-656	REP-P	03-01-010
388-15-061	NEW	02-15-098	388-15-133	NEW-P	02-03-118	388-15-657	PREP	02-15-056
388-15-061	NEW	02-17-045	388-15-133	NEW	02-15-098	388-15-657	PREP-W	02-15-058
388-15-065	NEW-P	02-03-118	388-15-133	NEW	02-17-045	388-15-657	REP-P	03-01-010
388-15-065	NEW	02-15-098	388-15-134	REP-P	02-03-118	388-15-658	PREP	02-15-056
388-15-065	NEW	02-17-045	388-15-134	REP	02-15-098	388-15-658	PREP-W	02-15-058
388-15-069	NEW-P	02-03-118	388-15-134	REP	02-17-045	388-15-658	REP-P	03-01-010
388-15-069	NEW	02-15-098	388-15-135	NEW-P	02-03-118	388-15-659	PREP	02-15-056
388-15-069	NEW	02-17-045	388-15-135	NEW	02-15-098	388-15-659	PREP-W	02-15-058
388-15-073	NEW-P	02-03-118	388-15-135	NEW	02-17-045	388-15-659	REP-P	03-01-010
388-15-073	NEW	02-15-098	388-15-141	NEW-P	02-03-118	388-15-660	PREP	02-15-056
388-15-073	NEW	02-17-045	388-15-141	NEW	02-15-098	388-15-660	PREP-W	02-15-058
388-15-077	NEW-P	02-03-118	388-15-141	NEW	02-17-045	388-15-660	REP-P	03-01-010
388-15-077	NEW	02-15-098	388-15-194	PREP-W	02-05-066	388-15-661	PREP	02-15-056
388-15-077	NEW	02-17-045	388-15-194	REP-P	02-16-080	388-15-661	PREP-W	02-15-058
388-15-081	NEW-P	02-03-118	388-15-194	REP	02-21-098	388-15-661	REP-P	03-01-010
388-15-081	NEW	02-15-098	388-15-202	PREP	02-04-096	388-15-662	PREP	02-15-056
388-15-081	NEW	02-17-045	388-15-202	PREP-W	02-05-064	388-15-662	PREP-W	02-15-058
388-15-085	NEW-P	02-03-118	388-15-202	PREP-W	02-05-065	388-15-662	REP-P	03-01-010
388-15-085	NEW	02-15-098	388-15-202	PREP-W	02-05-066	388-15-880	PREP-W	02-05-064
388-15-085	NEW	02-17-045	388-15-202	REP-P	02-16-080	388-15-890	PREP-W	02-05-064
388-15-089	NEW-P	02-03-118	388-15-202	REP	02-21-098	388-27-0225	AMD-P	02-15-136
388-15-089	NEW	02-15-098	388-15-203	PREP	02-04-096	388-27-0375	AMD-P	02-15-136
388-15-089	NEW	02-17-045	388-15-203	PREP-W	02-05-065	388-61-001	PREP	02-24-068
388-15-093	NEW-P	02-03-118	388-15-203	PREP-W	02-05-066	388-71	PREP	02-11-064
388-15-093	NEW	02-15-098	388-15-203	REP-P	02-16-080	388-71	PREP	02-15-056

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388- 71	AMD-P	02-16-080	388- 71-05911	NEW	02-10-117	388- 71-0732	NEW-P	03-01-010
388- 71	PREP	02-21-012	388- 71-05912	NEW	02-10-117	388- 71-0734	NEW-P	03-01-010
388- 71	AMD	02-21-098	388- 71-05913	NEW	02-10-117	388- 71-0736	NEW-P	03-01-010
388- 71-0194	NEW-P	02-16-080	388- 71-05914	NEW	02-10-117	388- 71-0738	NEW-P	03-01-010
388- 71-0194	NEW	02-21-098	388- 71-05915	NEW	02-10-117	388- 71-0740	NEW-P	03-01-010
388- 71-0202	NEW-P	02-16-080	388- 71-05916	NEW	02-10-117	388- 71-0742	NEW-P	03-01-010
388- 71-0202	NEW	02-21-098	388- 71-05917	NEW	02-10-117	388- 71-0744	NEW-P	03-01-010
388- 71-0203	NEW-P	02-16-080	388- 71-05918	NEW	02-10-117	388- 71-0746	NEW-P	03-01-010
388- 71-0203	NEW	02-21-098	388- 71-05919	NEW	02-10-117	388- 71-0748	NEW-P	03-01-010
388- 71-0205	NEW-P	02-16-080	388- 71-05920	NEW	02-10-117	388- 71-0750	NEW-P	03-01-010
388- 71-0205	NEW	02-21-098	388- 71-05921	NEW	02-10-117	388- 71-0752	NEW-P	03-01-010
388- 71-0400	PREP	02-20-017	388- 71-05922	NEW	02-10-117	388- 71-0754	NEW-P	03-01-010
388- 71-0405	PREP	02-20-017	388- 71-05923	NEW	02-10-117	388- 71-0756	NEW-P	03-01-010
388- 71-0410	PREP	02-04-096	388- 71-05924	NEW	02-10-117	388- 71-0758	NEW-P	03-01-010
388- 71-0410	PREP-W	02-05-066	388- 71-05925	NEW	02-10-117	388- 71-0760	NEW-P	03-01-010
388- 71-0410	AMD-P	02-16-080	388- 71-05926	NEW	02-10-117	388- 71-0762	NEW-P	03-01-010
388- 71-0410	PREP	02-20-017	388- 71-05927	NEW	02-10-117	388- 71-0764	NEW-P	03-01-010
388- 71-0410	AMD	02-21-098	388- 71-05928	NEW	02-10-117	388- 71-0766	NEW-P	03-01-010
388- 71-0415	PREP	02-20-017	388- 71-05929	NEW	02-10-117	388- 71-0768	NEW-P	03-01-010
388- 71-0420	PREP	02-20-017	388- 71-05930	NEW	02-10-117	388- 71-0770	NEW-P	03-01-010
388- 71-0425	PREP	02-20-017	388- 71-05931	NEW	02-10-117	388- 71-0772	NEW-P	03-01-010
388- 71-0430	PREP	02-04-096	388- 71-05932	NEW	02-10-117	388- 71-0774	NEW-P	03-01-010
388- 71-0430	AMD-P	02-16-080	388- 71-05933	NEW	02-10-117	388- 71-0776	NEW-P	03-01-010
388- 71-0430	PREP	02-20-017	388- 71-05934	NEW	02-10-117	388- 71-0805	PREP	02-18-082
388- 71-0430	AMD	02-21-098	388- 71-05935	NEW	02-10-117	388- 71-0810	PREP	02-18-082
388- 71-0435	PREP	02-04-096	388- 71-05936	NEW	02-10-117	388- 71-0815	PREP	02-18-082
388- 71-0435	AMD-P	02-16-080	388- 71-05937	NEW	02-10-117	388- 71-0820	PREP	02-04-096
388- 71-0435	PREP	02-20-017	388- 71-05938	NEW	02-10-117	388- 71-0820	AMD-P	02-12-067
388- 71-0435	AMD	02-21-098	388- 71-05939	NEW	02-10-117	388- 71-0820	AMD	02-15-138
388- 71-0440	PREP	02-04-096	388- 71-05940	NEW	02-10-117	388- 71-0820	PREP	02-18-082
388- 71-0440	PREP-W	02-05-066	388- 71-05941	NEW	02-10-117	388- 71-0840	PREP	02-18-082
388- 71-0440	AMD-P	02-19-024	388- 71-05942	NEW	02-10-117	388- 72A-0005	NEW-P	03-01-116
388- 71-0440	PREP	02-20-017	388- 71-05943	NEW	02-10-117	388- 72A-0010	NEW-P	03-01-116
388- 71-0440	AMD	02-23-063	388- 71-05944	NEW	02-10-117	388- 72A-0015	NEW-P	03-01-116
388- 71-0445	PREP	02-04-096	388- 71-05945	NEW	02-10-117	388- 72A-0020	NEW-P	03-01-116
388- 71-0445	PREP-W	02-05-066	388- 71-05946	NEW	02-10-117	388- 72A-0025	NEW-P	03-01-116
388- 71-0445	AMD-P	02-16-080	388- 71-05947	NEW	02-10-117	388- 72A-0030	NEW-P	03-01-116
388- 71-0445	PREP	02-20-017	388- 71-05948	NEW	02-10-117	388- 72A-0035	NEW-P	03-01-116
388- 71-0445	AMD	02-21-098	388- 71-05949	NEW-S	02-11-129	388- 72A-0040	NEW-P	03-01-116
388- 71-0450	PREP	02-04-096	388- 71-05949	NEW	02-15-064	388- 72A-0045	NEW-P	03-01-116
388- 71-0450	AMD-P	02-16-080	388- 71-05950	NEW	02-10-117	388- 72A-0050	NEW-P	03-01-116
388- 71-0450	PREP	02-20-017	388- 71-05951	NEW	02-10-117	388- 72A-0055	NEW-P	03-01-116
388- 71-0450	AMD	02-21-098	388- 71-05952	NEW	02-10-117	388- 72A-0060	NEW-P	03-01-116
388- 71-0455	PREP	02-20-017	388- 71-05953	NEW-W	02-10-036	388- 72A-0065	NEW-P	03-01-116
388- 71-0460	PREP	02-20-017	388- 71-0600	PREP	02-04-096	388- 72A-0070	NEW-P	03-01-116
388- 71-0465	PREP	02-20-017	388- 71-0600	AMD-P	02-16-080	388- 72A-0075	NEW-P	03-01-116
388- 71-0470	PREP	02-20-017	388- 71-0600	AMD	02-21-098	388- 72A-0080	NEW-P	03-01-116
388- 71-0475	PREP	02-20-017	388- 71-0702	NEW-P	03-01-010	388- 72A-0085	NEW-P	03-01-116
388- 71-0480	PREP	02-20-017	388- 71-0704	NEW-P	03-01-010	388- 72A-0090	NEW-P	03-01-116
388- 71-0500	PREP	02-04-096	388- 71-0706	NEW-P	03-01-010	388- 72A-0095	NEW-P	03-01-116
388- 71-0500	AMD	02-10-117	388- 71-0708	NEW-P	03-01-010	388- 72A-0100	NEW-P	03-01-116
388- 71-0500	AMD-P	02-16-080	388- 71-0710	NEW-P	03-01-010	388- 72A-0105	NEW-P	03-01-116
388- 71-0500	AMD	02-21-098	388- 71-0712	NEW-P	03-01-010	388- 72A-0110	NEW-P	03-01-116
388- 71-0515	PREP	02-04-096	388- 71-0714	NEW-P	03-01-010	388- 76-535	AMD-P	02-03-117
388- 71-0515	AMD-P	02-16-080	388- 71-0716	NEW-P	03-01-010	388- 76-535	AMD	02-15-081
388- 71-0515	AMD	02-21-098	388- 71-0718	NEW-P	03-01-010	388- 76-540	PREP	02-04-096
388- 71-0520	AMD	02-10-117	388- 71-0720	NEW-P	03-01-010	388- 76-540	AMD-P	02-16-080
388- 71-0525	REP	02-10-117	388- 71-0722	NEW-P	03-01-010	388- 76-540	AMD	02-21-098
388- 71-0530	REP	02-10-117	388- 71-0724	NEW-P	03-01-010	388- 76-550	PREP	02-21-013
388- 71-0535	REP	02-10-117	388- 71-0726	NEW-P	03-01-010	388- 76-550	PREP-W	02-24-067
388- 71-0540	AMD	02-10-117	388- 71-0728	NEW-P	03-01-010	388- 76-560	PREP	02-21-013

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388- 76-565	PREP	02-21-013	388- 76-715	PREP	02-21-013	388- 97-35040	AMD-P	02-07-116
388- 76-565	PREP-W	02-24-067	388- 76-715	PREP-W	02-24-067	388- 97-35040	AMD	02-14-063
388- 76-570	AMD-S	02-11-032	388- 76-765	REP-P	02-15-135	388- 97-550	PREP	02-11-126
388- 76-570	AMD	02-15-065	388- 76-765	REP	02-20-004	388- 97-550	AMD-E	02-14-082
388- 76-59100	REP-S	02-11-032	388- 76-76500	PREP	02-24-066	388- 97-550	AMD-P	02-17-094
388- 76-59100	REP	02-15-065	388- 76-76505	NEW-P	02-15-135	388- 97-550	AMD	02-20-058
388- 76-59110	REP-S	02-11-032	388- 76-76505	NEW	02-20-004	388- 97-550	AMD-E	02-21-052
388- 76-59110	REP	02-15-065	388- 76-76510	NEW-P	02-15-135	388- 97-555	PREP	02-11-126
388- 76-59120	REP-S	02-11-032	388- 76-76510	NEW	02-20-004	388- 97-555	AMD-E	02-14-082
388- 76-59120	REP	02-15-065	388- 76-76515	NEW-P	02-15-135	388- 97-555	AMD-P	02-17-094
388- 76-61510	AMD-P	02-03-117	388- 76-76515	NEW	02-20-004	388- 97-555	AMD	02-20-058
388- 76-61510	AMD	02-15-081	388- 76-76520	NEW-P	02-15-135	388- 97-555	AMD-E	02-21-052
388- 76-640	REP-P	02-03-117	388- 76-76520	NEW	02-20-004	388- 97-565	AMD-P	02-07-116
388- 76-640	REP-S	02-14-161	388- 78A-050	AMD-S	02-11-031	388- 97-565	AMD	02-14-063
388- 76-640	REP	02-20-005	388- 78A-050	AMD	02-15-066	388- 97-570	AMD-P	02-07-116
388- 76-64005	NEW-P	02-03-117	388- 78A-060	AMD-W	02-11-059	388- 97-570	PREP	02-11-066
388- 76-64005	NEW-S	02-14-161	388- 78A-265	PREP	02-09-047	388- 97-570	AMD	02-14-063
388- 76-64005	NEW	02-20-005	388- 78A-265	AMD-P	02-14-062	388- 97-570	AMD-P	02-20-103
388- 76-64010	NEW-P	02-03-117	388- 78A-265	AMD	02-17-027	388- 97-570	AMD	02-23-030
388- 76-64010	NEW-S	02-14-161	388- 79-010	AMD-P	02-11-067	388- 97-575	AMD-P	02-07-116
388- 76-64010	NEW	02-20-005	388- 79-010	AMD-W	02-24-052	388- 97-575	AMD	02-14-063
388- 76-64015	NEW-P	02-03-117	388- 79-020	AMD-P	02-11-067	388- 97-580	AMD-P	02-07-116
388- 76-64015	NEW-S	02-14-161	388- 79-020	AMD-W	02-24-052	388- 97-580	AMD	02-14-063
388- 76-64015	NEW	02-20-005	388- 79-030	AMD-P	02-11-067	388- 97-585	AMD-P	02-07-116
388- 76-64020	NEW-P	02-03-117	388- 79-030	AMD-W	02-24-052	388- 97-585	AMD	02-14-063
388- 76-64020	NEW-S	02-14-161	388- 79-040	AMD-P	02-11-067	388- 97-595	AMD-P	02-07-116
388- 76-64020	NEW	02-20-005	388- 79-040	AMD-W	02-24-052	388- 97-595	AMD	02-14-063
388- 76-64025	NEW-P	02-03-117	388- 96-713	AMD-E	02-04-011	388- 97-605	NEW-P	02-07-116
388- 76-64025	NEW-S	02-14-161	388- 96-901	AMD-E	02-04-011	388- 97-605	NEW	02-14-063
388- 76-64025	NEW	02-20-005	388- 97	PREP	02-11-066	388- 97-610	NEW-P	02-07-116
388- 76-64030	NEW-P	02-03-117	388- 97-005	AMD-P	02-07-116	388- 97-610	NEW	02-14-063
388- 76-64030	NEW-S	02-14-161	388- 97-005	AMD	02-14-063	388- 97-615	NEW-P	02-07-116
388- 76-64030	NEW	02-20-005	388- 97-043	AMD-P	02-07-116	388- 97-615	NEW	02-14-063
388- 76-64035	NEW-P	02-03-117	388- 97-043	AMD	02-14-063	388- 97-620	NEW-P	02-07-116
388- 76-64035	NEW-S	02-14-161	388- 97-07005	AMD-P	02-07-116	388- 97-620	NEW	02-14-063
388- 76-64035	NEW	02-20-005	388- 97-07005	AMD	02-14-063	388- 97-625	NEW-P	02-07-116
388- 76-64040	NEW-S	02-14-161	388- 97-07040	AMD-P	02-07-116	388- 97-625	NEW	02-14-063
388- 76-64040	NEW	02-20-005	388- 97-07040	AMD	02-14-063	388- 97-630	NEW-P	02-07-116
388- 76-64045	NEW-S	02-14-161	388- 97-07050	AMD-P	02-07-116	388- 97-630	NEW	02-14-063
388- 76-64045	NEW	02-20-005	388- 97-07050	AMD	02-14-063	388- 97-635	NEW-P	02-07-116
388- 76-64050	NEW-S	02-14-161	388- 97-076	AMD-P	02-07-116	388- 97-635	NEW	02-14-063
388- 76-64050	NEW	02-20-005	388- 97-076	AMD	02-14-063	388- 97-640	NEW-P	02-07-116
388- 76-64055	NEW-S	02-14-161	388- 97-143	NEW-P	02-20-103	388- 97-640	NEW	02-14-063
388- 76-64055	NEW	02-20-005	388- 97-143	NEW	02-23-030	388- 97-645	NEW-P	02-07-116
388- 76-650	PREP	02-21-013	388- 97-160	AMD-P	02-07-116	388- 97-645	NEW	02-14-063
388- 76-650	PREP	02-24-066	388- 97-160	AMD	02-14-063	388- 97-650	NEW-P	02-07-116
388- 76-650	PREP-W	02-24-067	388- 97-162	AMD-P	02-07-116	388- 97-650	NEW	02-14-063
388- 76-655	AMD-S	02-11-032	388- 97-162	AMD	02-14-063	388- 97-650	AMD-P	02-20-103
388- 76-655	AMD	02-15-065	388- 97-180	AMD-P	02-07-116	388- 97-650	AMD	02-23-030
388- 76-655	PREP	02-21-013	388- 97-180	AMD	02-14-063	388- 97-655	NEW-P	02-07-116
388- 76-655	PREP	02-24-066	388- 97-202	AMD-P	02-07-116	388- 97-655	NEW	02-14-063
388- 76-655	PREP-W	02-24-067	388- 97-202	AMD	02-14-063	388- 97-660	NEW-P	02-07-116
388- 76-660	AMD-S	02-11-032	388- 97-203	NEW-P	02-07-116	388- 97-660	NEW	02-14-063
388- 76-660	AMD	02-15-065	388- 97-203	NEW	02-14-063	388- 97-665	NEW-P	02-07-116
388- 76-680	PREP	02-21-013	388- 97-204	NEW-P	02-07-116	388- 97-665	NEW	02-14-063
388- 76-680	PREP-W	02-24-067	388- 97-204	NEW	02-14-063	388- 97-670	NEW-P	02-07-116
388- 76-685	PREP	02-21-013	388- 97-205	AMD-P	02-07-116	388- 97-670	NEW	02-14-063
388- 76-685	PREP-W	02-24-067	388- 97-205	AMD	02-14-063	388- 97-675	NEW-P	02-07-116
388- 76-695	PREP	02-21-013	388- 97-260	AMD-P	02-07-116	388- 97-675	NEW	02-14-063
388- 76-695	PREP-W	02-24-067	388- 97-260	AMD	02-14-063	388- 97-680	NEW-P	02-07-116
388- 76-710	AMD-P	02-03-117	388- 97-285	AMD-P	02-07-116	388- 97-680	NEW	02-14-063

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388-97-685	NEW	02-14-063	388-110-210	PREP	02-04-096	388-112-0135	NEW-S	02-11-032
388-97-690	NEW-P	02-07-116	388-110-210	REP-P	02-16-080	388-112-0135	NEW	02-15-065
388-97-690	NEW	02-14-063	388-110-210	REP	02-21-098	388-112-0140	NEW-S	02-11-032
388-97-695	NEW-P	02-07-116	388-110-230	PREP	02-04-096	388-112-0140	NEW	02-15-065
388-97-695	NEW	02-14-063	388-110-230	REP-P	02-16-080	388-112-0145	NEW-S	02-11-032
388-98-001	REP-P	02-07-116	388-110-230	REP	02-21-098	388-112-0145	NEW	02-15-065
388-98-001	REP	02-14-063	388-110-250	REP-P	02-16-080	388-112-0150	NEW-S	02-11-032
388-98-003	REP-P	02-07-116	388-110-250	REP	02-21-098	388-112-0150	NEW	02-15-065
388-98-003	REP	02-14-063	388-112-0001	NEW-S	02-11-032	388-112-0155	NEW-S	02-11-032
388-98-010	REP-P	02-07-116	388-112-0001	NEW	02-15-065	388-112-0155	NEW	02-15-065
388-98-010	REP	02-14-063	388-112-0005	NEW-S	02-11-032	388-112-0160	NEW-S	02-11-032
388-98-015	REP-P	02-07-116	388-112-0005	NEW	02-15-065	388-112-0160	NEW	02-15-065
388-98-015	REP	02-14-063	388-112-0010	NEW-S	02-11-032	388-112-0165	NEW-S	02-11-032
388-98-020	REP-P	02-07-116	388-112-0010	NEW	02-15-065	388-112-0165	NEW	02-15-065
388-98-020	REP	02-14-063	388-112-0015	NEW-S	02-11-032	388-112-0170	NEW-S	02-11-032
388-98-300	REP-P	02-07-116	388-112-0015	NEW	02-15-065	388-112-0170	NEW	02-15-065
388-98-300	REP	02-14-063	388-112-0020	NEW-S	02-11-032	388-112-0175	NEW-S	02-11-032
388-98-320	REP-P	02-07-116	388-112-0020	NEW	02-15-065	388-112-0175	NEW	02-15-065
388-98-320	REP	02-14-063	388-112-0025	NEW-S	02-11-032	388-112-0180	NEW-S	02-11-032
388-98-330	REP-P	02-07-116	388-112-0025	NEW	02-15-065	388-112-0180	NEW	02-15-065
388-98-330	REP	02-14-063	388-112-0030	NEW-S	02-11-032	388-112-0185	NEW-S	02-11-032
388-98-340	REP-P	02-07-116	388-112-0030	NEW	02-15-065	388-112-0185	NEW	02-15-065
388-98-340	REP	02-14-063	388-112-0035	NEW-S	02-11-032	388-112-0190	NEW-S	02-11-032
388-98-700	REP-P	02-07-116	388-112-0035	NEW	02-15-065	388-112-0190	NEW	02-15-065
388-98-700	REP	02-14-063	388-112-0040	NEW-S	02-11-032	388-112-0195	NEW-S	02-11-032
388-98-750	REP-P	02-07-116	388-112-0040	NEW	02-15-065	388-112-0195	NEW	02-15-065
388-98-750	REP	02-14-063	388-112-0045	NEW-S	02-11-032	388-112-0200	NEW-S	02-11-031
388-98-810	REP-P	02-07-116	388-112-0045	NEW	02-15-065	388-112-0200	NEW	02-15-066
388-98-810	REP	02-14-063	388-112-0050	NEW-S	02-11-032	388-112-0205	NEW-S	02-11-031
388-98-830	REP-P	02-07-116	388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066
388-98-830	REP	02-14-063	388-112-0055	NEW-S	02-11-032	388-112-0210	NEW-S	02-11-031
388-98-870	REP-P	02-07-116	388-112-0055	NEW	02-15-065	388-112-0210	NEW	02-15-066
388-98-870	REP	02-14-063	388-112-0060	NEW-S	02-11-032	388-112-0215	NEW-S	02-11-031
388-98-890	REP-P	02-07-116	388-112-0060	NEW	02-15-065	388-112-0215	NEW	02-15-066
388-98-890	REP	02-14-063	388-112-0065	NEW-S	02-11-032	388-112-0220	NEW-S	02-11-031
388-105	AMD-E	02-14-081	388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066
388-105	PREP	02-14-099	388-112-0070	NEW-S	02-11-032	388-112-0225	NEW-S	02-11-031
388-105	AMD-P	02-18-099	388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066
388-105	PREP	02-21-012	388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031
388-105	AMD-E	02-21-051	388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066
388-105	AMD	02-22-058	388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031
388-105-0005	AMD-E	02-14-081	388-112-0080	NEW	02-15-065	388-112-0235	NEW	02-15-066
388-105-0005	AMD-P	02-18-099	388-112-0085	NEW-S	02-11-032	388-112-0240	NEW-S	02-11-031
388-105-0005	AMD-E	02-21-051	388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066
388-105-0005	AMD	02-22-058	388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031
388-105-0030	NEW-E	02-14-081	388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066
388-105-0030	NEW-P	02-18-099	388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031
388-105-0030	NEW-E	02-21-051	388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066
388-105-0030	NEW	02-22-058	388-112-0100	NEW-S	02-11-032	388-112-0255	NEW-S	02-11-031
388-105-0035	NEW-E	02-14-081	388-112-0100	NEW	02-15-065	388-112-0255	NEW	02-15-066
388-105-0035	NEW-P	02-18-099	388-112-0105	NEW-S	02-11-032	388-112-0260	NEW-S	02-11-031
388-105-0035	NEW-E	02-21-051	388-112-0105	NEW	02-15-065	388-112-0260	NEW	02-15-066
388-105-0035	NEW	02-22-058	388-112-0110	NEW-S	02-11-032	388-112-0265	NEW-S	02-11-031
388-105-0040	NEW-E	02-14-081	388-112-0110	NEW	02-15-065	388-112-0265	NEW	02-15-066
388-105-0040	NEW-P	02-18-099	388-112-0115	NEW-S	02-11-032	388-112-0270	NEW-S	02-11-031
388-105-0040	NEW-E	02-21-051	388-112-0115	NEW	02-15-065	388-112-0270	NEW	02-15-066
388-105-0040	NEW	02-22-058	388-112-0120	NEW-S	02-11-032	388-112-0275	NEW-S	02-11-031
388-110-020	PREP	02-04-096	388-112-0120	NEW	02-15-065	388-112-0275	NEW	02-15-066
388-110-020	AMD-P	02-16-080	388-112-0125	NEW-S	02-11-032	388-112-0280	NEW-S	02-11-031
388-110-020	AMD	02-21-098	388-112-0125	NEW	02-15-065	388-112-0280	NEW	02-15-066
388-110-110	REP-S	02-11-032	388-112-0130	NEW-S	02-11-032	388-112-0285	NEW-S	02-11-031

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388-145-0100	NEW-P	03-01-117	388-145-0720	NEW-P	03-01-117	388-148-0058	NEW-E	02-22-002
388-145-0110	NEW-P	03-01-117	388-145-0730	NEW-P	03-01-117	388-148-0060	PREP	02-06-083
388-145-0120	NEW-P	03-01-117	388-145-0740	NEW-P	03-01-117	388-148-0060	AMD-E	02-14-042
388-145-0130	NEW-P	03-01-117	388-145-0750	NEW-P	03-01-117	388-148-0060	AMD-E	02-22-002
388-145-0140	NEW-P	03-01-117	388-145-0760	NEW-P	03-01-117	388-148-0065	PREP	02-06-083
388-145-0150	NEW-P	03-01-117	388-145-0770	NEW-P	03-01-117	388-148-0065	AMD-E	02-14-042
388-145-0160	NEW-P	03-01-117	388-145-0780	NEW-P	03-01-117	388-148-0065	AMD-E	02-22-002
388-145-0170	NEW-P	03-01-117	388-145-0790	NEW-P	03-01-117	388-148-0120	PREP	02-06-083
388-145-0180	NEW-P	03-01-117	388-145-0800	NEW-P	03-01-117	388-148-0120	AMD-E	02-14-042
388-145-0190	NEW-P	03-01-117	388-145-0810	NEW-P	03-01-117	388-148-0120	AMD-E	02-22-002
388-145-0200	NEW-P	03-01-117	388-145-0820	NEW-P	03-01-117	388-148-0125	PREP	02-06-083
388-145-0210	NEW-P	03-01-117	388-145-0830	NEW-P	03-01-117	388-148-0125	AMD-E	02-14-042
388-145-0220	NEW-P	03-01-117	388-145-0840	NEW-P	03-01-117	388-148-0125	AMD-E	02-22-002
388-145-0230	NEW-P	03-01-117	388-145-0850	NEW-P	03-01-117	388-148-0140	AMD-E	02-14-042
388-145-0240	NEW-P	03-01-117	388-145-0860	NEW-P	03-01-117	388-148-0140	AMD-E	02-22-002
388-145-0250	NEW-P	03-01-117	388-145-0870	NEW-P	03-01-117	388-148-0220	PREP	02-06-083
388-145-0260	NEW-P	03-01-117	388-145-0880	NEW-P	03-01-117	388-148-0220	AMD-E	02-14-042
388-145-0270	NEW-P	03-01-117	388-145-0890	NEW-P	03-01-117	388-148-0220	AMD-E	02-22-002
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388-145-0380	NEW-P	03-01-117	388-145-1000	NEW-P	03-01-117	388-148-0350	PREP	02-06-083
388-145-0390	NEW-P	03-01-117	388-145-1010	NEW-P	03-01-117	388-148-0350	AMD-E	02-14-042
388-145-0400	NEW-P	03-01-117	388-145-1020	NEW-P	03-01-117	388-148-0350	AMD-E	02-22-002
388-145-0410	NEW-P	03-01-117	388-145-1030	NEW-P	03-01-117	388-148-0395	AMD-E	02-14-042
388-145-0420	NEW-P	03-01-117	388-145-1040	NEW-P	03-01-117	388-148-0395	AMD-E	02-22-002
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388-290-0095	AMD-P	02-08-060	388-290-0270	AMD-P	02-08-060	388-406-0050	AMD	02-14-023
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388-410-0020	AMD	02-06-090	388-444-0035	AMD-P	03-01-062	388-452-0005	AMD-P	02-09-065
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388-422-0005	AMD	02-19-041	388-450-0075	REP	02-20-069	388-460-0070	NEW-P	02-11-131
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388-422-0020	AMD-P	02-15-147	388-450-0106	AMD-E	02-14-065	388-462-0015	AMD	02-17-030
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388-422-0030	AMD	02-19-041	388-450-0116	AMD-P	02-09-061	388-466-0140	NEW	02-04-057
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388-424-0010	AMD	02-17-030	388-450-0140	AMD	02-06-089	388-470-0012	AMD-P	02-21-095
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388-424-0020	AMD-E	02-19-026	388-450-0160	PREP	02-20-057	388-470-0020	REP-P	02-21-095
388-424-0020	PREP	02-20-057	388-450-0170	AMD-P	02-13-104	388-470-0025	REP-P	02-21-095
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388-434-0010	AMD	02-18-083	388-450-0190	AMD-P	02-19-044	388-470-0050	REP-P	02-21-095
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388-434-0020	NEW-S	02-09-063	388-450-0195	AMD-E	02-19-045	388-470-0075	AMD-E	02-10-091
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388-474	PREP-W	02-16-077	388-492-0030	AMD	02-15-148	388-523-0100	AMD	02-10-018
388-474	PREP	02-16-078	388-492-0040	AMD-P	02-12-071	388-523-0100	AMD-P	02-13-104
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388-478-0055	AMD-E	02-14-080	388-501-0165	PREP	02-24-010	388-530-1250	AMD	02-17-023
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388-478-0060	PREP	02-09-073	388-503-0505	AMD-P	02-13-103	388-530-1350	AMD-P	02-12-092
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388-530-1700	AMD	02-17-023	388-535-1100	AMD-P	02-08-088	388-550-2570	NEW	02-14-162
388-530-1750	AMD-P	02-12-092	388-535-1100	AMD	02-13-074	388-550-2575	NEW-P	02-10-113
388-530-1750	AMD	02-17-023	388-535-1100	PREP	02-17-070	388-550-2575	NEW	02-14-162
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388-530-1900	AMD	02-17-023	388-535-1200	AMD	02-13-074	388-550-2590	NEW	02-14-162
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388-891-0295	NEW-P	02-20-043	388-891-0810	NEW-P	02-20-043	390-13-010	AMD	02-03-018
388-891-0300	NEW-P	02-20-043	388-891-0815	NEW-P	02-20-043	390-13-100	AMD	02-03-018
388-891-0310	NEW-P	02-20-043	388-891-0820	NEW-P	02-20-043	390-14-025	AMD	02-03-018
388-891-0320	NEW-P	02-20-043	388-891-0825	NEW-P	02-20-043	390-14-045	AMD	02-03-018
388-891-0325	NEW-P	02-20-043	388-891-0830	NEW-P	02-20-043	390-16-032	AMD	02-03-018
388-891-0330	NEW-P	02-20-043	388-891-0835	NEW-P	02-20-043	390-16-033	AMD	02-03-018
388-891-0340	NEW-P	02-20-043	388-891-0840	NEW-P	02-20-043	390-16-038	AMD	02-03-018
388-891-0345	NEW-P	02-20-043	388-891-0845	NEW-P	02-20-043	390-16-050	AMD	02-03-018
388-891-0350	NEW-P	02-20-043	388-891-0850	NEW-P	02-20-043	390-16-050	AMD-P	02-09-080
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392-140-910	PREP	02-15-151	415-08	PREP	02-21-125	415-104-0121	PREP	02-06-041
392-140-911	REP	02-09-024	415-08-015	AMD-P	02-09-055	415-104-0121	REP-P	02-15-153
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415-112-060	NEW	02-14-009	415-113-045	AMD	02-18-046	434-236-025	DECOD	02-09-007
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415-113-0303	PREP	02-06-041	434-215-012	AMD-P	02-11-133	434-236-140	DECOD	02-09-007
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415-113-0306	REP-P	02-15-153	434-215-080	NEW-E	02-14-088	434-238-025	RECOD	02-09-007
415-113-0306	REP	02-18-046	434-215-080	NEW	02-15-156	434-238-030	RECOD	02-09-007
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478-118-080	NEW-P	02-08-066	479- 11-100	NEW-E	02-21-011	480- 75-350	NEW-P	02-12-132
478-118-080	NEW	02-15-174	479- 11-110	NEW-E	02-21-011	480- 75-350	NEW	02-18-032
478-118-090	NEW-E	02-06-042	479- 11-140	NEW-E	02-21-011	480- 75-360	NEW-P	02-12-132
478-118-090	NEW-P	02-08-066	479- 11-180	NEW-E	02-21-011	480- 75-360	NEW	02-18-032
478-118-090	NEW	02-15-174	480- 14-999	AMD-X	02-12-131	480- 75-370	NEW-P	02-12-132
478-118-100	NEW-E	02-06-042	480- 14-999	AMD	02-18-033	480- 75-370	NEW	02-18-032
478-118-100	NEW-P	02-08-066	480- 15	PREP	02-20-105	480- 75-380	NEW-P	02-12-132
478-118-100	NEW	02-15-174	480- 15-999	AMD-X	02-12-131	480- 75-380	NEW	02-18-032
478-118-200	NEW-E	02-06-042	480- 15-999	AMD	02-18-033	480- 75-390	NEW-P	02-12-132
478-118-200	NEW-P	02-08-066	480- 30-999	AMD-X	02-12-131	480- 75-390	NEW	03-01-064
478-118-200	NEW	02-15-174	480- 30-999	AMD	02-18-033	480- 75-400	NEW-P	02-12-132
478-118-210	NEW-E	02-06-042	480- 31-999	AMD-X	02-12-131	480- 75-400	NEW	02-18-032
478-118-210	NEW-P	02-08-066	480- 31-999	AMD	02-18-033	480- 75-410	NEW-P	02-12-132
478-118-210	NEW	02-15-174	480- 40-999	AMD-X	02-12-131	480- 75-410	NEW	02-18-032
478-118-220	NEW-E	02-06-042	480- 40-999	AMD	02-18-033	480- 75-420	NEW-P	02-12-132
478-118-220	NEW-P	02-08-066	480- 51	PREP	02-20-105	480- 75-420	NEW	02-18-032
478-118-220	NEW	02-15-174	480- 62-240	AMD-X	02-12-131	480- 75-430	NEW-P	02-12-132
478-118-230	NEW-E	02-06-042	480- 62-240	AMD	02-18-033	480- 75-430	NEW	02-18-032
478-118-230	NEW-P	02-08-066	480- 62-999	AMD-X	02-12-131	480- 75-430	NEW	02-20-015
478-118-230	NEW	02-15-174	480- 62-999	AMD	02-18-033	480- 75-440	NEW-P	02-12-132
478-118-240	NEW-E	02-06-042	480- 70	PREP	02-10-055	480- 75-440	NEW	02-18-032
478-118-240	NEW-P	02-08-066	480- 70	PREP	02-20-105	480- 75-450	NEW-P	02-12-132
478-118-240	NEW	02-15-174	480- 70-411	AMD-P	02-17-088	480- 75-450	NEW	02-18-032
478-118-250	NEW-E	02-06-042	480- 70-411	AMD	02-21-066	480- 75-460	NEW-P	02-12-132
478-118-250	NEW-P	02-08-066	480- 70-999	AMD-X	02-12-131	480- 75-460	NEW	02-18-032
478-118-250	NEW	02-15-174	480- 70-999	AMD	02-18-033	480- 75-500	NEW-P	02-12-132
478-118-260	NEW-E	02-06-042	480- 75	AMD-P	02-12-132	480- 75-500	NEW	02-18-032
478-118-260	NEW-P	02-08-066	480- 75	AMD	02-18-032	480- 75-510	NEW-P	02-12-132
478-118-260	NEW	02-15-174	480- 75	PREP	02-20-105	480- 75-510	NEW	02-18-032
478-118-270	NEW-E	02-06-042	480- 75-002	REP-P	02-12-132	480- 75-520	NEW-P	02-12-132
478-118-270	NEW-P	02-08-066	480- 75-002	REP	02-18-032	480- 75-520	NEW	02-18-032
478-118-270	NEW	02-15-174	480- 75-005	REP-P	02-12-132	480- 75-530	NEW-P	02-12-132
478-118-280	NEW-E	02-06-042	480- 75-005	REP	02-18-032	480- 75-530	NEW	02-18-032
478-118-280	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132	480- 75-540	NEW-P	02-12-132
478-118-280	NEW	02-15-174	480- 75-010	REP	02-18-032	480- 75-540	NEW	02-18-032
478-118-400	NEW-E	02-06-042	480- 75-100	NEW-P	02-12-132	480- 75-550	NEW-P	02-12-132
478-118-400	NEW-P	02-08-066	480- 75-100	NEW	02-18-032	480- 75-550	NEW	02-18-032
478-118-400	NEW	02-15-174	480- 75-200	NEW-P	02-12-132	480- 75-600	NEW-P	02-12-132
478-118-410	NEW-E	02-06-042	480- 75-200	NEW	02-18-032	480- 75-600	NEW	02-18-032
478-118-410	NEW-P	02-08-066	480- 75-210	NEW-P	02-12-132	480- 75-610	NEW-P	02-12-132
478-118-410	NEW	02-15-174	480- 75-210	NEW	02-18-032	480- 75-610	NEW	02-18-032
478-118-420	NEW-E	02-06-042	480- 75-220	NEW-P	02-12-132	480- 75-620	NEW-P	02-12-132
478-118-420	NEW-P	02-08-066	480- 75-220	NEW	02-18-032	480- 75-620	NEW	02-18-032
478-118-420	NEW	02-15-174	480- 75-223	REP-P	02-12-132	480- 75-630	NEW-P	02-12-132
478-118-500	NEW-E	02-06-042	480- 75-223	REP	02-18-032	480- 75-630	NEW	02-18-032
478-118-500	NEW-P	02-08-066	480- 75-230	REP-P	02-12-132	480- 75-640	NEW-P	02-12-132
478-118-500	NEW	02-15-174	480- 75-230	REP	02-18-032	480- 75-640	NEW	02-18-032
478-118-510	NEW-E	02-06-042	480- 75-240	NEW	02-03-016	480- 75-650	NEW-P	02-12-132
478-118-510	NEW-P	02-08-066	480- 75-250	NEW-P	02-12-132	480- 75-650	NEW	02-18-032
478-118-510	NEW	02-15-174	480- 75-250	NEW	02-18-032	480- 75-660	NEW-P	02-12-132
478-132-030	PREP	02-22-036	480- 75-260	NEW-P	02-12-132	480- 75-660	NEW	02-18-032
478-136-012	AMD	02-06-020	480- 75-260	NEW	02-18-032	480- 75-999	AMD-P	02-12-132
478-136-015	AMD	02-06-020	480- 75-300	NEW-P	02-12-132	480- 75-999	AMD	02-18-032
478-136-030	AMD-E	02-03-102	480- 75-300	NEW	02-18-032	480- 80-010	AMD	02-11-081
478-136-030	AMD	02-06-020	480- 75-310	NEW-P	02-12-132	480- 80-015	NEW	02-11-081
478-160-125	AMD	02-06-021	480- 75-310	NEW	02-18-032	480- 80-020	AMD	02-11-081
478-160-130	AMD	02-06-021	480- 75-320	NEW-P	02-12-132	480- 80-025	NEW	02-11-081
478-160-140	AMD	02-06-021	480- 75-320	NEW	02-18-032	480- 80-030	AMD	02-11-081
478-160-163	NEW	02-06-021	480- 75-330	NEW-P	02-12-132	480- 80-031	NEW	02-11-081
478-160-175	AMD	02-06-021	480- 75-330	NEW	02-18-032	480- 80-035	REP	02-11-081
479- 11-005	NEW-E	02-21-011	480- 75-340	NEW-P	02-12-132	480- 80-040	REP	02-11-081
479- 11-008	NEW-E	02-21-011	480- 75-340	NEW	02-18-032	480- 80-041	REP	02-11-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-80-045	REP	02-11-081	480-80-370	REP	02-11-081	480-120-019	NEW-P	02-12-055
480-80-050	REP	02-11-081	480-80-380	REP	02-11-081	480-120-019	NEW	03-01-065
480-80-060	REP	02-11-081	480-90	PREP	02-10-055	480-120-021	AMD-P	02-12-055
480-80-070	REP	02-11-081	480-90	PREP	02-20-105	480-120-021	AMD	03-01-065
480-80-080	REP	02-11-081	480-90-113	AMD-P	02-17-088	480-120-029	REP-P	02-12-055
480-80-090	REP	02-11-081	480-90-113	AMD	02-21-066	480-120-029	REP	03-01-065
480-80-100	REP	02-11-081	480-90-118	AMD-P	02-17-088	480-120-031	REP-P	02-12-055
480-80-101	NEW	02-11-081	480-90-118	AMD	02-21-066	480-120-031	REP	03-01-065
480-80-102	NEW	02-11-081	480-90-193	AMD	02-11-081	480-120-032	REP-P	02-12-055
480-80-103	NEW	02-11-081	480-90-194	NEW	02-11-081	480-120-032	REP	03-01-065
480-80-104	NEW	02-11-081	480-90-195	NEW	02-11-081	480-120-033	REP-P	02-12-055
480-80-105	NEW	02-11-081	480-90-197	NEW	02-11-081	480-120-033	REP	03-01-065
480-80-110	REP	02-11-081	480-90-198	NEW	02-11-081	480-120-041	REP-P	02-12-055
480-80-111	NEW	02-11-081	480-90-199	NEW	02-11-081	480-120-041	REP	03-01-065
480-80-112	NEW	02-11-081	480-90-203	AMD-X	02-12-131	480-120-042	REP-P	02-12-055
480-80-121	NEW	02-11-081	480-90-203	AMD	02-18-033	480-120-042	REP	03-01-065
480-80-122	NEW	02-11-081	480-90-208	AMD-X	02-12-131	480-120-043	REP	02-11-081
480-80-123	NEW	02-11-081	480-90-208	AMD	02-18-033	480-120-043	REP-P	02-12-055
480-80-124	NEW	02-11-081	480-90-999	AMD-X	02-12-131	480-120-043	REP	03-01-065
480-80-125	REP	02-11-081	480-90-999	AMD	02-18-033	480-120-045	REP-P	02-12-055
480-80-130	REP	02-11-081	480-92	PREP	02-20-105	480-120-045	REP	03-01-065
480-80-131	NEW	02-11-081	480-93-240	NEW	02-03-016	480-120-046	REP-P	02-12-055
480-80-132	NEW	02-11-081	480-100	PREP	02-10-055	480-120-046	REP	03-01-065
480-80-133	NEW	02-11-081	480-100	PREP	02-20-105	480-120-051	REP-P	02-12-055
480-80-134	NEW	02-11-081	480-100-113	AMD-P	02-17-088	480-120-051	REP	03-01-065
480-80-140	REP	02-11-081	480-100-113	AMD	02-21-066	480-120-052	REP	02-11-080
480-80-141	NEW	02-11-081	480-100-118	AMD-P	02-17-088	480-120-056	REP-P	02-12-055
480-80-142	NEW	02-11-081	480-100-118	AMD	02-21-066	480-120-056	REP	03-01-065
480-80-143	NEW	02-11-081	480-100-148	PREP	02-10-055	480-120-057	REP-P	02-12-055
480-80-150	REP	02-11-081	480-100-148	AMD-P	02-17-088	480-120-057	REP	02-21-067
480-80-160	REP	02-11-081	480-100-148	AMD	02-21-066	480-120-058	REP	02-11-080
480-80-170	REP	02-11-081	480-100-163	AMD-X	02-12-131	480-120-061	AMD-P	02-12-055
480-80-180	REP	02-11-081	480-100-163	AMD	02-18-033	480-120-061	AMD	03-01-065
480-80-190	REP	02-11-081	480-100-193	AMD	02-11-081	480-120-081	REP-P	02-12-055
480-80-200	REP	02-11-081	480-100-194	NEW	02-11-081	480-120-081	REP	03-01-065
480-80-201	NEW	02-11-081	480-100-195	NEW	02-11-081	480-120-087	REP-P	02-12-055
480-80-202	NEW	02-11-081	480-100-197	NEW	02-11-081	480-120-087	REP	03-01-065
480-80-203	NEW	02-11-081	480-100-198	NEW	02-11-081	480-120-088	REP-P	02-12-055
480-80-204	NEW	02-11-081	480-100-199	NEW	02-11-081	480-120-088	REP	03-01-065
480-80-205	NEW	02-11-081	480-100-203	AMD-X	02-12-131	480-120-089	REP-P	02-12-055
480-80-206	NEW	02-11-081	480-100-203	AMD	02-18-033	480-120-089	REP	03-01-065
480-80-210	REP	02-11-081	480-100-208	AMD-X	02-12-131	480-120-101	REP-P	02-12-055
480-80-220	REP	02-11-081	480-100-208	AMD	02-18-033	480-120-101	REP	03-01-065
480-80-230	REP	02-11-081	480-100-999	AMD-X	02-12-131	480-120-102	NEW-P	02-12-055
480-80-240	REP	02-11-081	480-100-999	AMD	02-18-033	480-120-102	NEW	03-01-065
480-80-241	NEW	02-11-081	480-110	PREP	02-10-055	480-120-103	NEW-P	02-12-055
480-80-242	NEW	02-11-081	480-110	PREP	02-20-105	480-120-103	NEW	03-01-065
480-80-250	REP	02-11-081	480-110-275	AMD-X	02-12-131	480-120-104	NEW-P	02-12-055
480-80-260	REP	02-11-081	480-110-275	AMD	02-18-033	480-120-104	NEW	03-01-065
480-80-270	REP	02-11-081	480-110-335	AMD-P	02-17-088	480-120-105	NEW-P	02-12-055
480-80-280	REP	02-11-081	480-110-335	AMD	02-21-066	480-120-105	NEW	03-01-065
480-80-290	REP	02-11-081	480-110-485	AMD-X	02-12-131	480-120-106	REP-P	02-12-055
480-80-300	REP	02-11-081	480-110-485	AMD	02-18-033	480-120-106	REP	03-01-065
480-80-310	REP	02-11-081	480-110-999	NEW-X	02-12-131	480-120-107	NEW-P	02-12-055
480-80-320	REP	02-11-081	480-110-999	NEW	02-18-033	480-120-108	NEW-P	02-12-055
480-80-325	REP	02-11-081	480-120	PREP	02-20-105	480-120-112	NEW-P	02-12-055
480-80-326	REP	02-11-081	480-120-011	AMD-P	02-12-055	480-120-112	NEW	03-01-065
480-80-330	REP	02-11-081	480-120-011	AMD	03-01-065	480-120-116	REP-P	02-12-055
480-80-335	REP	02-11-081	480-120-015	AMD-P	02-12-055	480-120-116	REP	03-01-065
480-80-340	REP	02-11-081	480-120-015	AMD	03-01-065	480-120-121	REP-P	02-12-055
480-80-350	REP	02-11-081	480-120-017	NEW-P	02-12-055	480-120-121	REP	03-01-065
480-80-360	REP	02-11-081	480-120-017	NEW	03-01-065	480-120-122	NEW-P	02-12-055

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-122	NEW	03-01-065	480-120-171	NEW	03-01-065	480-120-261	NEW	03-01-065
480-120-123	NEW-P	02-12-055	480-120-172	NEW-P	02-12-055	480-120-262	NEW-P	02-12-055
480-120-123	NEW	03-01-065	480-120-172	NEW	03-01-065	480-120-262	NEW	03-01-065
480-120-124	NEW-P	02-12-055	480-120-173	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055
480-120-124	NEW	03-01-065	480-120-173	NEW	03-01-065	480-120-263	NEW	03-01-065
480-120-125	NEW-P	02-12-055	480-120-174	NEW-P	02-12-055	480-120-264	NEW	02-11-080
480-120-125	NEW	02-21-067	480-120-174	NEW	03-01-065	480-120-265	NEW-P	02-12-055
480-120-126	REP-P	02-12-055	480-120-193	NEW	02-11-081	480-120-265	NEW	03-01-065
480-120-126	REP	03-01-065	480-120-194	NEW	02-11-081	480-120-301	NEW-P	02-12-055
480-120-127	NEW	02-11-080	480-120-195	NEW	02-11-081	480-120-301	NEW	03-01-065
480-120-128	NEW-P	02-12-055	480-120-196	NEW	02-11-081	480-120-302	NEW-P	02-12-055
480-120-128	NEW	03-01-065	480-120-197	NEW	02-11-081	480-120-302	NEW	03-01-065
480-120-131	REP-P	02-12-055	480-120-198	NEW	02-11-081	480-120-303	NEW-P	02-12-055
480-120-131	REP	03-01-065	480-120-199	NEW	02-11-081	480-120-303	NEW	03-01-065
480-120-132	NEW-P	02-12-055	480-120-201	NEW-P	02-08-081	480-120-304	NEW-P	02-12-055
480-120-132	NEW	03-01-065	480-120-201	NEW	02-23-004	480-120-304	NEW	03-01-065
480-120-133	NEW-P	02-12-055	480-120-202	NEW-P	02-08-081	480-120-305	NEW-P	02-12-055
480-120-133	NEW	03-01-065	480-120-202	NEW-W	02-23-021	480-120-305	NEW	03-01-065
480-120-136	REP-P	02-12-055	480-120-203	NEW-P	02-08-081	480-120-311	NEW-P	02-12-055
480-120-136	REP	03-01-065	480-120-203	NEW	02-23-004	480-120-311	NEW	03-01-065
480-120-138	REP-P	02-12-055	480-120-204	NEW-P	02-08-081	480-120-312	NEW-P	02-12-055
480-120-138	REP	03-01-065	480-120-204	NEW	02-23-004	480-120-321	NEW-P	02-12-055
480-120-139	REP-P	02-12-055	480-120-205	NEW-P	02-08-081	480-120-321	NEW	03-01-065
480-120-139	REP	03-01-065	480-120-205	NEW	02-23-004	480-120-322	NEW-P	02-12-055
480-120-141	REP-P	02-12-055	480-120-206	NEW-P	02-08-081	480-120-322	NEW	03-01-065
480-120-141	REP	03-01-065	480-120-206	NEW	02-23-004	480-120-323	NEW-P	02-12-055
480-120-144	REP-P	02-08-081	480-120-207	NEW-P	02-08-081	480-120-323	NEW	03-01-065
480-120-144	REP	02-23-004	480-120-207	NEW	02-23-004	480-120-340	REP-P	02-12-055
480-120-144	REP	03-01-022	480-120-208	NEW-P	02-08-081	480-120-340	REP	03-01-065
480-120-146	NEW-P	02-12-055	480-120-208	NEW	02-23-004	480-120-350	REP-P	02-12-055
480-120-146	NEW	03-01-065	480-120-209	NEW-P	02-08-081	480-120-350	REP	03-01-065
480-120-147	NEW-P	02-12-055	480-120-209	NEW	02-23-004	480-120-401	NEW-P	02-12-055
480-120-147	NEW	03-01-065	480-120-211	NEW-P	02-08-081	480-120-401	NEW	03-01-065
480-120-148	NEW-P	02-12-055	480-120-211	NEW	02-23-004	480-120-402	NEW-P	02-12-055
480-120-148	NEW	03-01-065	480-120-212	NEW-P	02-08-081	480-120-402	NEW	03-01-065
480-120-151	REP-P	02-08-081	480-120-212	NEW	02-23-004	480-120-411	NEW-P	02-12-055
480-120-151	REP	02-23-004	480-120-213	NEW-P	02-08-081	480-120-411	NEW	03-01-065
480-120-151	REP	03-01-022	480-120-213	NEW	02-23-004	480-120-412	NEW-P	02-12-055
480-120-152	REP-P	02-08-081	480-120-214	NEW-P	02-08-081	480-120-412	NEW	03-01-065
480-120-152	REP	02-23-004	480-120-214	NEW	02-23-004	480-120-414	NEW-P	02-12-055
480-120-152	REP	03-01-022	480-120-215	NEW-P	02-08-081	480-120-414	NEW	03-01-065
480-120-153	REP-P	02-08-081	480-120-215	NEW	02-23-004	480-120-436	NEW-P	02-12-055
480-120-153	REP	02-23-004	480-120-216	NEW-P	02-08-081	480-120-436	NEW	03-01-065
480-120-153	REP	03-01-022	480-120-216	NEW	02-23-004	480-120-437	NEW-P	02-12-055
480-120-154	REP-P	02-08-081	480-120-217	NEW	02-23-004	480-120-437	NEW	03-01-065
480-120-154	REP	02-23-004	480-120-218	NEW	02-23-004	480-120-438	NEW-P	02-12-055
480-120-154	REP	03-01-022	480-120-219	NEW	02-23-004	480-120-438	NEW	03-01-065
480-120-161	NEW-P	02-12-055	480-120-251	NEW-P	02-12-055	480-120-439	NEW-P	02-12-055
480-120-161	NEW	03-01-065	480-120-251	NEW	03-01-065	480-120-439	NEW	03-01-065
480-120-162	NEW-P	02-12-055	480-120-252	NEW-P	02-12-055	480-120-440	NEW-P	02-12-055
480-120-162	NEW	03-01-065	480-120-252	NEW	03-01-065	480-120-440	NEW	03-01-065
480-120-163	NEW-P	02-12-055	480-120-253	NEW-P	02-12-055	480-120-450	NEW-P	02-12-055
480-120-163	NEW	03-01-065	480-120-253	NEW	03-01-065	480-120-450	NEW	03-01-065
480-120-164	NEW-P	02-12-055	480-120-254	NEW-P	02-12-055	480-120-451	NEW-P	02-12-055
480-120-164	NEW	03-01-065	480-120-254	NEW	03-01-065	480-120-451	NEW	03-01-065
480-120-165	NEW-P	02-12-055	480-120-255	NEW-P	02-12-055	480-120-452	NEW-P	02-12-055
480-120-165	NEW	03-01-065	480-120-255	NEW	03-01-065	480-120-452	NEW	03-01-065
480-120-166	NEW-P	02-12-055	480-120-256	NEW-P	02-12-055	480-120-500	REP-P	02-12-055
480-120-166	NEW	03-01-065	480-120-256	NEW	03-01-065	480-120-500	REP	03-01-065
480-120-167	NEW-P	02-12-055	480-120-257	NEW-P	02-12-055	480-120-505	REP-P	02-12-055
480-120-167	NEW	03-01-065	480-120-257	NEW	03-01-065	480-120-505	REP	03-01-065
480-120-171	NEW-P	02-12-055	480-120-261	NEW-P	02-12-055	480-120-510	REP-P	02-12-055

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480-120-515	REP-P	02-12-055	504- 15-100	AMD	02-14-071	504- 25-055	AMD	02-15-075
480-120-515	REP	03-01-065	504- 15-200	AMD-P	02-11-092	504- 25-060	AMD-P	02-11-093
480-120-520	REP-P	02-12-055	504- 15-200	AMD	02-14-071	504- 25-060	AMD	02-15-075
480-120-520	REP	03-01-065	504- 15-210	AMD-P	02-11-092	504- 25-065	AMD-P	02-11-093
480-120-525	REP-P	02-12-055	504- 15-210	AMD	02-14-071	504- 25-065	AMD	02-15-075
480-120-525	REP	03-01-065	504- 15-460	AMD-P	02-11-092	504- 25-075	AMD-P	02-11-093
480-120-530	REP-P	02-12-055	504- 15-460	AMD	02-14-071	504- 25-075	AMD	02-15-075
480-120-530	REP	03-01-065	504- 15-540	AMD-P	02-11-092	504- 25-080	AMD-P	02-11-093
480-120-531	REP-P	02-12-055	504- 15-540	AMD	02-14-071	504- 25-080	AMD	02-15-075
480-120-531	REP	03-01-065	504- 15-580	AMD-P	02-11-092	504- 25-085	AMD-P	02-11-093
480-120-535	REP-P	02-12-055	504- 15-580	AMD	02-14-071	504- 25-085	AMD	02-15-075
480-120-535	REP	03-01-065	504- 15-600	AMD-P	02-11-092	504- 25-090	AMD-P	02-11-093
480-120-541	REP-P	02-12-055	504- 15-600	AMD	02-14-071	504- 25-090	AMD	02-15-075
480-120-541	REP	03-01-065	504- 15-650	AMD-P	02-11-092	504- 25-095	AMD-P	02-11-093
480-120-542	REP-P	02-12-055	504- 15-650	AMD	02-14-071	504- 25-095	AMD	02-15-075
480-120-542	REP	03-01-065	504- 15-810	AMD-P	02-11-092	504- 25-100	AMD-P	02-11-093
480-120-543	REP-P	02-12-055	504- 15-810	AMD	02-14-071	504- 25-100	AMD	02-15-075
480-120-543	REP	03-01-065	504- 15-830	AMD-P	02-11-092	504- 25-115	AMD-P	02-11-093
480-120-544	REP-P	02-12-055	504- 15-830	AMD	02-14-071	504- 25-115	AMD	02-15-075
480-120-544	REP	03-01-065	504- 25-001	NEW-P	02-11-093	504- 25-120	AMD-P	02-11-093
480-120-545	REP-P	02-12-055	504- 25-001	NEW	02-15-075	504- 25-120	AMD	02-15-075
480-120-545	REP	03-01-065	504- 25-002	NEW-P	02-11-093	504- 25-125	AMD-P	02-11-093
480-120-999	NEW-P	02-12-055	504- 25-002	NEW	02-15-075	504- 25-125	AMD	02-15-075
480-120-999	NEW	03-01-065	504- 25-003	NEW-P	02-11-093	504- 25-130	AMD-P	02-11-093
480-121-010	REP	02-11-080	504- 25-003	NEW	02-15-075	504- 25-130	AMD	02-15-075
480-121-011	NEW	02-11-080	504- 25-004	NEW-P	02-11-093	504- 25-135	AMD-P	02-11-093
480-121-015	AMD	02-11-080	504- 25-004	NEW	02-15-075	504- 25-135	AMD	02-15-075
480-121-016	NEW	02-11-080	504- 25-005	REP-P	02-11-093	504- 25-137	NEW-P	02-11-093
480-121-017	NEW	02-11-080	504- 25-005	REP	02-15-075	504- 25-137	NEW	02-15-075
480-121-018	NEW	02-11-080	504- 25-010	REP-P	02-11-093	504- 25-138	AMD-P	02-11-093
480-121-020	AMD-S	02-07-041	504- 25-010	REP	02-15-075	504- 25-138	AMD	02-15-075
480-121-020	AMD	02-11-080	504- 25-011	NEW-P	02-11-093	504- 25-139	NEW-P	02-11-093
480-121-023	REP	02-11-080	504- 25-011	NEW	02-15-075	504- 25-139	NEW	02-15-075
480-121-026	AMD	02-11-080	504- 25-012	NEW-P	02-11-093	504- 25-140	AMD-P	02-11-093
480-121-030	REP	02-11-080	504- 25-012	NEW	02-15-075	504- 25-140	AMD	02-15-075
480-121-040	AMD	02-11-080	504- 25-013	NEW-P	02-11-093	504- 25-200	AMD-P	02-11-093
480-121-050	REP	02-11-080	504- 25-013	NEW	02-15-075	504- 25-200	AMD	02-15-075
480-121-060	AMD	02-11-080	504- 25-014	NEW-P	02-11-093	504- 25-201	NEW-P	02-11-093
480-121-061	AMD	02-11-080	504- 25-014	NEW	02-15-075	504- 25-201	NEW	02-15-075
480-121-062	AMD	02-11-080	504- 25-015	AMD-P	02-11-093	504- 25-202	NEW-P	02-11-093
480-121-063	AMD-S	02-07-041	504- 25-015	AMD	02-15-075	504- 25-202	NEW	02-15-075
480-121-063	AMD	02-11-080	504- 25-018	NEW-P	02-11-093	504- 25-203	NEW-P	02-11-093
480-121-064	AMD	02-11-080	504- 25-018	NEW	02-15-075	504- 25-203	NEW	02-15-075
480-121-065	NEW	02-11-081	504- 25-020	AMD-P	02-11-093	504- 25-205	AMD-P	02-11-093
480-121-070	REP	02-11-080	504- 25-020	AMD	02-15-075	504- 25-205	AMD	02-15-075
480-122-010	AMD	02-03-017	504- 25-025	AMD-P	02-11-093	504- 25-210	REP-P	02-11-093
480-122-020	AMD	02-03-017	504- 25-025	AMD	02-15-075	504- 25-210	REP	02-15-075
480-122-030	REP	02-03-017	504- 25-030	AMD-P	02-11-093	504- 25-215	AMD-P	02-11-093
480-122-040	REP	02-03-017	504- 25-030	AMD	02-15-075	504- 25-215	AMD	02-15-075
480-122-060	AMD	02-03-017	504- 25-035	AMD-P	02-11-093	504- 25-220	REP-P	02-11-093
480-122-070	REP	02-03-017	504- 25-035	AMD	02-15-075	504- 25-220	REP	02-15-075
480-122-080	AMD	02-03-017	504- 25-040	AMD-P	02-11-093	504- 25-221	NEW-P	02-11-093
480-122-090	REP	02-03-017	504- 25-040	AMD	02-15-075	504- 25-221	NEW	02-15-075
480-140	PREP	02-20-105	504- 25-041	NEW-P	02-11-093	504- 25-222	NEW-P	02-11-093
480-146	PREP	02-20-105	504- 25-041	NEW	02-15-075	504- 25-222	NEW	02-15-075
495C-120-040	AMD	02-04-022	504- 25-042	NEW-P	02-11-093	504- 25-223	NEW-P	02-11-093
495C-120-041	AMD	02-04-022	504- 25-042	NEW	02-15-075	504- 25-223	NEW	02-15-075
495D-325-010	AMD-X	02-20-014	504- 25-045	AMD-P	02-11-093	504- 25-224	NEW-P	02-11-093
495D-325-010	AMD	03-01-070	504- 25-045	AMD	02-15-075	504- 25-224	NEW	02-15-075
504- 15-060	REP-P	02-11-092	504- 25-050	AMD-P	02-11-093	504- 25-225	REP-P	02-11-093
504- 15-060	REP	02-14-071	504- 25-050	AMD	02-15-075	504- 25-225	REP	02-15-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
504- 25-226	NEW-P	02-11-093	516- 23-085	REP-P	02-16-088	516- 23-380	NEW-P	02-16-088
504- 25-226	NEW	02-15-075	516- 23-085	REP	03-01-123	516- 23-380	NEW	03-01-123
504- 25-227	NEW-P	02-11-093	516- 23-090	REP-P	02-16-088	516- 23-390	NEW-P	02-16-088
504- 25-227	NEW	02-15-075	516- 23-090	REP	03-01-123	516- 23-390	NEW	03-01-123
504- 25-228	NEW-P	02-11-093	516- 23-095	REP-P	02-16-088	516- 23-400	NEW-P	02-16-088
504- 25-228	NEW	02-15-075	516- 23-095	REP	03-01-123	516- 23-400	NEW	03-01-123
504- 25-229	NEW-P	02-11-093	516- 23-100	REP-P	02-16-088	516- 23-410	NEW-P	02-16-088
504- 25-229	NEW	02-15-075	516- 23-100	REP	03-01-123	516- 23-410	NEW	03-01-123
504- 25-230	AMD-P	02-11-093	516- 23-105	REP-P	02-16-088	516- 23-420	NEW-P	02-16-088
504- 25-230	AMD	02-15-075	516- 23-105	REP	03-01-123	516- 23-420	NEW	03-01-123
504- 25-231	NEW-P	02-11-093	516- 23-110	REP-P	02-16-088	516- 23-430	NEW-P	02-16-088
504- 25-231	NEW	02-15-075	516- 23-110	REP	03-01-123	516- 23-430	NEW	03-01-123
504- 25-235	REP-P	02-11-093	516- 23-115	REP-P	02-16-088	516- 23-440	NEW-P	02-16-088
504- 25-235	REP	02-15-075	516- 23-115	REP	03-01-123	516- 23-440	NEW	03-01-123
504- 25-240	REP-P	02-11-093	516- 23-120	REP-P	02-16-088	516- 23-450	NEW-P	02-16-088
504- 25-240	REP	02-15-075	516- 23-120	REP	03-01-123	516- 23-450	NEW	03-01-123
504- 25-245	AMD-P	02-11-093	516- 23-125	REP-P	02-16-088	516- 23-460	NEW-P	02-16-088
504- 25-245	AMD	02-15-075	516- 23-125	REP	03-01-123	516- 23-460	NEW	03-01-123
516- 12-400	AMD	02-07-045	516- 23-130	REP-P	02-16-088	516- 23-470	NEW-P	02-16-088
516- 12-420	AMD	02-07-045	516- 23-130	REP	03-01-123	516- 23-470	NEW	03-01-123
516- 12-430	AMD	02-07-045	516- 23-135	REP-P	02-16-088	516- 23-480	NEW-P	02-16-088
516- 12-440	AMD	02-07-045	516- 23-135	REP	03-01-123	516- 23-480	NEW	03-01-123
516- 12-450	AMD	02-07-045	516- 23-140	REP-P	02-16-088	516- 23-490	NEW-P	02-16-088
516- 12-460	AMD	02-07-045	516- 23-140	REP	03-01-123	516- 23-490	NEW	03-01-123
516- 12-470	AMD	02-07-045	516- 23-145	REP-P	02-16-088	516- 23-500	NEW-P	02-16-088
516- 12-480	AMD	02-07-045	516- 23-145	REP	03-01-123	516- 23-500	NEW	03-01-123
516- 13-030	AMD	02-07-045	516- 23-200	NEW-P	02-16-088	516- 23-510	NEW-P	02-16-088
516- 13-080	AMD	02-07-045	516- 23-200	NEW	03-01-123	516- 23-510	NEW	03-01-123
516- 13-090	AMD	02-07-045	516- 23-210	NEW-P	02-16-088	516- 23-520	NEW-P	02-16-088
516- 14-200	AMD	02-07-045	516- 23-210	NEW	03-01-123	516- 23-520	NEW	03-01-123
516- 23-005	REP-P	02-16-088	516- 23-220	NEW-P	02-16-088	516- 23-530	NEW-P	02-16-088
516- 23-005	REP	03-01-123	516- 23-220	NEW	03-01-123	516- 23-530	NEW	03-01-123
516- 23-010	REP-P	02-16-088	516- 23-230	NEW-P	02-16-088	516- 23-540	NEW-P	02-16-088
516- 23-010	REP	03-01-123	516- 23-230	NEW	03-01-123	516- 23-540	NEW	03-01-123
516- 23-015	REP-P	02-16-088	516- 23-240	NEW-P	02-16-088	516- 23-550	NEW-P	02-16-088
516- 23-015	REP	03-01-123	516- 23-240	NEW	03-01-123	516- 23-550	NEW	03-01-123
516- 23-020	REP-P	02-16-088	516- 23-250	NEW-P	02-16-088	516- 23-560	NEW-P	02-16-088
516- 23-020	REP	03-01-123	516- 23-250	NEW	03-01-123	516- 23-560	NEW	03-01-123
516- 23-025	REP-P	02-16-088	516- 23-260	NEW-P	02-16-088	516- 23-570	NEW-P	02-16-088
516- 23-025	REP	03-01-123	516- 23-260	NEW	03-01-123	516- 23-570	NEW	03-01-123
516- 23-030	REP-P	02-16-088	516- 23-270	NEW-P	02-16-088			
516- 23-030	REP	03-01-123	516- 23-270	NEW	03-01-123			
516- 23-035	REP-P	02-16-088	516- 23-280	NEW-P	02-16-088			
516- 23-035	REP	03-01-123	516- 23-280	NEW	03-01-123			
516- 23-040	REP-P	02-16-088	516- 23-290	NEW-P	02-16-088			
516- 23-040	REP	03-01-123	516- 23-290	NEW	03-01-123			
516- 23-045	REP-P	02-16-088	516- 23-300	NEW-P	02-16-088			
516- 23-045	REP	03-01-123	516- 23-300	NEW	03-01-123			
516- 23-050	REP-P	02-16-088	516- 23-310	NEW-P	02-16-088			
516- 23-050	REP	03-01-123	516- 23-310	NEW	03-01-123			
516- 23-055	REP-P	02-16-088	516- 23-320	NEW-P	02-16-088			
516- 23-055	REP	03-01-123	516- 23-320	NEW	03-01-123			
516- 23-060	REP-P	02-16-088	516- 23-330	NEW-P	02-16-088			
516- 23-060	REP	03-01-123	516- 23-330	NEW	03-01-123			
516- 23-065	REP-P	02-16-088	516- 23-340	NEW-P	02-16-088			
516- 23-065	REP	03-01-123	516- 23-340	NEW	03-01-123			
516- 23-070	REP-P	02-16-088	516- 23-350	NEW-P	02-16-088			
516- 23-070	REP	03-01-123	516- 23-350	NEW	03-01-123			
516- 23-075	REP-P	02-16-088	516- 23-360	NEW-P	02-16-088			
516- 23-075	REP	03-01-123	516- 23-360	NEW	03-01-123			
516- 23-080	REP-P	02-16-088	516- 23-370	NEW-P	02-16-088			
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